

City of Oronoco Regular City Council Meeting Minutes March 17, 2008, 7:00PM

I. CALL TO ORDER

Mayor Scott Keigley called the meeting to order at 7:02pm.

II. ROLL CALL

Present: Mayor Scott Keigley, Councilor Kevin McDermott, Councilor Brian Breider, Councilor Jackie Hall, Councilor Tom Novak, City Clerk Cheryl Nymann, City Attorney Tom Canan, City Engineer Joe Palen, members of the community.

III. APPROVAL OF AGENDA

Additions: VII. B. Fire Department – grant
VII. N. Tim’s 1 year review – set date

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

IV. PUBLIC HEARING ~ Outdoor Wood Boilers Ordinance

No one came forward.

V. PUBLIC FORUM *Community Members have 3 minutes to voice their concerns*

Adam Brase, 545 Sunny View LN SW

Behalf of Parks Committee, appreciate Tim’s partnership. Concerns with 3rd Ave SW traffic flow and what potential development may do to that. Fitzpatrick is delinquent in taxes in 2007 and city has had challenges in collecting bills. Council needs to seriously look at this because ultimately the other taxpayers will end up paying for it. This project needs to be done right.

Guy Griesmann, 460 Sunny View Lane

Bought his lot based on the future land use map, and now the business in their back yard. This business may hurt future residential development over there. Safety on 3rd Avenue will be a problem. The assurances of road widened may not have follow through from the developer. This could be considered spot zoning. Keep as R2 as the future land use map indicates.

Jessica Jacobsen, 680 Valley View Road

Presented letter and tables to Council; Concern that the comprehensive plan and any zone changes need to be consistent. If this goes forward, the consistency is gone. Item 2.3.3 Growth should be orderly. B-1 is not consistent; specifically recommended by P & Z to have B-2 only as 1/3 of the land there. No room there for orderly growth. Only a tiny parcel along west side of 3rd avenue for R-2. Item 4.6 future land development; He proposed that the water would come from RWH II & III, until city assumes responsibility of the well, the homeowners are fiscally responsible. Presented a petition to deny rezoning has been submitted to Council.

Julie Germann 425 Valley View Drive SW

Number of concerns addressed by other neighbors; this is the view of many neighbors as seen on the petition. Multiple issues and concerns like traffic noise, ambient light. You have to give concern to the homeowners there first. The water situation faced by current residents is also a concern. Hooking up a business to the Riverwood Hills well, if it goes down, there is no backup. Concerned about what type of business is allowed there. B-2 has a wide variety of options. There are 35 properties that Mr. Fitzpatrick is delinquent on taxes in Oronoco. Put forethought into businesses and how it affects traffic by 3rd Avenue is not a frontage road, it became that by default. How much more traffic will be on there in the future with a business. The City’s comp plan both put weight on the planned

development, instead of spot zoning. Comp plan had a very good design in it. If 3rd Avenue is turned into a frontage road, you may not have a business corridor south of 12 with a new frontage road.

Dick Nold, 1433 1st Ave SW

Concerned with septic system with the R-2; his well on west side of property and nobody can tell him what kind of flow will come out of that new building, numerous issues going with 10,000 gallon flowage. If they hit 10,000 gallons of low, there are problems with the shallow well that is neighboring the property. The County goes by what the engineers say; and nobody cares how it affects them. How deep, how big, and it will run into his back yard, where will it flow, and will it come onto his property. Saturated soils were a concern and they were made to put in mound systems. Everything on the hill flows his way. Who pays for it all, if there's sewage back up, water flow? Drainfield will have pipes sticking out right outside (50') from his back yard. It will stink. What will happen to his property value when it is right next to the drainfield? If there was City water and sewer, this may not be an issue. 3rd Avenue has no posted speed limit.

Monda Ochrey

150' well, and they're downhill from the drain system and can't afford to put in a new well, and also downhill from septic system. Concerned about weight of truck traffic on the new road, and it's not built for that. The traffic on 3rd Avenue has caused her property value to drop. Doesn't want to smell sewage all of the time. Not against businesses, but this isn't the area for it. Need the travelers to support the businesses, and that can be done with businesses closer to Hwy. 52.

Fabricio Amorin, 955 Cedar Point LN

6 residents in CW are concerned about the development. Concerned with lack of infrastructure for the B-2 zones, and force to have drainfields close to residents. Traffic safety perspective; the east frontage road does not have the necessary turning lanes, does not address the safety of the vehicles. R-2 request across from the quite pricey home being developed today, and are concerned that the potential quality of the R-2 may bring down the value of their very expensive homes. Is asking that the OACC be extended to R-2 areas. General concerns about noise and lighting issues as well. Mr. Fitzpatrick is not meeting his financial obligations. CW phase 2 incomplete; and they are having to stare at large equipment there all year long. And now he's trying to expand into more businesses.

Mayor Scott Keigley called three more times for any public comment. Closed at 7:40pm

Mayor Scott Keigley motioned to accept submitted petition against rezoning and amending land use plan for RHW Business, Councilor Jackie Hall second; all in favor, motion carried.

VI. ANNUAL AUDIT ~ Thomas Cummings

Changes in accounting requirement and letters are required communications. Mr. Cummings reviewed the audit and highlighted the following items:

- City is in great financial condition;
- Money has gone to costs of infrastructure;
- No delinquent property tax problem in the City;
- Budgeting process I working;
- Cost of general government has not grown over last 3 years, within last 5 years just addition of a ½ time position;
- Public Works, subcontracted out and always dependant on what the weather does.
- Cultural & Recreational under by \$12,000; primarily reflected by not having to pay for a maintenance position for 2 1/2 months;
- Excess of revenues over expenses; more money came in than what was spent;
- Established CIP plan out of general fund, needed money to finish up projects; so, transferred money out, Also, transferred out \$31,000 for special funds & Capital Outlay fund now set up. Capital outlay fund makes it easier to see money accumulated, and easier to follow
- State Auditors recommends 5-6 months general fund balance , and the City still has 6 months of the General Fund balance;
- All 3 bonds will be shown as major funds next year;
- Debt service funds you accumulate the money a year ahead;

- The City has done a lot to compensate controls (segregation of duties). The City doesn't have a lot of oversight because of the small city hall.
- Problem areas allocation of revenue, and account for bond issues separately (need to make sure it got allocated to the right funds). Part is number of funds and accounting tool is not the best; Struggling with quick books and different funds.
- He didn't modify audit once he came here; He does make adjustments, and clean up accounting (19 adjustments to General Funds, and 13 adjustments to special funds). Routinely discuss accounting issues throughout the year; Due to the state by June 30th, **Tabled until next month.**

VII. DEPARTMENTS & COMMITTEE REPORTS

A. OCSO ~ Sgt. Tom Clayman

B. FIRE DEPARTMENT ~ Adam Schaeffer, Fire Chief

1. Runs: 0
2. 800 MHz
Still don't have the radio back so don't pay the bill.
3. Drew's Memorial – March 28th
Celebration of life (memories), short parade to honor drive at approx. 6:30pm. Make a loop of the town as a drive (sheriff on traffic control). Drew's mother will serve refreshments throughout ceremony.
4. Donations from memorial
The donations will be run through the Relief Association and split 50/50 with the First Responders.
5. Relief Assoc. Fund Raiser – Pop Machine / Can Collection
Machine and bin set on east side of fire hall (outdoors). The funds will go to fire relief association so it's not public funds. **Mayor Scott Keigley motion council support for Fire Dept. pop machine, Councilor Kevin McDermott second; all in favor, motion carried.**
6. Grant
The Grant outlined the airpacs in seated positions. Requesting 12 airpacs last month and now need to go with 20 and changes total to \$126,750 which the city would be responsible for 5% (\$1,890 difference from last month). Be getting twice the equipment for this. The equipment now was purchased used. **Councilor Kevin McDermott motioned to increase the 5% to \$6,337 to come out of previous stated fund; Mayor Scott Keigley second; all in favor, motion carried.**
7. City Attorney Tom Canan suggested that when the applications for the fire dept. and first responders are given to council, birth dates should be left off.

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

1. Runs: 8; 4 City, 4 Township
2. New Members: Chris Inman, Naomi Anderson, Toni Allhiser
Ms. Holt introduced Toni Allhiser and Chris Inman. Happy to have an adequate class, and is basically their own members. Just at the EMS conference and it was great. When class is done there will be a roster of 25. Will they consider transporting at any time? Very expensive to do; (paying people to be on call, have to be available 2 people per call). A lot of membership work in healthcare field, and daytime coverage much slimmer; would have to train all 25 members to EMT course of 120 hours, compared to the 40 hour course now. **Councilor Kevin McDermott motioned to accept Chris Naomi and Toni, Councilor Jackie Hall second; DISCUSSION: Review ordinances about staffing (certain number?)Gwen will check. All in favor, motion carried.**
3. Billing Township for \$6,000. (Same as last year).
4. Lake Shady Winter Duathlon. They have been contacted to provide volunteers, and meeting scheduled for next week. Encouraged Bill to also have Gold Cross on site the day of the event.

D. EOC ~ Dennis Blanck, EOC Director

E. ORDINANCES & RESOLUTIONS

F. DOWNTOWN ORONOCO GOLD RUSH DAYS ~ *Kevin McDermott, Co-Chair*

1. Approved Lynne Benrud as new committee member
2. Food permits chosen to give \$50 back to city. City Clerk Cheryl Nymann confirmed then that Carol would be doing all the work, and the City just issues the permit. City Clerk Cheryl Nymann and Mayor Scott Keigley will go back through and reaffirm.

G. PARKS & TRAILS

1. Committee Member (Tabled from Feb.)
Will continue to work with the committee, but not as a member; Maybe City could pay him to attend the meeting. They will discuss with Tim at his review.
2. Softball Field Maintenance (Tabled from Feb.)
The bid is the total cost. **Mayor Scott Keigley motioned to approve \$280 for re lime stoning the field, Councilor Brian Breider second; all in favor, motion carried.**
3. Tim's Bid Compilation
Discussion continues on those items.
4. Tractor
Discussions on budgeting; Utility tractor needed, especially for trail maintenance. Recommend Council look at it; would have to come out of capital project.
5. Parks Meeting Minutes*
Adam is chair next month. Really need new members. Changing day of meeting may help.
6. Trail mapping...need to have public hearing---impact homeowners. Comments trail extended along Center Street and the trail along River Park, should it be included or removed from map. The whole northwest side is neglected because there isn't any green space. They would be on a city street without a shoulder. Unless city would purchase or someone dedicate land for it. River Park, city has easement on it, may be controversial, and a plan to connect the entire city, and likely be years and years out. Probably use crushed rock because of flooding. City Attorney Tom Canan recommends a Public Hearing to be held. Prepare it and pass on to P & Z and they can hold a public hearing on it.

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

1. Reminder: Winter Begone Duathlon April 27th
9am-Noon (run, bike, run) Anyone can enter and it's sanctioned. They could use volunteers; Trying to get as many citizens involved as possible. 60 entrants signed up so far, may be up to 150 participants. Certificate of Insurance discussed.
2. Meeting overview
Katie was going to talk to Mathey's on dredging Lake Shady.

I. COMMUNITY CENTER

1. George Vallejo, 3611 85th St 3611 85th Street, Lot 166. TOPS holding officers meeting in Community Center, and asked for a reduced price on rental 10am-noon on Saturday morning, because they are a non-profit organization. Make sure treat everyone same way. **Mayor Scott Keigley motioned to charge \$75 deposit, and \$25 room fee, Councilor Jackie Hall second; all in favor, motion carried.**

J. STREETS & ROADS

1. Notice for 2008-2009 Snowplow Bids
Don't need to be present at bid opening.
Mayor Scott Keigley motioned to publish snowplow bids in Post Bulletin & News Record, Councilor Kevin McDermott second; all in favor, motion carried.
2. Notice for 2008-2009 Equipment & Rock Bids*
Don't need to be present at bid opening.
Mayor Scott Keigley motioned to publish Equipment & Rock Bids in Post Bulletin and News Record, Councilor Kevin McDermott second; all in favor, motion carried.

3. Road Maintenance Agreement with Olmsted County*
Mayor Scott Keigley motioned to accept contract, Councilor Jackie Hall second;
DISCUSSION: Competitive prices discussed, as well as the template for the contract still didn't include the changes from last year **Mayor Scott Keigley amend motion to include City Attorney Tom Canan comments, Councilor Kevin McDermott second; all in favor, motion carried.**

:55pm Recess
:05 Reconvened

K. PLANNING & ZONING

1. Project Summary*
City Clerk Cheryl Nymann will email tomorrow.
2. P & Z Minutes & Recommendations*
Councilor Tom Novak reminded everyone that it is important to talk to residents. And, that it is P & Z job to decide best possible use with property; Council job is to listen to residents and figure out what is the best for City. P & Z voted 3-2 to recommend Riverwood Hill Business (RWHB) to B-2 and R-2. .
 - a. Recommend approval of Land Use Amendment & Zone Change for CW Business Application (with alterations)
Mr. Tointon presented 3 documents to council, current zoning map, future land use map, and summary of land use intensity zoning Mr. Tointon, representing Mr. Dan Fitzpatrick and prepared the following findings of fact:
 - Consistent with future land use map;
 - Meets criteria of land public and private road systems. (Approach already constructed to MN Avenue);
 - Transitional use for neighborhood;
 - Commercial land use adjacent to the higher density residential to lower density residential;
 - City maps support these 2 types of land use;
 - Location criteria for business, roads, land area sufficiently sized; 7. P&Z recommends approval of this.He heard comments during public forum, and stated that Mr. Fitzpatrick may have some delinquent taxes, but that shouldn't enter into this decision, and that Mr. Fitzpatrick is only one partner on this venture. Traffic will be addressed in the GDP and site plans. Lighting will be dealt with on the site plan. Councilor Jackie Hall asked about the turn lane from frontage road, and it will be addressed in the development portion of it. Councilor Tom Novak P & Z thinks it has fantastic access to a very important traveled frontage road. Mr. Hartung, part of the P & Z Committee, stepped down from table during discussions and voting. **Councilor Tom Novak motioned to change the Future Land Use Map, and it only has to be altered just a bit to incorporate B-2, Councilor Brian Breider second;**
DISCUSSION: City Attorney Tom Canan R-2 separate; ag to r-2; **AYES: Mayor Scott Keigley, Councilor Tom Novak, Councilor Brian Breider, Councilor Jackie Hall; NAYES: Councilor Kevin McDermott, motion passes. Councilor Tom Novak motioned to change IR to B-2 and R-2 as designated in legal descriptions, Mayor Scott Keigley second; AYES: Mayor Scott Keigley, Councilor Jackie Hall, Councilor Brian Breider, Councilor Tom Novak, NAYES: Councilor Kevin McDermott.** Findings of fact discussed with attorney and Council and include that the proposed land uses are consistent with the future land use plan, there is good access to the parcel, the development will not place additional burden on the city's parks, and both the zone change and land use amendment were applied for together and were discussed together.
 - b. Recommend approval of Land Use Amendment & Zone Change for RWH Business Application*
Mr. Tointon stated that after the first P & Z plan they were asked to provide a general development plan (gdp) with R-2, B-1 and B-2. However, Mr. Fitzpatrick agreed to amend the request 9.62 acres for residential 2 and 8.47 B-2. Mr. Tointon reminded Council that they are not reviewing the concept plan, just the zone change and land use change. B-1 was eliminated, as requested. The development plan caused confusion at P & Z level. Request for land use change and zone change: Mr. Tointon developed finding of fact;
 - FLUP indicates residential;
 - adjacent to B-2 to the east and southeast of the FLUP.
 - Bottom portion adjacent to B-2 as well;
 - Permitted with CUP.

- Location criteria, terrain, good access, 3rd Avenue and 100th Street major arterial,
- Buffer between R-2 and commercial to the south.
- 3rd avenue buffers development of the west side.

Items of discussion included: Land west of 3rd Ave SW not developed yet, commercial property lower water usage than residential, sufficient land for its proposed use, need for improvements to 3rd Ave SW sight distance difficulties on 3rd Ave SW, water capacity of well from Riverwood Hills and the responsibility of homeowners to fix the well, P & Z vote was 3-2 in favor by P & Z, property to the east of the land being proposed for rezoning and land use amendment, and that the future land use plan states it all should be R-2 in that business area being proposed. Mayor Scott Keigley asked if there was anything new from Public. Mr. Hartung should've removed himself. Potential conflict of interest no personal interest in this land, but company he works for is. If he is working with you on one deal, it may influence on this deal. Half B-2 now is way too much moving into the neighborhood. Mayor Scott Keigley closed comments. **Councilor Brian Breider motioned to not amend the future land use plan at this time, Councilor Jackie Hall second; all in favor, motion carried. Councilor Brian Breider motioned to deny zone change request from Ag to R-2, B-2; Councilor Jackie Hall second; all in favor, motion carried.** The findings of fact for denial discussed with Council and attorney include that the portion being rezoned to business is inconsistent with the future land use plan, the additional traffic from business area would worsen the traffic on 3rd Ave SW and endanger the users of the road, the added traffic and noise of the business would have adverse effects on existing surrounding residential developments, and there is a lack of proper buffer to those areas, and both the zone change and land use amendment were applied for together and were discussed together. **Mayor Scott Keigley motioned to waive the fee if re-approaching as all R-2; Councilor Tom Novak second; all in favor, motion carried.** City Clerk Cheryl Nymann stated that if reapplying, and if they want it to go to the P & Z at their next meeting, the documents needs to be submitted by noon this Friday (March 21st).

- c. Recommend setting Public Hearing for Sexually Oriented Business Ordinance April 1st @ 6:40 with P & Z,
- d. Recommend approval of Site Plan for Al Ihde--*Letter from engineer, regarding application* 3 things to comply with plus OACC, from land consultants and Lawler. They're working with Steve Voigt. Revise plan to OACC. Significant amount of data needed for Joe. Al asked for approval contingent on City Engineer approval. City can schedule a special meeting other than next Monday night. There has always been an issue in that area with flooding. If Joe says that everything is ready, it can be put on agenda for Monday night.

L. HIGHWAY 52
Nothing to report.

M. WATER & SEWER

1. Sanitary Sewer Trunkline thru Elk Run Preliminary Cost Estimate
Simple approach is 1 million dollars to upgrade sizes, no assurance, no timeline, no supporting information, etc. There are different approaches. Joe Palen recommends to sit down with members and talk through it. Cost estimate submitted is cryptic. Joe didn't get all answers to his questions. But, there's no supporting documentation to support the costs association of upsizing. Maybe look at entering into a sanitary sewer district for interim conveyance, pumping it up to them. There are options, premature to say the City isn't interested. Sit down and say that there is some interest, etc. Discuss this on Monday night. Councilor Brian Breider; clarify whether it's an all or nothing deal. City Engineer Joe Palen if we say no, the city still has options—they'll have significant capacity that the city may use in the future; however, advantages to Rochester as well. City Clerk Cheryl Nymann and City Engineer Joe Palen will schedule a meeting in April with Pine Island City.
2. REMINDER: Public Informational Meeting on Water & Sewer
March 25, 2008, at 7pm – Revised Report*

3. Culverts in Tilly's blocked culvert; goes back to design because it never flooded that back until it was redesigned by MnDOT. Seen a lot more water since it was redesigned bringing all township water through.

N. PERSONNEL COMMITTEE

1. Set Meeting Date for Cheryl Nymann 5 Year Review
 2. Set Meeting Date for Tim Redepenning 1 Year Review
- No date or time set, will check calendars first.

VIII. PETITIONS, REQUESTS & COMMUNICATIONS

A. LETTER FROM CITY ATTORNEY TO MR. FITZPATRICK'S ATTORNEY*

Mayor Scott Keigley motioned to table to April, Councilor Tom Novak second; all in favor, motion carried.

IX. UNFINISHED BUSINESS*

A. LETTER FROM SE MN DEVELOPMENT CORPORATION ~ *Councilor Tom Novak*

Encouraged everyone to take a look at and read it. And may be a way to get an administrator presence in this town at an affordable rate. Negotiated at 1 day per week at \$20,000 per year. A nice interim way to have an administrator. Mayor Scott Keigley said there not enough of a need right now, and doesn't want to create a conflict in office because the flow is going so well now.

B. **CODE OF ORDINANCES: 200 Municipal Administration**

211.2 Duties of the City Administrator; so if you ever grow enough general statement (strike 3rd sentence) and strike 211.2

- ❖ 203.5 get right amount; 205.0 is left out;
- ❖ 207 The City contracts with, in lieu of a municipal police department;
- ❖ 208.3 (s); 208.6 drill instead frill-firefighters; 208.9 guilty of a misdemeanor offense.
- ❖ 208.11208.11 update;
- ❖ 210.5 Firefighters to first responders; 201.2 every city is state statute.
- ❖ 202.2, written or verbal notice add notice; 22.5to include the following;
- ❖ 203.5 Take it out.
- ❖ 205.2 Planning Commission serves for three years – CHANGE to 2 years;
- ❖ 208 strike 12 and 30. Want results, incentive list.

C. TASK LIST; UPDATED

X. NEW BUSINESS*

A. GATHERING PERMIT FOR WIN MULTISPORTS EVENTS, LLC on April 27, 2008

Mayor Scott Keigley motioned to approve, Councilor Jackie Hall second; DISCUSSION: require liability insurance, sanctioned event provides liability insurance. Parking discussed. All in favor, motion carried.

B. CRUISIN' TUNES FOR 4TH OF JULY CELEBRATION \$500.00

They do a great job. **Councilor Jackie Hall motioned to approve, Mayor Scott Keigley second; DISCUSSION, Read the fine print; all in favor, motion carried.**

D. 4TH OF JULY FIREWORKS CONTRACT

Mayor Scott Keigley motioned to pay \$4,500 for fireworks; Discussion fire department, insurance; all in favor, motion carried.

E. NATIONAL NIGHT OUT – AUGUST 5, 2008

1. Kid Again Games, Dunk Tank, Minnow Race;

F. CLEAN-UP DAY – MAY 3rd

1. Volunteers needed

G. Quick Books update

May payroll service ends for 2005 Version

Mayor Scott Keigley motioned to spend up to \$200 to update, Councilor Kevin McDermott second; all in favor, motion carried.

XI. CONSENT AGENDA

A. BUILDING PERMITS*

1. Chris Hanke 785 MN Ave. S Sign
City Attorney Tom Canan discussed close to ROW of MnDOT.

B. MEETING MINUTES*

1. 2-19, 2008 Regular City Council Meeting Minutes
City Attorney Tom Canan suggested (And has been changed) Section VIII D, the reference to Minn. Stat. Section 462.368 should be 462.358. In Section IX B1, the meeting was closed to discuss threatened litigation.

C. FINANCIALS*

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

Mayor Scott Keigley motioned to approve consent agenda, Councilor Brian Breider second; all in favor, motion carried.

XII. ADJOURNMENT

Mayor Scott Keigley motioned to adjourn at 11:32 pm, Councilor Jackie Hall second; all in favor, motion carried.

Respectfully Submitted:

Scott Keigley, Mayor

Cheryl Nymann, MCMC, CMC