

# City of Oronoco

## Regular City Council Meeting Agenda

### October 15, 2007

### 7:00PM

#### I. CALL TO ORDER

Mayor Scott Keigley called to order at 7:04 pm.

#### II. ROLL CALL

Present: Mayor Scott Keigley, Councilor Brian Breider, Councilor Jackie Hall, Councilor Tom Novak, City Clerk Cheryl Nymann, City Attorney Tom Canan, residents.

Absent: Councilor Kevin McDermott

#### III. APPROVAL OF AGENDA

**ADDITIONS:** IX. A. 6. Jay Bergner...760 River Park Rd SE...New Home  
7. Dale Wittlief...360 1<sup>st</sup> St SE...New Home

**DELETIONS:** FITZPATRICK DEVLEOPMENTS UPDATES ~ Mr. Dan Fitzpatrick

Mayor Scott Keigley motioned for approval of agenda with noted changes, Councilor Jackie Hall second; all in favor, motion carried.

#### IV. DEPARTMENTS & COMMITTEE REPORTS

##### A. OCSO ~ Sgt. Tom Clayman

1. Burglary in SE Oronoco today.
2. Mayor Scott Keigley welcomed Sgt. Clayman back. Safe and Sober force going on today. There were 5 tickets written out (seatbelts and speeding), today.
3. Gang Insignia  
Sgt. Clayman offered to bring an informational workshop to Oronoco with the gang task force for Council and community members. Sgt. Clayman handed out an informational generic Midwest gang insignia.

##### B. FIRE DEPARTMENT ~ John Stolp, Fire Chief

1. 1 Run in the City (35 3<sup>rd</sup> St SW) ~ electrical
2. New Member Application: Joseph Keller (will be put on waiting list)
3. New Member Application: Corey Schultz (will be put on waiting list)
4. Summary of Fire Prevention Week Activities  
Did 200 + hot dogs, and 20 door prizes.

##### C. FIRST RESPONDERS ~ Gwen Holt, 1st Responder Director

1. Total Runs: 3 Township, 2 City

##### D. EOC ~ Dennis Blanck, EOC Director

1. Mayor Keigley reported he had a brief meeting with Dennis and County EOC, and sounds like Dennis is doing a very good job.

##### E. STREETS & ROADS

1. Minnesota Avenue ~ Mike Sheehan, Olmsted County Engineer  
Points of discussion included:

- Would like to recount traffic on MN Avenue after project is complete: The County has a number of roads that are in need of repair.
  - There is nothing in the 5 year CIP for improvements on MN Ave., but in the 20 year plan there is. Do you consider the traffic count figures recently done an alarming figure? No, more and more county roads are having volumes like that.
  - Councilor Tom Novak asked Mr. Sheehan if they were taking into consideration Elk Run. There have been some meetings with staff, Pine Island, MnDOT, but no concrete plans. Pine Island is not sharing information with the County, per Judy Ohly.
  - City Clerk Cheryl Nymann questioned when crosswalks are warranted. Pedestrian traffic counts monitored to see if there are a lot of people crossing.
  - Bridges inspected annually. Redid it a number of years ago, and County thinks it's in good shape.
  - The County will be looking at the Dam at Allis Park to make sure it is structurally sound; hopefully this Fall yet, but the volume of water is still so high. The City will receive a report after the dam inspection.
2. Signs for Local Businesses  
City Clerk Cheryl Nymann questioned uniformity of trailblazing signs. This should be inserted into the new sign ordinance, and put back on agenda next month
3. Retaining Wall  
City received a letter from Nevins. City Engineer Joe Palen went out to locate property pins. Could not easily find property pins. A land surveyor could do that, and set new pins. He did have the opportunity to observe where private utilities are (8-12' off the pavement); consistent with information on County data base. That is not what is being observed out there (what the letter states). There are contradictions in the plats themselves. City Engineer Joe Palen suggested to have property owner pay for the land surveyor come out and find the property lines. He recommends this, because there are discrepancies in the information. City Attorney Tom Canan concurs. **Mayor Scott Keigley motioned to send a letter acknowledging recommendation from City Engineer Joe Palen and City Attorney Tom Canan, Councilor Tom Novak second; all in favor, motion carried.**

#### F. HIGHWAY 52

1. Winter Plowing on Lake Shady Avenue ~ City Clerk Cheryl Nymann  
City Clerk Cheryl Nymann reported that in discussions with Jai Kalsy, the City would be responsible for plowing the new frontage road this winter. City Clerk Cheryl Nymann and City Attorney Tom Canan reviewed the agreement with MnDOT, and Lake Shady Avenue is not on the list. The City has not received a notice of release of any new roads to the City. **Mayor Scott Keigley motioned to have City Clerk Cheryl Nymann send letter to MnDOT explaining per the agreement, the City is not responsible for maintenance of Lake Shady Ave until city takes it over, Councilor Brian Breider second; DISCUSSION: How the issue came up. All in favor, motion carried.**
2. Culverts under Driveways in City ROW  
City Clerk Cheryl Nymann questioned who is responsible for maintenance of culverts in City ROW. Olmsted County helps maintain them in previous years. There is a need for a uniform policy city wide. In new subdivisions, the drainage follows the intent of the storm water plan. The new subdivision ordinance calls for individual lot drainage plans. Who maintains them? Within City ROW the City could maintain them. The developments obligation to maintain until turned over to the City. Need direction from Council, City Attorney Tom Canan will give a sample. And, City Clerk Cheryl Nymann will check with other cities on this first, for next council meeting.
3. Drainage\* ~ Don Clark  
Mr. Clark met with City Engineer Joe Palen, Mayor Scott Keigley, and City Clerk Cheryl Nymann, and MnDOT drainage engineers around on channeling water from the MnDOT project. MnDOT is pushing a lot of water (900 acres) through his back yard. Pond on north end and the pond on south side of 112, but those don't help the water that is being channeled through his back yard. And, still 850+ acres of water that's draining through people's property. A lot of water is lying in the culvert under MN Avenue. On 2<sup>nd</sup> Avenue there's a new culvert

north of northland builders and Mr. Clark asked what the use of this culvert was for; and there's also a manhole with a 4 inch piece of plastic to take care of the overflow. With a small amount of rain, water is now running across 2<sup>nd</sup> Avenue. There was only 5/8" of rain and water was running across 2<sup>nd</sup> Avenue SE. It will only get worse, and MnDOT isn't containing the additional water that is coming through. Mr. Clark would like to know what the City is going to do about the culvert under 2<sup>nd</sup> Avenue SE, and the extra water. City Engineer Joe Palen and City Clerk Cheryl Nymann have asked for the hydraulic and drainage report for the project last year from MnDOT, however have not received it. It is an extremely wet fall, and important to bear in mind, however MnDOT is held to the same standards as everyone else. It was channeled before and continues to do so today, however there is a 900 acre watershed, they have made drainage improvements, and the ponds to attenuate flows (not much water in the ponds around the interchange). **NEED THE DRAINAGE REPORT FROM MNDOT.** This will show runoff pre and post construction. Will the ponds offset the additions of impervious surfaces? Engineer Joe Palen continues to request the documents. City Attorney Tom Canan suggested that the City make a government data practice to obtain the hydraulic reports. **Mayor Scott Keigley motioned to make a government data practices act on hydraulic reports, Councilor Brian Breider second; all in favor, motion carried.** City Attorney Tom Canan will draft the request.

## G. ORDINANCES & RESOLUTIONS

### 1. Ordinance Violations / Complaints

#### a. Munson Property (2)\* ~ Letter Received & Don Clark

The water used to spread out in this area (where he is bringing fill in). The other lots to the south of Northland Builders will probably be developed as well. He doesn't have a culvert in his access off of 2<sup>nd</sup> Avenue SE, and water flows over the road. City Clerk Cheryl Nymann investigated with County and MPCA, there are currently no storm water permits on this property. City Hall sent him a letter to cease all activity until a site plan and proper documents were presented to the City. City Engineer Joe Palen met with Mr. Munson on site, and relayed information on City requirements to Mr. Munson. He has to document site improvements, grading and drainage report, as well as NPDES permit. He didn't say it was unreasonable, and has every intention to go through with it. However, a couple of days later, bituminous was dumped there (could be just for storage). City well documented on the requirements needed from the City and State agencies. What if we see another dump truck dumping there? A citation could be issued or civil suit to get an injunction. MPCA should get involved. The permit allows minimal type improvements. **Mayor Scott Keigley motioned to have City Clerk Cheryl Nymann contact MPCA and get official letter to MPCA to clarify whether there is a permit and if they can stop dumping of materials until proper permits received, Councilor Jackie Hall second; all in favor, motion carried.**

#### b. Northland Builders Property ~ Letter Received

Lack of culvert under driveway; City sent letter to local agency. Need to get clarification. City Clerk Cheryl Nymann will contact Rick Moen.

#### c. Ordinance Violation on Dogs 340 E Center Street

2<sup>nd</sup> violation; Can be sited for dog at large, but need to testify. Sgt. Clayman could go talk to her about it. If City ignores repeated dog attaches, City could be liable. **Mayor Scott Keigley motioned to have sheriff visit, and letter to owner, Councilor Tom Novak second; all in favor, motion carried.** City Clerk Cheryl Nymann will contact Mr. Clayman talk to the homeowner and have him point out that it's a civil liability.

#### d. Home Occupation Violation ~ 715 1<sup>st</sup> St NW

Table to next council meeting; **Brian Breider motioned to ticket on violation of original letter that was sent; Councilor Jackie Hall second; DISCUSSION:** City Clerk Cheryl Nymann clarified that there was not an approval from City Hall for an extension, this was merely information that was brought to Council. Mayor Scott Keigley stated the property owner has addressed problem will get rid of end of month. **AYES: Councilor Jackie Hall, Councilor Brian Breider; NAYES: Councilor Tom Novak, Mayor Scott Keigley.** **Councilor Tom Novak motioned that if he doesn't have stored material out by October**

**31st, then he should be ticketed, Mayor Scott Keigley second, all in favor, motion carried.**

H. DOWNTOWN ORONOCO GOLD RUSH DAYS ~ *Danny Ondler, DOGR Chair*

1. Fixing ruts, from Gold Rush in August, on lawn at Community Center and Shop area will be in the Spring. Sink spots not due to car tires. City Clerk Cheryl Nymann will have Tim mark them off on a map.
2. Received requests for donations. Unique year related to the weather, so there were more expenses. Not enough money to address all requests.

5 Minute recess called for at 8:35pm  
Reconvened at 8:45PM

I. PARKS & TRAILS

1. Follow Up from Joint Meeting\*  
**Mayor Scott Keigley motioned to have Bonestroo do a comprehensive trail plan at expense of \$1,500 from capital outlay; Councilor Jackie Hall second; DISCUSSION:** Posting of master map, for developers to see, east to west, north to south, etc. **All in favor, motion carried.**

J. PERSONNEL

K. COMMUNITY CENTER

1. Shop – Water damage, mold ~ *City Clerk Cheryl Nymann*  
**Mayor Scott Keigley motioned to spend \$500 to take out sheet rock, and replace, Councilor Tom Novak second; all in favor, motion carried.** Get estimates to repair the remainder of the Shop.
2. City Hall – Office Redo ~ *City Clerk Cheryl Nymann*  
Maintenance man will provide services such as this. Minimal hours discussed. **Mayor Scott Keigley motioned to have minimal services available those days and to come in up to 5 hours on Sunday to remove all office equipment, Councilor Tom Novak second; all in favor, motion carried.** City Clerk Cheryl Nymann will notify council members as to time, so they can come in and help as well.

L. PLANNING & ZONING

1. Luis Merced CUP Application Recommendation\*  
Councilor Tom Novak reported that P & Z looked over all documents in reference to animals and fences, and couldn't find anything that he was violating ordinance. Guidelines; He has over 3 acres of property, has a fence up. More acreage required for additional animals. The 2 horses need to be together Mr. Merced said. Council questioned whether he had that much after the lot split. P & Z would like to have (in zoning ordinances) that you can't have livestock. Lack of clarity in city ordinances from City Attorney Tom Canan and has to be addressed. City Attorney Tom Canan said a variance could not be given if he has created the hardship by splitting the lot. City Attorney Tom Canan said that it should not be permitted because it doesn't meet the criteria. City is opening self up to more of these types of situations. City Clerk Cheryl Nymann did not receive the supporting documentation that was requested.  
**Councilor Brian Breider motioned that this be denied because it does not meet the existing guidelines of a and c, and if he want to reapply the permit fee would be waived. Councilor Jackie Hall second; AYES: Councilor Brian Breider, Councilor Jackie Hall, Mayor Scott Keigley, NAYES: Councilor Tom Novak, motion carried.**
2. Zoning Changes\*  
Councilor Tom Novak gave a recap of the changes.: B-1 pedestrian friendly, B-2 appropriate for vehicle traffic, and takes out opportunity of having livestock in R-1 and R-2, mass storage facilities stripped out of ordinance.
  - There is a need to clarify on timeline on livestock for people who have livestock now.
  - Mobile home parks not allowed at all in the City should be a permitted use or conditional use stated somewhere (equal protection issues). {Maybe have R2 with a

conditional use permit}. [6.02 #10 Mobile Home Parks R2 only with a conditional use permit] **ADD group homes instead of sanitariums. Livestock grandfathered in until transfer of animal, and cannot be replaced.**

- Group homes (special uses in state law that have special protections, mobile homes, group homes, half way houses).
- Set backs, is IR needed anymore that a new subdivision ordinance.
- City Engineer Joe Palen have language specifically dealing with lot line, setbacks, etc. consistent with subdivision ordinance (clarify definitions like street lines {row, or roadways}. Issues need to be taken care of, and need to be patient.

**Mayor Scott Keigley motioned to accept ordinance, Councilor Tom Novak second; all in favor, motion carried.**

3. P & Z Minutes & Recommendations
  - a. Subdivision Ordinance (repeal IR ordinance)
  - b. Sexually Oriented Business (adopt a similar ordinance as Hutchinson). The current ordinance is very vague, and tough to regulate. **Mayor Scott Keigley motioned to place a moratorium on the sexually oriented business ordinance because of the need to study the ordinance; Councilor Jackie Hall second; DISCUSSION: Can't do anything about the Township; all in favor, motion carried.**
4. Summary of Applications\*

11 new home building permits so far this year.

#### M. WATER & SEWER

1. Feasibility Study Recommendation\*

Two proposals were received; one from Bonestroo and one from Ayres. Bonestroo is doing well representing the City, and they have close proximity to the City. Water & Sewer Committee is recommending Bonestroo. Does City need to interview the 2 firms? Mayor Scott Keigley does not see any reason to not go with Bonestroo. **Councilor Jackie Hall motioned to accept Bonestroo to do water feasibility study, Councilor Jackie Hall second; all in favor, motion carried.**

**Mayor Scott Keigley motioned have the Public Forum move up on agenda after recess, Councilor Jackie Hall second; all in favor, motion carried.**

#### V. PUBLIC FORUM

##### **Kevin Holz, 350**

*Having hard time understanding why driveways, temporary or not, and how can they continue to bring in fills, burying stuff, and leaving in access points. How can ordinances keep being violated, and the City not do anything about it. City has nothing that govern fill that can be brought into property. If in violation, and no paperwork since 2005, does he have take out the fill? Since City failed to act in 2005, can the City force it to be removed? If the City can show that there is a result of adverse effect on neighboring properties, then, the City can force it. City has to research if he hasn't taken the appropriate steps. Track hoes were moving late last week after he had his meeting earlier in the week with City Engineer Joe Palen. Councilor Brian Breider 2 issues, road not approved by City, he got access from County off MN Avenue (that is a separate issue). This town needs to halt the actions instead of continue to let it happen. What if another contractor pushes another issue further? The City is looking into this concern.*

##### **Carl Stolp 175 5<sup>th</sup> St SW**

*Bought property from Spading, didn't survey, and used existing numbers from Yaggy Colby and they surveyed it wrong. By doing this, Carl had to hire a surveyor to come in, and discovered that the City Street is coming 23' onto the Stolp property. The little corner will be a quick deed with Calvin. Bonestroo did the land surveying on this. History: An overlap of properties, and 4H gave quick claims to the property owners. How will Council correct that error? City should receive a copy of the survey and given to the City Engineer. Plans are to blacktop to where the old pins are.*

*Councilor Tom Novak moved left council table 9:02pm.*

**Mayor Scott Keigley motioned to have City Engineer Joe Palen contact Vince Fangman, find out where the discrepancy is, and make his decision, Councilor Jackie Hall second.** If a gap, an easement may be needed.

**Closed at 9:05pm**

*Councilor Tom Novak returned to table at 9:10pm.*

## **VI. PETITIONS, REQUESTS & COMMUNICATIONS**

### **A. FYI: CAPITAL IMPROVEMENT PLANNING SUMMARY\***

For Your Information, sheets in office

### **B. OFFICE PERSONNEL COMMUNICATION\***

Personnel Committee will set up a meeting date before the next Council Meeting, as requested.

### **C. FYI: LETTER OF WELCOME TO ZUMBRO HILLS SUBDIVISION**

Councilor Brian Breider questioned additional hours it will be for snowplowing.

### **D. FYI: LETTER TO MR. PRANY PIN ON WATER ISSUE**

It's always been wet there.

## **VII. UNFINISHED BUSINESS**

### **A. UPDATE LETTER FROM CITY ENGINEER ~ *City Engineer Joe Palen***

#### **1. Rochester RV Site**

In process of placing aggregate & intends opening to business later this year.

#### **2. 5<sup>th</sup> Street SW**

Work to begin on October 15<sup>th</sup>, and take approximately 2 weeks to complete.

#### **3. Timberline Drive**

Estimated cost of \$10,500 exceeds % to add on to the 5<sup>th</sup> Street project and recommends pursuing this next summer; Serves 1 shed and one house, plus a future subdivision. No additional ROW needed. If Jech does the next phase, and construction site dump area discussed; the City can look at options to work with Jech on it.

#### **4. Riverwood Hills Map**

#1 Roads look great, but also included ditches and culverts. Culvert under Riverwood Drive SW damaged when it was put in, and this is a huge problem. It appears that the culvert is being damaged further and is starting to fail, joints are starting to separate, and crush; there are dimples in it that are unexplainable. And it would be very expensive to fix it because there is sewer and water above it along with embankment; Concrete is safer, Warrants additional study. #2 Repair erosion from culvert discharge.

#3 Pond and berm are failing, and piping through the berm.

#4 Storm water from ditch doesn't flow to the pond.

#5 New house has no culvert under driveway. The grading plan intended the water should go to the pond (under the driveway).

#6 Repair Erosion from culvert discharge.

#7 Install temp. barricade to warn drivers that the roadway ends.

#8 Relocate drainage swale to the easement provided in plat.

#9 Repair smashed apron on downstream side of pond outlet pipe.

#### **5. Joint MnDOT-Bonestroo frontage/bridge inspection scheduled for Oct. 30-31.**

#### **6. Nevin Retaining Wall discussed earlier**

#### **7. Cedar Woodlands II – Joe discussed his meeting with Mr. Fitzpatrick**

#### **8. Third Avenue SW; turf is improving, addressing ditch ponding.**

#### **9. Sanitary sewer Flow Analysis; after several attempts to secure growth projections from Phil Wheeler; Phil said that he would get the information to Mr. Palen today, however, he did not receive it.**

Drainage issues part of roads, Rochester washing away and bituminous. Shouldering may help take care of it; it's part of having rural roads. Maintenance should take care of this. Dan may take a look at this and say that the ponds belong to the homeowners association. Councilor Jackie Hall left council table at 10:20pm.

*Councilor Jackie Hall stepped down from the council table at 10:18pm.*

**Mayor Scott Keigley motioned to send Joes letter on to Dan, Councilor Tom Novak second; all in favor, motion carried.**

RWH resident is concerned on condition of well pump because it doesn't have a tower.

Councilor Jackie Hall returned at 10:23pm.

City has requested items fire hydrant maps from Dan and McGhie & Betts but has not received them.

**B. FITZPATRICK DEVLEOPMENTS UPDATES ~ Mr. Dan Fitzpatrick,, City Engineer Joe Palen**

1. Unable to come, all paperwork is not ready.  
Set aside October 29<sup>th</sup> for just Fitzpatrick items (Roads, Jech, Trails, Water & Sewer); **Mayor Scott Keigley motioned to have City Engineer Joe Palen review water and sewer in 1,2,3, 4 Councilor Brian Breider second;** ask for design from McGhie Betts. City Engineer Joe Palen will be in attendance at a special meeting with Mr. Fitzpatrick.

**VIII. NEW BUSINESS**

**A. BUILDING PERMITS & COUNCIL ~ Councilor Tom Novak**

Councilor Tom Novak reminded Council to stop in and sign building permits in a timely manner.

**IX. CONSENT AGENDA**

**A. BUILDING PERMITS\***

- |                    |                               |                   |
|--------------------|-------------------------------|-------------------|
| 1. Tilly's         | Co 12, 3 <sup>rd</sup> Ave    | Trailblazing Sign |
| 2. Bret Dolphin    | 580 Sunny View LN SW          | New Home          |
| 3. Charlie Fried   | 140 3 <sup>rd</sup> Street SE | Basement / Deck   |
| 4. Nathan Jacobson | 680 Valley View Road SW       | Deck              |
| 5. Mom's Antiques  | Co 12, 3 <sup>rd</sup> Ave    | Trailblazing Sign |
| 6. Jay Bergner     | 760 River Park Rd SE          | New Home          |
| 7. Dale Wittlief   | 360 1 <sup>st</sup> St SE     | New Home          |

**B. MEETING MINUTES\***

1. 09-17-2007 Regular City Council Meeting Minutes

**C. FINANCIALS**

1. Budget
3. Accounts Payable ~ General & Special Funds
4. Accounts Receivable & Unpaid Bills
5. Transfers

Food Permit, Liquor License, Minutes send note to Dan F.

**Mayor Scott Keigley motioned to approve, Councilor Jackie Hall second; all in favor, motion carried.**

**OTHER:**

Verdell Petty wants to have bridge open house and would like to organize this. MnDOT will not be organizing a bridge opening.

City Clerk Cheryl Nymann to get to City Attorney Tom Canan office; As long as City office is covered.

**X. ADJOURNMENT**

**Councilor Jackie Hall motioned to adjourn at 10:45Pm, Councilor Brian Breider second; all in favor, motion carried.**

Respectfully Submitted:

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Scott Keigley, Mayor

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Cheryl Nymann, CMC, City Clerk/Treasurer