

City of Oronoco
Regular City Council Meeting Minutes
August 17, 2009 @ 7:00PM

I. CALL TO ORDER

The meeting was called to order at 7:00 pm.

II. ROLL CALL

Present: Mayor Scott Keigley; Councilor Kevin McDermott; Councilor Brian Breider; Councilor Jackie Hall; Attorney Fred Suhler; City Engineer Joe Palen; Assistant City Clerk Lynn Karsten; Councilor Paul Briggs was absent.

III. APPROVAL OF AGENDA

Mayor Scott Keigley motioned to approve the agenda, Councilor Jackie Hall second; all in favor, motion carries.

IV. PUBLIC FORUM

Mayor Scott Keigley called for public forum. Carol Olson from 205 1st Ave. NW in Oronoco, MN spoke on behalf of Barbara Smallbrock from the Historical Center. Barbara Smallbrock would like to donate \$800.00 to help subsidize the cost of a handicap bathroom stall in the upstairs bathroom. Discussion: Fred Suhler-is that a unisex bathroom? Mayor Scott Keigley- that would make sense to make it a unisex single stall. I will discuss the project with Tim tomorrow.

V. DEPARTMENTS & COMMITTEE REPORTS

A. OCSO ~ Sgt. Mike Morrow

1. 2010 – 2011 Contract received and approved

B. FIRE DEPARTMENT ~ Chris Stolp, Fire Chief

1. Runs – 2; 1 medical, 1 cycle accident
2. Request for Fire Call discount. A resident requests a discounted rate for a fire call. His employer has made a donation of \$250 to the Fire Dept. Councilor Kevin McDermott spoke on behalf of Chris Stolp. Erv Devalminck requested his bill be reduced. **Mayor Scott Keigley motioned this topic be tabled until the city receives more information from Chris Stolp; Councilor Kevin McDermott second; all in favor, motion carries.**

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

1. Runs – 6; 3 township, 3 city

D. EOC ~ Chris Stolp, Director

E. PERSONNEL

Mayor Scott Keigley we need to set a date for reviews. Discussion: what do you think of giving raises? It is difficult to see where the budget is going to be at for next year. Tentatively, there is a 5% increase in the budget. We usually do a 3% increase. **Councilor Jackie Hall made a motion to do a 3% increase across the board. Mayor Scott Keigley second; Discussion:** Councilor Jackie Hall- things are running well. We would like to give city staff a bigger raise if we could afford it. A 3% raise is better than none. Councilor Brian Breider- it would be nice to give them more, but the economy is so down. I have only heard positive comments for all the staff. **All in favor of a 3% raise, motion carries for 3% raise across the board.**

F. ORDINANCES & RESOLUTIONS

1. City Code – update

Fred Suhler will continue to work on the 3.2 beer ordinance and burn permit. Mayor Scott Keigley- we need to get a resolution in place for residents using our services during Gold Rush and not paying anything. Councilor Kevin McDermott- we cleaned out all the garbage from

residents who don't pay. Councilor Jackie Hall- other vendors are shocked that private residences don't give money toward the show. Fred Suhler- typically cities don't get too deep into defining permits for a limited amount of time. Councilor Kevin McDermott- we need to eliminate the garage sale type of the thing and only make it for Gold Rush. Walnut, IA has an antique flea market and they have a special city ordinance exclusive to their show where residents are charged a fee for each and every vendor that is on their private property. Councilor Brian Breider- we are losing control with some of the vendors who are setting up earlier than the vendors who rent through the city and signed a contract that does not allow them to set up early, and the vendors are getting too spread out throughout the town. Both residential and commercial properties are subletting their property out to vendors for the show. Fred Suhler- might be able to use the zoning code to set up the premise for the ordinance. Mayor Scott Keigley- the city could get a list of things together for Fred to see what can be done to set up a draft. Councilor Jackie Hall- would you like a copy of what Walnut does? Fred Suhler- yes that would be helpful. Mayor Scott Keigley- we had a good turnout for Gold Rush. Councilor Brian Breider- we learned a few things, and we had good feedback from the vendors. Councilor Jackie Hall- it was Carol's idea to set-up host vendors.

G. DOWNTOWN ORONOCO GOLD RUSH DAYS* ~ Co- Chairs Councilor Kevin McDermott, Councilor Brian Breider.

1. Meeting Minutes

H. PARKS & TRAILS*

1. Meeting Minutes
2. RWH Trail Rock - \$500 (existing trail)
3. Lime for Memorial Field - \$350.00; there is money still remaining in the budget for these two items. Councilor Brian Breider- the sod and rock is taken care of at the RWH trail. We would have to pay someone to come in and lower the sewer cap. Councilor Kevin McDermott- as far as the trail rock and the lime, it is still in the budget, do they want to get it done this year yet? Councilor Jackie Hall-yes. **Councilor Kevin McDermott motioned to spend \$350.00 for lime for Memorial Field and \$500.00 for rock for the RWH trail, Councilor Brian Breider second; all in favor, motion carries.** Discussion: Councilor Brian Breider- what about the manhole? Councilor Jackie Hall- what does Joe think? City Engineer Joe Palen -I think it is reasonable to navigate around it. From an aesthetic point of view, it would take some work. Councilor Brian Breider - Can it be buried in the trail? City Engineer Joe Palen- typically it can be buried. It could be transitioned slowly.

I. LAKE SHADY ~ Katie Dudley, Lake Shady Committee Chair*

Councilor Jackie Hall- the committee was supposed to do a fund raiser, but it was cancelled.

J. COMMUNITY CENTER*

1. Truck Tires – up to \$600.00 Mayor Scott Keigley- at the point to do something about it.
2. ATV Tires – up to \$300.00
3. ATV Suspension Lockout \$100.00; There is still enough remaining in the budget for these three items.

Councilor Jackie Hall motioned to spend \$1000.00 to fix those things, Mayor Scott Keigley second; Discussion: we should ask Gold Rush to buy a set of tires for the ATV since the bulk of the wear is from Gold Rush. **All in favor, motion carries.**

K. STREETS & ROADS*

1. Frontage Road – MNDOT is working on a joint powers agreement. Councilor Brian Breider- is there an update on the money? Mayor Scott Keigley - It has been a long process, we should have it in the next 30 to 45 days. Councilor Brian Breider - are there any plans for the roads in the city to be fixed, to redo the tar? Mayor Scott Keigley- we need to do a lot of work on many of the roads. It will have to wait for next year, because we need the funds. Councilor Kevin McDermott- can we do some crack filling

before the snow falls? Mayor Scott Keigley- find out from Sandy how much money we have left to do that.

L. PLANNING & ZONING*

1. Meeting Minutes

- a. Bouwkamp sign – recommend denial- Mayor Scott Keigley- I don't have an issue with it because it is a banner. **Councilor Brian Breider motioned to have the sign taken down; Councilor Jackie Hall second; Discussion:** Mayor Scott Keigley - it is a banner more than anything else. Councilor Brian Breider- it is a hazard because it is apt to blow over. It is part of the historic district. **Ayes: Councilor Brian Breider, Councilor Jackie Hall, Nays: Councilor Kevin McDermott, Mayor Scott Keigley; motion fails. Mayor Scott Keigley - motioned to table it until next month's meeting, it needs to be looked at to see how well it is being held up. All in favor, motion carries.**
- b. 20 4th Street NE – recommend applying for Re-zone. Councilor Brian Breider there have been complaints on the noise from cutting wood and selling it for commercial purposes. The home owner may need to get a home occupation permit or apply to be rezoned to a Business. Fred Suhler- If he has been doing it for a long time, it might have grandfather rights. Mayor Scott Keigley- it has been more than 10 years he has been cutting wood. Councilor Jackie Hall- he is making it a lot more obvious now, the pile is bigger. Councilor Brian Breider- part of the concern is safety, what if kids go in there and the pile falls down and where does the wood come from? Is it diseased? If it is diseased it could be a threat to the city. Fred Suhler, if it is a zoning issue, the homeowner could claim to continue cutting wood as long as the business doesn't expand. Is it a conforming use issue? Mayor Scott Keigley – what if we were to enact an ordinance for firewood to be a certain type in a certain place? Fred Suhler- that is not a zoning ordinance. The current tree ordinance is old. It needs to be reworked to be more like Rochester's ordinance. Councilor Brian Breider- even if he has always done it, we still need to look at it from the standpoint of public safety. Fred Suhler- the city could look at it from a nuisance standpoint.
- c. 600 Code definition updates – there was an addition of animals but that is covered in the 500 Code. Councilor Brian Breider – we defined Family and Exotic Animals. Fred Suhler- the Rochester definition should be much more explicit of a definition than the definition in the Plainview ordinance. Councilor Brian Breider - Definition of Garages and Gas stations, under the current ordinance it does not allow gas stations to have or prepare prepackaged food. We are looking at it at the next meeting. Mayor Scott Keigley- the previous gas station did all of the above.
- e. Look into hiring a City Administrator- Mayor Scott Keigley- it is not viable to get a City Administrator. It is not going to happen. Councilor Brian Breider -I wasn't there for that discussion. Councilor Jackie Hall- it would be nice to have one, but the money is not there.
- f. Facebook issue- Fred Suhler- it is getting to be more of a problem. I don't know what is going on. There is a concern about some of the comments being posted online with the Post Bulletin. Mayor Scott Keigley- does the first amendment cover that? Fred Suhler- yes it covers it. Actual malice would have to be shown in order for a lawsuit to be filed, it can't be just bad or wrong information. Only person's or commercial businesses have rights. I am not sure if a city has rights. Councilor Brian Breider- we will let it lie for now.

M. WATER & SEWER*

1. Application Fee to Olmsted County - \$250
2. Cash Flow Projection
City Engineer Joe Palen update- Looks like will have a forgiveness of about \$553,000. PFA is processing the loan paper work; it is taking a bit longer than anticipated. It should be done within the next couple of weeks. As it gets done, Raelynn will look into locking in the interest rate. Councilor Brian Breider- are we on track with the project? City Engineer Joe Palen- we are on track, we need to wrap up the property acquisition.

Fred Suhler- a court date has been set for Friday. A group of people have indicated their willingness to sit on condemnation trials. These are real-estate type people, who have been through other types of acquisitions. City Engineer Joe Palen will have to go with for the trial on Friday. The land acquisition is reasonably necessary for the project. I talked to land owners lawyer last week, and asked if there is a way to get the land now and make the payment then that was offered, not to have the 90 days run out, the landowners lawyer was not adverse to that concept. He was concerned we have not counter offered. The city is still rethinking their options so we have not counter offered. The gulf is so wide between the appraisal and the city's offer, so it is difficult to make a resolution by splitting the difference.

VI. PETITIONS, REQUESTS & COMMUNICATIONS*

A. Complaints:

1. 755 River Park Place SE – no erosion control or proper water drainage; contacted builder and homeowner, silt fence was installed but the road to River Park Park has washed out due to improper water flow from the two driveways. A letter was sent requesting repair of the drive and correction of water issues. Mayor Scott Keigley- give them 30 days to get it fixed. Councilor Brian Breider - shouldn't the site grading plan been on the permit. City Engineer Joe Palen- yes, but it obviously wasn't adequate. Councilor Brian Breider- should there be a site grading plan before we sign off on any permits? City Engineer Joe Palen- we did work on it quite a bit with this specific property, every builder that works in Rochester has to do it, but it was difficult for this builder to do. Councilor Brian Breider- the staff needs to come up with a check list to follow before it is signed off on. Councilor Kevin McDermott- it could be possible to attach an additional sheet of paper to the signed permit, explaining that it has to be followed through or else there will be a fine of some sort. Fred Suhler- send a bill to a guy who bought the ditch. Councilor Brian Breider- if it rains again, we will have the same problem. **Mayor Scott Keigley made a motion to send a letter to the owner explaining they have 30 days to make the necessary repairs. Councilor Kevin McDermott second,** Discussion: Councilor Brian Breider- also suggest that when completed there should be only one driveway. **Mayor Scott Keigley- accept that as a friendly amendment, all in favor, motion carries.**

- B. Veolia – rate change. Because of Olmsted county's new fees. Councilor Jackie Hall- they are in violation of our contract. Fred Suhler- a fuel surcharge has been in the agreements that allow them to bill more. Mayor Scott Keigley- it was only a two year agreement. We need to ask for a letter of explanation explaining the increase and invite Veolia and Waste Management out to next months meeting and find out what they can offer the city. Councilor Kevin McDermott- find out when our agreement is up. Mayor Scott Keigley - look back in the minutes to see when the contract is up. We don't want multiple trucks going through town.

- C. LGA – 2010 certified LGA of \$64,243 with an unallotment of \$39,864 leaving a balance of \$24,379.

VII. UNFINISHED BUSINESS*

A. Task List

- B. Munson property – update City Engineer Joe Palen completed the easement; copies sent to Fred and Sandy, 2.4 acres it is a big easement. Munson is leasing the parcel of land. It is Pat Hall's land. Can Pat Hall sign it himself or can his sister sign it. Councilor Kevin McDermott- I think Lucille has power of attorney. Fred Suhler- there may be a question of Pat Halls' legal competency. City Engineer Joe Palen offered the documents for the drainage easement. Fred Suhler will review it, and see if it is acceptable. City Engineer Joe Palen did receive grading plans. Kevin Munson is still using the driveway. Councilor Kevin McDermott- the edge of the asphalt may be cracking and then he will have to replace that too, about the grading plan, what if any do we have or can we regulate what he can bring in for fill? Fred Suhler- is it a wetland

issue? City Engineer Joe Palen- some of that can be buried, concrete you can bury, asphalt cannot be buried.

- C. Oronoco Township Orderly Annexation Agreement – approved by township
Fred Suhler- the city needs to file a copy with the state agency to approve the annexation.

VIII. NEW BUSINESS*

A. Township Building – burned and buried. Councilor Kevin McDermott- that was wrong and it needs to be cleaned up. Mayor Scott Keigley- what could we run into here? City Engineer Joe Palen- no hazardous materials, burnt wood, brick and rocks and redevelopment for anyone who owns it would be difficult. Councilor Kevin McDermott- at the city’s expense. We shouldn’t have to redo it if we decide to develop it. Fred Suhler- it will be a problem for the person who owns the land. It will need to be disclosed to any purchaser, what might be harmful 20 years from now could be different from what is supposedly not harmful now. Councilor Brian Breider- who saw it get filled? Mayor Scott Keigley- Tim saw it, and then we asked them and they said yes they did bury it. City Engineer Joe Palen- all the demo projects I have been apart of have been trucked out. Mayor Scott Keigley- we were supposed to sign something before it happened and that never happen. Councilor Brian Breider we should take care of it now, rather than dealing with it later. **Councilor Kevin McDermott motioned to send a letter to township and request that all the materials that were buried be dug up and taken out and hauled away and re-excavated to our engineer specifications, Councilor Jackie Hall second;** Discussion: Mayor Scott Keigley- have Joe look at the letter before it is sent out. **All in favor, motion carries.**

B. Budget – draft – set workshop for Thursday September 3rd at 7:00 pm.

- 1. Fire Truck
- 2. Fire Hose
- 3. Parks
- 4. First Responders – additional training

C. County Land Use Plan

2002 adopted land use plan was pulled. Fred Suhler- there is a dichotomy from the city and county plan. County land use plan does not reflect the city’s; the plans need to be consistent for the interim development process and urban service area. What is the difference between the County plan and city plan? Mayor Scott Keigley- ask Sandy Gosalee what she wants from the city.

IX. CONSENT AGENDA*

A. APPROVED BUILDING PERMITS*

- 1. Jacob King 340 MN Ave. South garage addition
- 2. Mondol Chim 720 Treetop Lane SW deck
- 3. Guy Griesman 460 Sunny View Lane SW deck
- 4. Dave Crandall 528 Vintage Road NW new construction
- 5. Ronald French 720 Woodsvievw SW deck

B. MEETING MINUTES

- 1. Regular City Council Meeting Minutes – 7-20-2009
- 2. Special City Council Meeting Minutes – 7-29-2009

C. FINANCIALS

- 1. MBIA Account Summaries
- 2. Budget – available at the office to view
- 3. Accounts Payable ~ General & Special Funds
- 4. Accounts Receivable
- 5. Transaction Report

Mayor Scott Keigley motion to approve the consent agenda; Councilor Jackie Hall second ; all in favor, motion carries.

X. ADJOURNMENT

Mayor Scott Keigley motioned to adjourn at 8:35 pm; Councilor Kevin McDermott Second; all in favor, motion carries.

Respectfully Submitted,

Assistant City Clerk

Mayor