

City of Oronoco
Regular City Council Meeting Minutes
November 16, 2009 @ 7:00PM

I. CALL TO ORDER

The meeting was called to order at 7:05pm.

II. ROLL CALL

Members Present: Mayor Scott Keigley, Councilor Paul Briggs, Councilor Kevin McDermott, Councilor Jackie Hall, Clerk Sandy Jessen, Attorney Fred Suhler, and City Engineer Joe Palen.
Absent: Councilor Brian Breider.

III. APPROVAL OF AGENDA

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

IV. PUBLIC FORUM

Don Clark at 705 Timberline Drive: when he sold the land it was rezoned R1. He caught two guys going fast. Why does he have to put up with the commercial business going on down on the road? Councilor Kevin McDermott; is Ellingson parking and storing material? Don Clark; there are semis going down there; the vehicles are speeding and he has stopped them twice. Drive down and take a look there is a pile of rock; it doesn't seem like it ever goes away. City Engineer Joe Palen can talk to Ellingson about it. Councilor Kevin McDermott; whatever their doing at the end of that road have them move it a block north. Don Clark; it's gravel and a dirty road. City Engineer Joe Palen; will look at an alternate entrance. Councilor Kevin McDermott; possibly come in 6th Street off of 2nd and have them stage across from the big drain field. Don Clark; how long will they be there? This fall? City Engineer Joe Palen; yes, this fall. City Engineer Joe Palen; will talk to Ellingson and see if there is an alternative. Councilor Kevin McDermott; we will see what we can do. Mayor Scott Keigley called three times and closed the public forum at 7:12pm.

V. DEPARTMENTS & COMMITTEE REPORTS

A. OCSO ~ Sgt. Mike Morrow

Sgt Morrow presented an activity log from June to September. There are no large reportable crimes in the area.

B. FIRE DEPARTMENT ~ Chris Stolp, Fire Chief

1. Runs -1 at Schad Tracy called for mutual aid with Mazeppa.
2. Deferred Retirement
3. New Member- Nate Winkels works in town at S&M for day coverage. **Councilor Kevin McDermott motioned to approve Nate Winkels Mayor Scott Keigley second, all in favor, motion carried.** All classes are on line now.
4. Thursday the fire department will do a grass burn on 3rd Ave Park.
5. Chris Stolp; with purchasing used trucks or used equipment how would they work that. Attorney Fred Suhler; fire trucks are all unique, it's a personal choice on the type. Mayor Scott Keigley; set an age range and equipment spec. range. Attorney Fred Suhler; try to apply as broadly as possible. Mayor Scott Keigley; the city would advertise for the bid in the paper.

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

1. Runs - 1; city
2. New Members: Christina Pin. **Mayor Scott Keigley motioned to accept Christina Pin as a 1st Responder, Councilor Jackie Hall second; all in favor, motion carried.**
3. Fire Department Members wishing to join the 1st Responder's - Phil Lien, Brian Sisell, Pat McGovern, Dan Sundt they are going through their training in Zumbrota and will complete

in January **Mayor Scott Keigley motioned to add them on as 1st Responders, Councilor Kevin McDermott second; all in favor, motion carried.**

4. The 1st Responder's had the retirement party last Saturday for Jerry and Mary Lubahn. Peter Dolan and Bryan Baker are also done now. There was a nice letter for Jerry and Mary and also certificates sent out to those retiring.

D. EOC ~ Chris Stolp, Director

E. PERSONNEL

1. Council Pay: Mayor Scott Keigley \$2700, Councilor Kevin McDermott \$2400, Councilor Jackie Hall \$2225, Councilor Brian Breider \$2350, Councilor Paul Briggs \$2400.
2. Fire Dept Pay \$5216 & First Responder Pay \$4738: **Mayor Scott Keigley motioned to pay Council, the Mayor, the Fire Dept and First Responders, Councilor Jackie Hall second; all in favor motion carried.**
3. Tyler Technologies – training was last Tuesday. **Mayor Scott Keigley motioned to go with Tyler Technologies for up to \$8000 for training and the program to be paid through the PFA funding or the Wac and Sac Fund pending that it is compatible with the meters we are purchasing, Councilor Kevin McDermott second; all in favor, motion carried.**

F. ORDINANCES & RESOLUTIONS

1. City Code – update Attorney Fred Suhler is working with Clerk Sandy Jessen and City Engineer Joe Palen to include user fees; should have it for the meeting in December. The liquor and burn ord. should be finished in December as well. Attorney Fred Suhler will go over the Gold Rush peddler Ordinance with Councilor Kevin McDermott.

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

1. Meeting Minutes – discussed with Sgt. Morrow how the Gold Rush weekend went and looked at reducing costs with the Sheriffs Dept and still be efficient, Linda Sorenson also retired from the committee.

H. PARKS & TRAILS*

1. Meeting Minutes – Olmsted County Statewide Health Improvement Program which focuses on health within the community, Parks is looking at community garden plots and will come forward with a recommendation.
2. Trail Posts & Manhole cover – the trail was remarked and the posts have been installed and are getting a bid on the manhole cover.

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

1. Updates- they did ditch clean up

J. COMMUNITY CENTER*

1. Chairs – stackable 15 @ \$25 each plus tax; \$401.25. **Councilor Kevin McDermott motioned to get the chairs, Councilor Jackie Hall second; all in favor, motion carried.**

K. STREETS & ROADS*

The cracks are filled and patched a few pot holes. The price came in about \$1100 under the approved amount. There is still a little bit of time to do work. **Councilor Paul Briggs motioned to spend up to the \$11,000 for additional repairs, Mayor Scott Keigley second; all in favor, motion carried.** Clerk Sandy Jessen will call Rochester Service.

L. PLANNING & ZONING*

1. Meeting Minutes – meeting canceled
2. Communications Committee
 - Meeting Minutes – they have couple of volunteers for photography and are narrowing down what they are looking at for the website. Looking at self development or looking

- at outside development. American legal publishing for codes and ord. and code red for emergency management that the whole community can utilize, they put in a hijack request for the Oronoco facebook. They sent out an RFP to MLT, Conxis, and CWS; they are starting to receive information and will present on December 1st. They hope to present to City Council at the December meeting
- GovOffice Website Proposal – initial cost is \$1375, \$480.00 maintenance.
3. Building Inspection quotes. Discussion: Received quotes from Byron, Rochester, CMS and Tom Thompson out of Pine Island. Councilor Paul Briggs if you look closely Byron's permit fees are exactly the same as Rochester and 20% comes back to the city. Very comfortable going with Byron. **Councilor Paul Briggs motioned to accept the agreement with Byron for inspection services, Mayor Scott Keigley second; all in favor, motion carried. Mayor Scott Keigley motioned the building inspector will take affect January 1st, Councilor Paul Briggs second; all in favor, motion carried.**
 4. Building Permits – signing – difficult to get permits signed off on time. If there is a better way with keeping checks and balances. Is it possible to include Planning & Zoning members to sign? Attorney Fred Suhler; it's more of a zoning thing. Oronoco is maybe the only city that does that. They have a zoning person that signs off in Plainview; they have the building official sign. Mayor Scott Keigley now that the ordinances are updated; look at requiring one signature not two.

M. WATER & SEWER*

1. Minutes – last meeting was at the CIP
2. Updates – City Engineer Joe Palen; construction is progressing; the geo piers are in, they will not continue on the reservoir until spring, they don't want to do cold weather concreting. They have been laying pipe and have encountered some rock, they have been down by the river, and at the work by Tilly's encountered some shallow rock; there are provisions in the contract for this. The contractor plans on getting all of the mains in this fall; next year will be doing hydrants
3. Pay Requests & payouts: Bonestroo & Ellingson. PFA funds received must be paid out within three days. Ellingson \$370,520.32 this pay request allows for \$200,000 on stock piled material on hand, this request is recommended. **Councilor Paul Briggs motioned to approve payment, Councilor Jackie Hall second;** Discussion: Mayor Scott Keigley; they have insurance coverage for the material? City Engineer Joe Palen; that is required as part of the contract. **All in favor, motion carried.** Discussion: There have been questions about where blacktop was removed and will it be replaced this fall, also concerns about the pipe on the road. City Engineer Joe Palen; they need to fuse the pipe and will recommend using more cones. They also work late. City Engineer Joe Palen; drilling is a time consuming process. Attorney Fred Suhler; the Rucker acquisition: we had the first meeting of the commissioners; we did not go to the site because it was raining. The first hearing is February 2nd they are claiming they are not ready to go to trial. Not concerned about the Elk Run project and Attorney Fred Suhler requested that the appraiser update the appraisal to October 9th of this year – there may be a slight increase. The process is moving forward. The argument will be that the tank will ruin the aesthetics of the area. There are ways to mask the tank with landscaping.
4. Oronoco Auto – request connection – Discussion: the end of the trunk main is right by Oronoco auto; if they're not in the city would they be annexed. If the city annexes the property can they be liable for what's in the ground. Attorney Fred Suhler the property owners would be responsible the city may be part of discussions of it though. City Engineer Joe Palen; there was a second township resident that had inquired in as well. The decision made would affect others in the future. Mayor Scott Keigley will go with City Engineer Joe Palen and meet with them and bring it back to council. City Engineer Joe Palen; the hydrant terminates right by their driveway. Councilor Kevin McDermott; if it were annexed; what's the chance it would come back to the city? Attorney Fred Suhler; the city has never owned the property, but the city may be consulted with how to deal with it. City Engineer Joe Palen; many city ordinances state you must be annexed as a means to providing income; there are two sides of it and a difficult decision. Councilor Paul Briggs; if we didn't annex

would we be able to collect money from them. Attorney Fred Suhler; the city can offer services outside the city. City Engineer Joe Palen; some may charge more for fees and a fee structure that would be equal to the \$6216; they are not a stakeholder or a city tax payer.

VI. PETITIONS, REQUESTS & COMMUNICATIONS*

- A. Tilly's American Travelers Resort – request for license fee reduction. Mark Kuehn called and he was unable to attend the meeting. Attorney Fred Suhler; the city's license fee is set by ordinance and the city would have to pass an ordinance to reduce it for next year. Mayor Scott Keigley; could we not require payment for one year? Attorney Fred Suhler; you would have to pass an ordinance. A business owner requested to have his taxes abated in Eyota and they wanted to see the business succeed. Mayor Scott Keigley; we only have one place that we can get food in town. Attorney Fred Suhler; state law sets a cap on the off sale there is no minimum. Councilor Paul Briggs; not sure what would be reasonable. Mayor Scott Keigley once the frontage road is in the business should pick up. Councilor Paul Briggs; the other option could be tax abatement. Attorney Fred Suhler; what prevents the next business from requesting the tax abatement as well, then your also reducing the taxes and they have to be made up somewhere else, even if you reduce his fee it will have to come from somewhere. Councilor Jackie Hall; it would be a nice gesture to help him out.
Mayor Scott Keigley called a recess at 8:25pm and called back to order at 8:35pm.
- B. Complaint – wood piles on MN Ave. pictures were sent of the property. Discussion: Planning & Zoning looked at this a while back and he is grandfathered in. It is probably a non conforming use; but the ordinance would prevent him from expanding. Send a letter that is a non conforming use of the property and that the pile is getting big. Don't see a way to enforce it. Not a bad idea to keep it within reason. There are a lot of things on MN Ave that have aesthetic issues and non conforming uses; the city would have to go down the road to each one. **Mayor Scott Keigley motioned to send a polite letter that it is a non conforming use and to not expand the wood piles, Councilor Paul Briggs second; all in favor, motion carried.**
- C. Elk Run Interchange Design-Build Project; Municipal Consent set Public Hearing for December 21 at 6:30 pm.

VII. UNFINISHED BUSINESS*

- A. Task List – **Mayor Scott Keigley motioned to move the task list to the consent agenda, Councilor Jackie Hall second; all in favor, motion carried.**
- B. Veolia – letter sent – and a response has been received. Discussion: Attorney Fred Suhler; unimpressed by his explanation. The city has not enforced the contract vigorously but there are no ordinances that make it illegal to use someone other than the city hauler. With other contracts the surcharges are spelled out clearly. They are charging illegally: the recycling fee is clearly above the contract and they should not be charging the fuel surcharge. They have other contracts updated by other cities that spell out the fees. The contract does not run out for two years. We are trying to maintain the streets and roads. Possibly rework the contract. End the contract. The market place may take care of it and someone will come in and under bid everyone they had at one point said that they would end the contract if the city didn't go with one hauler some cities claim they get a lower cost with competition. It seems pointless. They should have to pick it up weekly without charge.
- C. CIP- update Councilor Paul Briggs looked at the plan and tried to look at the priorities; to compare each project for over the years of the plan. The things that scored the highest were the seal coating and frontage road. For planning purposes looked to bonding for the land acquisition and seal coating all the streets because the roads are in need of repair and also using the funds from MNDOT. City Engineer Joe Palen; when considering a GO bond the city would assess 20% to the benefiting properties. The city did existing roads 2-3 years ago and were told 2010 to seal coat when the roads were done. The fire truck: don't see it fitting into next year; the issue with fire truck is one is an automatic and one is a manual drive, it was not meant to be a brand new truck. Big cities sell their equipment to smaller cities. There is the remaining water project and sewer, the fire truck falls down on the list 2015 or 16, also the shop truck falls down the line as well. The trails would be pushed back, there is also maintenance. The EMS and City Shop and city building; we should still consider renovations here or see if it would be

cheaper to have one building. As the city grows may need a police officer and shop. Water and sewer should be moved up. The funding will dictate those projects the CIP fund will not fund them. City Engineer Joe Palen; promotes getting ready for those projects and if funding becomes available be ready to jump on it. Some general taxes may have to cover some of the sewer and water costs. Seal coating and the frontage road are of major importance. Councilor Kevin; McDermott the city shop needs to be addressed. Agree with the roads but something needs to be done with the shop. Flip flop where the fire truck is with the city shop. City truck would be one with a dump box. Wouldn't have to be brand new could cut the cost by far by getting used. Look for a used truck 2 -3 years old. Request to have Mike rework with the priorities of seal coating, frontage road, shop, city truck and look to see exactly we need for a fire truck and look at what it actually would cost to combine the EMS and city shop. The building could be located on the back of Memorial Field; there are a number of locations in town that could be used. If the fire truck is dropped from next year there could be a lot more done next year.

VIII. NEW BUSINESS*

A. Peoples Coop – Mayor Scott Keigley and Clerk Sandy Jessen met with them and they would like to build in Oronoco; they need 30 acres, it would be a storage yard and buildings. They had some concerns with 3rd Ave when Fitzpatrick tried to rezone to business. It is a business that would fit in; if they're willing to come to town and if the city is willing to offer possibly a TIF district which would help both the city and Peoples Coop. Other businesses may be a willing to open in town; it could jump start businesses. They are willing to speak with the whole council. Invite them for the December meeting.

IX. CONSENT AGENDA*

A. APPROVED BUILDING PERMITS*

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|---------------------------|------------------------------|-----------------|
| 1. Mark Rizzo | 307 13 th Lane SW | garage |
| 2. Overton's Construction | 974 SW Lone Oak Lane | basement finish |

B. MEETING MINUTES

1. Regular City Council Meeting Minutes – 10-19-2009
2. Special City Council Meeting Minutes – 11-02-2009

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 motioned to approve the consent agenda, Councilor Kevin McDermott second; all in favor, motion carried.

The city council will move into closed session at this time 9:20pm.

X. CLOSED SESSION

Mayor Scott Keigley motioned to close the closed session. Mayor Scott Keigley; we will reopen the meeting at 9:45pm. We went into closed session for discussion on the court case we will have on Thursday with Journey.

XI. ADJOURNMENT

Mayor Scott Keigley motioned to close at 10:45pm, Councilor Paul Briggs second all in favor, motion carried.

Respectfully Submitted,

City Clerk

Mayor

