

Special City Council Meeting Minutes
Monday, October 29, 2007
7:00pm

A. CALL TO ORDER

Councilor Kevin McDermott called the meeting to order at 7:03pm

B. ROLL CALL

Present: Councilor Kevin McDermott, Councilor Brian Breider, Councilor Jackie Hall, Councilor Tom Novak, City Clerk Cheryl Nymann, Mr. Fitzpatrick

Absent: Mayor Scott Keigley (arrived at 7:12pm)

C. MR. FITZPATRICK FITZPATRICK

1. Acres just east of 3rd Avenue SW

Mr. Fitzpatrick discussed use of this property. People are interested in this area for business use; can get a commercial use without a lot of infrastructure use. In FLUP that was just adopted, that area is zoned for R-2 in the future (high density housing). The OACC now has guidelines in place. Also, recently approved, are restrictions on mass storage facilities. However, M-1 property may allow it.

2. Parcel east of MN Avenue South

Mr. Fitzpatrick brought in a partner on this. The land is in the Township now. It's not zoned anything at this point. (Doing these 2 items will give it more direction). Mr. Fitzpatrick asked for a Non-compete clause; he discussed that other Cities have put a non-compete clause in (no other new gas station allowed in the city for 3-5 years). Thought is to get it anchored first, doing a convenience strip. Council suggested to annex the property this Winter/Spring. Councilor Brian Breider suggested to talk to Tom Canan about this as to whether it is legal or not. Would a north side gas station affect it? Yes, Majority of Council agreed non-compete would be through the whole city. City Clerk Cheryl Nymann will contact City Attorney Tom Canan to research and bring to next City Council meeting.

3. Jech

He got a bill from Jech for \$76,000+ for infrastructure work. City wanted Mr. Fitzpatrick to hook up to Jech for sewer and water, and that he would pay for those services per lot. Mr. Ohly sent Jech a letter to break down the prices, and they never have. The lot line went in the final plat of Jech's in the wrong place. Wells are built to serve the City, and didn't cost him anymore to do. Mr. Fitzpatrick had to provide the services to the lot line. He thinks it should've only cost \$8,000. They went out to hook onto the system, clipped the end of the copper valve, fixed services and kept digging. Connected to shut 2 valves off; then went down to the t-valve. And, then, curb stops were put in. So, now there is a main valve in the ROW. Mayor Scott Keigley suggested that the City should stay out of this. Mr. Fitzpatrick thought that McGhie & Betts was to come up with the costs associated with this. City Engineer Joe Palen offered the opinion that it is not the City's place to be. City Clerk Cheryl Nymann clarified the reason for the building permit denials. Unfortunately accusations were made. It was suggested that Mr. Fitzpatrick and

Journey go to arbitration. Is it fair that he can't get permits to two lots? City will get facts before the next meeting. City Clerk Cheryl Nymann will speak to City Attorney Tom Canan.

4. Riverwood Hills Punch List

Sewer/Water List: City Engineer Joe Palen there is a lot of manhole covers with wood shims under, and prefers to have the concrete under them. A lot of gate valves, hydrants, too high or two low and put to grade. Item 21, has mud in the inverts; should definitely investigate. Mr. Fitzpatrick stated that it may be associated with that water main blow out.

Erosion Issues: More pressing issues, and need to be addressed. Punch list does not have any specs; it is industry standards, working on it.

Culvert on Riverwood Drive: It is collapsing. City Engineer Joe Palen asked Mr. Fitzpatrick to take a look at it. There are significant changes to it. Mr. Fitzpatrick Zemke has been monitoring it. Spray painted marks, and measured. Mr. Fitzpatrick said that over 6 years, the measurements have not changed. Mr. Fitzpatrick explained the process of the culvert installation. City Clerk Cheryl Nymann stated that it has looked worse than what it previously looked like. City Engineer Joe Palen when looked at the green spray painted area, there are other areas; and seam cuttings loose. Mr. Fitzpatrick wants to turn roads over with warranty on this, and sleeve it or fix if necessary. City Engineer Joe Palen ascertains what is going on with the sanitary sewer pipe, and takes documentation and has a basis for a warranty. City Engineer Joe Palen suggested the warranty needs to be backed up with financial security. Councilor Brian Breider asked if there will it be a catastrophic failure (pretty low according to City Engineer Joe Palen).

Street Lights in RWH 1: Mr. Fitzpatrick's attorney has been corresponding with People's, but the lights are on. City wants plans on the infrastructure that is out there. City and City Engineer Joe Palen requested it, but did not receive it. City Clerk Cheryl Nymann will call Dan Zemke again and request it. City Clerk Cheryl Nymann will notify Canan to draw up a warranty financial guarantee tied to the warranty. Mr. Fitzpatrick already tied in so deeply with the City and has so many different triggers and leverages over his assets. Councilor Tom Novak asked Mr. Fitzpatrick that no matter what if the culvert fails you would fix it. However, not related items. Councilor Tom Novak worried that all the stuff that has to be done, it won't happen.

Cedar Woodlands: Pathway, Developers agreement specified it to be done by December 31, 2007. City Engineer Joe Palen recommended it be extended. City wants Mr. Fitzpatrick to move it over to prevent the erosion of it. Mr. Fitzpatrick & City Engineer Joe Palen will meet with Mr. Fitzpatrick on it.

RWH IV Home: Mr. Fitzpatrick called him on the 14th month. He is finishing up the house construction, landscaping, and removal of the concrete that was dumped there.

Escrow Fees: Development agreement collecting \$12 a fee (not itemized on the bills) (Councilor Brian Breider) and holding it in an interest bearing account). Should be set up by each phase. He will talk to Bill Tointon, and if it has to be split out to different the phases. The name has changed to Utility Services of Oronoco.

Water Reports: City Clerk Cheryl Nymann asked for the water reports. City Clerk Cheryl Nymann will call Terry for the well reports. Councilor Tom Novak does the pump work harder because there isn't a tower. He had a variable speed pump designed and put in there to reduce the amount of wear on it.

D. 2ND STREET SW

Additional 66' that is all broken up. Councilor Kevin McDermott if the 3 point turn around is being put in, it should be done. It's not going to get any cheaper down the road. Considered road repair, and the same prices are being used as what is being used on 5th Street Project. Property owner at end of street is also having some personal work done. Doesn't have to be done now, however it makes sense to do it – because it will have to be done in the future. It's in bad enough shape that it can be an overlay, and has to be saw cut. **Councilor Kevin McDermott motioned to have the 66' replaced now with the turn around, Councilor Jackie Hall second; all in favor, motion carried.**

E. BRIDGE PARTY “A CELEBRATION OF SAFETY”

Ribbon cutting ceremony; Randy Demmer & Senjem would be interested. All Council is for it. Mayor Scott Keigley motioned to accept this invitation and offer up to \$300 of support for it, Councilor Kevin McDermott second all in favor, motion carried. City Clerk Cheryl Nymann will notify Senators, Legislators, Judy Ohly, Mike Sheehan, past councilors, Doyle. City Clerk Cheryl Nymann will put up a mass mailings email sign up list in next newsletter. **Mayor Scott Keigley motioned to spend up to \$300, Councilor Jackie Hall second; all in favor, motion carried. All in favor, motion carried.**

E. WEST FRONTAGE ROAD

City Engineer Joe Palen had one more item, consider contacting reps about bonding year. Perhaps some political support for the west frontage road. Introduce it to them again. Talk to them to see if there is any way to support that. Worth City's time to pursue it.

F. SHOP

Mayor Scott Keigley motioned to have Ottman's repair west side of shop out of the budget, Councilor Jackie Hall second; DISCUSSION: Putting in drain tile, rock, labor, and excavating. All in favor, motion carried.

F. ADJOURNMENT

Councilor Kevin McDermott motioned to adjourn at 8:48 pm, Councilor Jackie Hall second; all in favor, motion carried.

Respectfully Submitted:

Scott Keigley, Mayor

Cheryl Nymann, CMC, City Clerk / Treasurer