

City of Oronoco

Regular City Council Meeting Minutes

Tuesday, August 21, 2007, 7:00PM

I. CALL TO ORDER

Mayor Scott Keigley called the meeting to order at 7:00 PM.

II. ROLL CALL

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

III. APPROVAL OF AGENDA

Additions: IV. I. 2. Grounds Repairs from Gold Rush
IV.L. 1. a. Wetland Mitigation
b. Turn Back of Southbound Lane

VIII. B. CONCERNS FROM JOURNEY DEVELOPMENT

VIII. C. MOVE NEXT YEAR'S COUNCIL MTG 1 WEEK AFTER DOGR

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

IV. DEPARTMENTS & COMMITTEE REPORTS

A. OCSO ~ ADS Wallace

1. OCSO Reports - Hours*
2. OCSO 2008 Service Agreement*

Mayor Scott Keigley motioned to approve, Councilor Kevin McDermott second;

DISCUSSION: Clarified Council is the Safety Committee. All in favor, motion carried.

3. DUI arrest on Sunday night in town. Addressing traffic in town, and people are starting to slow down. One theft at the DOGR stands.

B. FIRE DEPARTMENT ~ John Stolp, Fire Chief

1. Calls: 1 Call, but cancelled en-route
2. New Member for Approval – Bryan Baker*
Lives at 620 Valley View Road. Very interested in being on the fire department. They've lost one member, and are trying to locate her. Councilor Kevin McDermott motioned to accept Brian Baker to the fire department, pending successful completion of the training, with a 1 year commitment to the fire dept. Mayor Scott Keigley second; all in favor, motion carried.

3. Burn Permit Violation*

Letter sent to 810 2nd Avenue SE burning something other than wood. This is the second time this has happened. She will now have to get a permit from Mr. Stolp if she burns again.

4. Antique Fire Truck

Relief Association paid \$600 for it, and would like the City to pay for the insurance with the other trucks. Intention is to restore it with Relief Association money. Will store at Ron Haglund's building. Could just put comprehensive insurance on it. City Clerk Cheryl Nymann will research this more.

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

1. 2 Calls: 1 Township, 1 City
Medical on Sunday a gal fell off a deck.

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D. EOC ~ Dennis Blanck, EOC Director

1. Barricaded 2nd Avenue SW with water over the road.

E. ORDINANCES & RESOLUTIONS

1. Ordinance 113.00 Fire Department*

Mayor Scott Keigley motioned to approve, Councilor Kevin McDermott second; all in favor, motion carried.

2. Sign Ordinance* (*I moved this up from P & Z*)

Councilor Brian Breider took changes to the P & Z, and City Attorney Tom Canan changes were incorporated into the final document. **Councilor Brian Breider motioned to approve new sign ordinance with changes, effective upon publication, Councilor Tom Novak second;**

DISCUSSION: Change 200 yards to 600 ft. and must be a minimum of 30' of sign face to the ground, and not more than 45' from top of sign face to ground. It is Article XVIII. Clarified any sign shall not exceed 672 square feet in area. **All in favor, motion carried.** City Clerk Cheryl Nymann will provide City Attorney Tom Canan with a copy of the completed document.

Mayor Scott Keigley motioned to lift moratorium on sign ordinance immediately, Councilor Jackie Hall second; all in favor, motion carried.

3. Violations

- a. Dog Complaint*

- b. Dog Complaint*

Both a & b are the same dog, 2 different complaints. Could be cited under current ordinance. OCSO report indicates it was at large. **Mayor Scott Keigley motioned to send letter with copy in lieu of ticket of ordinance that they're in violation and needs to be confined to the property, Councilor Kevin McDermott second; all in favor, motion carried.** No one to handle a vicious animal. City Clerk Cheryl Nymann will bring dangerous dog ordinance back to the next meeting.

- c. Weeds Complaint*

This has been taken care of.

4. Resolution 07-07 Annexation of 3rd Avenue SW*

Taking over rights to the Township road. **Mayor Scott Keigley motioned to pass 07-07, Councilor Jackie Hall second; DISCUSSION: Speed limit signs. VOICE VOTE, AYES: Councilor Jackie Hall, Mayor Scott Keigley, Councilor Kevin McDermott, Councilor Brian Breider, Councilor Tom Novak, motion carried.**

5. Resolution 07-08 Annexation of Zumbro Hills Subdivision*

Mayor Scott Keigley has not been contacted by any Zumbro Hills residents. **Councilor Jackie Hall motioned to table until September and City Clerk Cheryl Nymann will send out a letter to Zumbro Hills residents; Mayor Scott Keigley second; DISCUSSION: Give them one more chance. Need to contact Council members individually. All in favor, motion carried.**

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

Wet weekend. Minor incidents. Next regular meeting in September.

G. PARKS & TRAILS ~ Matt Jennissen, Chair

1. Minutes from last meeting*

2. Valley View Trail Access Recommendation

Councilor Tom Novak stepped away from Council meeting.

Park Board recommends leaving it grassy access and connect it to the gravel path up to current trail. Homeowner to remove landscaping and restore to easement area. Most important thing is to have it safe. City Attorney Tom Canan suggested the City could compromise if any plants or shrubs encroaching in ROW successfully dug out and have homeowner replant on property.

There shouldn't be any compensation from the City to homeowner for damaged vegetation.

budget meeting should include this. Has Parks Committee met with homeowners? Briefly discussed with them. Suggested to have the Parks Committee invite neighboring homeowners to next Parks committee meeting. **Mayor Scott Keigley motioned to have City Clerk Cheryl**

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Nymann send a letter to Dan Fitzpatrick on trucks using walking trails, Councilor Jackie Hall second; DISCUSSION: It should be worded that it is alleged. **All in favor, motion carried.**

Councilor Tom Novak stepped back up

3. River Park Park Entrance Damage
3' wide, 50' long. City Engineer Joe Palen looked at it before Council meeting. Storm water exceeded rain capacity of culvert; it was an extreme event. City Engineer Joe Palen will survey it within the next week and how to repair it. This is an entrance to the Park. **Mayor Scott Keigley motioned to allow Jech to repair, and cap materials at \$500, Councilor Brian Breider second; all in favor, motion carried.**
4. Washout on Riverwood Hills Trails
Tim will blade it.
5. Vehicle Traffic on Trails
Shouldn't be out there, is it Dan and his group? He has his own access which isn't accessible because of the wash out on it. Would like a letter sent out to him on this. And, also put a barrier up on there. Parks have any recommendation on type of barrier? Some with a key lock and the barrier falls down. See if Tim has any input onto that.

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

1. Report & Recommendation from City Engineer*
Mayor Scott Keigley motioned to table until the committee reviews it, Councilor Brian Breider second; all in favor, motion carried.

I. COMMUNITY CENTER

1. Community Center Well Repairs*
Valves plugged and replace, not at 100%. Their recommended. Runs more than what it is suppose to. Find out how much it will cost to put air in it? Get explanation from Their. Bring back to next council meeting.
2. Grounds Repairs from Gold Rush
Would have to rent equipment, or have someone come out and do it. Ask DOGR to reimburse for costs. Go ahead and fix areas that are easily accessible. Should DOGR contract repairs for this? City Clerk Cheryl Nymann will call Danny Ondler to call special DOGR meeting.

J. STREETS & ROADS

1. 1135 1st Street NW ~ Nevin
Property owner looking at installing retaining wall to reinforce small area in the right of way. This would be an obstruction in the ROW. Set a precedent, and City would own it and be responsible for maintenance of the retaining wall. City Engineer Joe Palen did not recommend the retaining wall to be installed. Not the best practice for Cities to allow this in the ROW. Mr. Nevin brought more pictures. Natural quarry stone is being proposed for the wall. Mrs. Nevin questioned whether the actual wall will be in the City's easement. The City has never put any work into it. Did have soil borings done a couple of years ago, and has high ph from trees. Cannot grass it because of the liming they'd have to do.

Recess called for at 8:30am

Reconvened at 8:35pm

Matter of public policy that it's a bad idea to permit any encroachments in the ROW. **Mayor Scott Keigley motioned to table for City Clerk Cheryl Nymann to find out row:**

DISCUSSION: If utility line faults it has to get torn up. **Councilor Jackie Hall second; all in favor, motion carried.** Thanked Nevins for doing this the proper way.

2. 5th Street SW*
City Engineer Joe Palen went through bid results. They were opened last Thursday; Quotes bid in two parts. Base bid and alternate (turnaround on 3rd Avenue SE). Low bidder was Road Constructors. Costs were very competitive. Bidding climate for construction remains extremely competitive. City Engineer Joe Palen recommending award bid to Road Constructors. There is tree removal on 5th Street, and they would have to be removed (in the bids). Total project cost

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of \$43,000. **Mayor Scott Keigley motioned to award the bid to road constructors with the alternate, and the funding would come out of regular street maintenance budget.**

Councilor Kevin McDermott second; DISCUSSION: Unsatisfied with low bid contractor because they were slow. Quality of work was admirable. They do all paving work in town for the developments. Goal is to get it constructed and complete by mid-October. **All in favor, motion carried. Councilor Tom Novak motioned to draft a letter from the City to road constructors telling them that the city would like to have this project done on time, clean, an progress in a timely manner, remove equipment from job site, Councilor Jackie Hall second; DISCUSSION: all in favor, motion carried.**

3. Condition of title, for row from Mr. Spading. Tom Canan has drafted at \$4,050.20. Try to close on this by the end of the month. **Scott motioned to cut the checks necessary, Councilor Kevin McDermott second; all in favor, motion carried.**

Mayor Scott Keigley motioned to allow City Attorney Tom Canan to go to Mr. Spading's home, Councilor Kevin McDermott second; all in favor, motion carried.

4. 1st Street NE*

Items of discussion included:

- Should the City do an overlay on this? How far should it go?
- Truck and trailer hung up at end of church in the post office yard.
- If the church is the one mainly benefiting from the area, then it should be vacated and give it to the church so they have to maintain it.
- If it's repaved, need to post weight limit. Semis shouldn't be there anyway.
- Turn the alley back to rock is a possibility.
- Residents, school buses also use this.
- Could just regrind it. City Engineer Joe Palen recommended to not grind it. It's a better situation than turning it back to gravel, with the grade, water would wash out the gravel.
- Should approach DOGR see if they are willing to cost share in this. (\$2,593 more with extra width on ROW).

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

5. 3rd Avenue & 12th Street SW ~ Update & [Approve Sale of Bonds @ 4.45% and callable at any time \(which provides flexibility to pay off at any time\)](#).

Mr. Mike Bubany was present. Contacted Pine Island Bank, and negotiated with the Bank. They are willing to accept the 4.45%, willing to allow to prepayment without any penalty (about \$80 more a year). This resolution awards the sale to Pine Island. City Attorney Tom Canan reviewed and it looks good. Closing on or around September 3rd. City Engineer Joe Palen will have the semi-final pay request until late fall or early spring. It won't go over the projected cost. **Councilor Brian Breider motioned to approve 07-09, Councilor Jackie Hall second; DISCUSSION:** paying for improvements, **VOICE VOTE: AYES: Mayor Scott Keigley, Councilor Kevin McDermott, Councilor Jackie Hall, Councilor Brian Breider, Councilor Tom Novak; all in favor, motion carried.** Negotiated sale, City will be responsible to send off payment automatically.

6. MN Avenue*

Widening, putting in crosswalks, etc. could be part of a CIP portion. City Engineer Joe Palen good idea to coordinate with Olmsted County with impending water and sewer improvements.

Mayor Scott Keigley motioned City Clerk Cheryl Nymann send letter to County Engineer saying the City is interested, and would like to be considered and discuss widening, Councilor Tom Novak second; all in favor, motion carried.

K. PLANNING & ZONING ~ Carl Riess, Chair

1. Planning & Zoning Minutes & Recommendations:*

- a. Home Occupation Ordinance

Put parking in both this and parking ordinances. Much easier to see it in a comprehensive ordinance. They've addressed as much as what they need to. Would parking ordinance to planning & zoning? Yes it could go to that committee. **Councilor Tom Novak motioned to approve it as currently reads, Mayor Scott Keigley second; DISCUSSION:** F. Strike

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architectural. w/ noted changes on . **all in favor, motion carried.** Publish it. Enforcement. City Clerk Cheryl Nymann will create a form. **Mayor Scott Keigley motioned to publish**

home occupation ordinance, Councilor Kevin McDermott second; and this would become effective October 1, 2007; all in favor, motion carried.

- b. Chris Powell as member of OACC
In Riverwoods I Development. Councilor Tom Novak notified Council no conflicts of interest with this issue. **Councilor Tom Novak motioned to accept Chris Powell as a new member, Councilor Jackie Hall second; AYES: Mayor Scott Keigley, Councilor Jackie Hall, Councilor Brian Breider, Councilor Tom Novak , NAYES: Councilor Kevin McDermott; motion carried.**
 - c. Revised Zoning District Ordinance
There was a public hearing on this last year. Taken out R-3 and M-2; B-1 a historical central business district (pedestrian friendly), B-2 (high intense motor vehicle area). Took out storage sheds in B-1 or B-2 areas. But, left it in the light manufacturing districts. City Attorney Tom Canan needs to have a comprehensive ordinance with all removals, especially since it's been so long ago. **Mayor Scott Keigley motioned to table to next council meeting, Councilor Kevin McDermott second; all in favor, motion carried.** Streamline editing practices of these documents and Keeper of documents discussed
 - d. Revised Future Land Use Map
Updated on city limits. Usually identify governmental uses (community center); **Mayor Scott Keigley motioned to publish flup, Councilor Tom Novak second; all in favor, motion carried.**
2. Michenfelder Property Discussion*
Rick Getling represent Quisel auction. Were present at Planning & Zoning meeting, and they recommended the future land use plan be a business district. Horses were an issue. They bought property in 1968, and have had horses since then. Brought up in 1996 to Mr. Schuler and was grandfathered in. Monica addressed Paul Pendergrass last year on this. If they have to apply for a CUP, it would be difficult to get that passed in the town. If horses were not there, it would. Grandfather clause goes from owner to owner providing there has been no lapse. Once animals gone, couldn't be replaced; and cannot bring in more horses than what are currently on the property. Currently has 2 horses. Non-conforming use if not stabling horses for one year.
 3. Public Hearing September 4th @ 6:30pm for Luis Merced CUP application to have miniature horses.

L. HIGHWAY 52

1. Leadership Committee Update

a. Wetland Mitigation

10 year mitigation requirement will still be in place. Ramp will be done in another week after DOGR. North bound overpass setting beams in two weeks, and putting deck on, which has to be done by October 1st; still on schedule for completion. Put wear course on southbound exit.

b. Turn back of southbound lane

Does the City prefer a cash back option, or have MnDOT inspect and fix this. Proper repairs should be done now (esp. with the heavy equipment that is being run over it). Project will be done soon, and a decision be made. City Engineer Joe Palen; do an inspection with MnDOT and evaluate it, and have information to make the decision. Or, just have Joe's crews inspect without MnDOT. Maybe could do some items together if equipment has to be

brought in (cost savings). Maintenance period for improvements? When will turn back occur? City Engineer Joe Palen will put together a cost estimate on this project. Where will signage go, budgeting were discussed?

M. WATER & SEWER

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1. Water Feasibility Study ~ Tabled from last meeting
Difficult to send this item out for bids. Councilor Tom Novak knows of 2 other organizations that knows the city and would be interested in providing a feasibility report. Look at City limits and flup, and understand what town is about. Determine appropriate action to be taken. They need to know where the city is at. City Attorney Tom Canan; need to have pipe sizes, future growth, how many miles of line, etc). Thought over course of meetings the places were already determined from the June meeting and this is the direction to go. **Councilor Tom Novak motioned to send out rfps on costs to do a feasibility study given notes from June 2nd, 2007 workshop, Councilor Brian Breider second; DISCUSSION:** extremely vague, and what type of turn out for this. Grants not available for this. Bonding or low interest loans are probably the route to take. **AYES: Councilor Kevin McDermott, Councilor Jackie Hall, Councilor Brian Breider, Councilor Tom Novak, NAYES: Mayor Scott Keigley, motion carried.** Notes from June 2nd council meeting, deadline before next council meeting, and publish in News Record, Construction magazine. Proposals will be all over the place. RFPs due by September 24th.
2. Sewer numbers ~ Tabled from last meeting.
Mayor Scott Keigley motioned to have Bonestroo prepare numbers to size pipe adequately to the Cities needs from the June meeting (just for ultimate capacity {entire city}, Councilor Brian Breider second; all in favor, motion carried. and will be presented to Council.

N. PERSONNEL COMMITTEE

1. Committee Needs to set Meeting Date
Wed., Sept. 5th. Call on reminders.

V. PUBLIC FORUM

Jeremy Taff, 325 5th Street NW.

Has a field drive and would like to turn it into a business called Dad's Library. A one to two year plan. Working with his mom. Wireless internet, sausage and cheese, sell prints, photography, books and newspapers. Also interested in selling wine and beer. Create a building on the site – pole shed on this site. Owns second lot. May also like to sell bait. Proposal for pole shed lot. Currently zoned R-1. If wanting to move forward get application from City Hall to have it rezoned to B-2.

Joe Lonzo (this was moved up to the Public Forum)

Signs.

Allow him to put sign up under the named street sign. It would be at his cost. It will help sell lots, etc. City Attorney Tom Canan admirable goal, it will set a precedent. Just want to lead people through back to the subdivision. Could be any business, or churches. Make it public – could just say 'River Park'. Have Parks Committee input.

Easement

City required Journey to put in easement back to Dan F. Cedar Woodlands II back 2 lots which were only serviceable by Journey. And, he had to hook up onto Journey's systems. He was billed for that

infrastructure over \$80,000, and not getting any response and not getting paid from him. Mr. Lonzo is asking the City to set in place a standard that the building permits on those two lots cannot be issued until the payment is received. Dan Fitzpatrick does not answer calls.

Timeline

Disregarded plans being drawn up, reviewed before council, and dug in plastic water lines, and the water had blown a hole, and dumped tons of water. Then, there was no shut off for his area, so when the line blows again down there, water has to be shut off to that whole end of Journey's development. Tired of him having it being hooked to it, and not paying for it. What will the City do about this? Whatever it says to do, he should do it. Council could choose to leave it as an issue between two property owners. If not paying bills, then Journey can shut it off. It wasn't included in the final approval or development agreement (just a step in the final plat approval). What's in the development agreement for those 2 lots? Fitzpatrick liable for that line. City Engineer Joe Palen what should've been done, the private service should have a curb stop put on it at the property line (cost of \$500-\$1,000). It's a gravel driveway now.

Walking Trail

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X. ADJOURNMENT

Councilor Jackie Hall motioned to adjourn at 11:24pm, Councilor Brian Breider second; all in favor, motion carried.

Mayor Scott Keigley Reconvene at 11:25pm

Council set a September 5th budget meeting at 7pm, with committee chairs

Mayor Scott Keigley motioned to adjourn at 11:28pm, Councilor Jackie Hall, second; all in favor, motion carried.

Respectfully Submitted:

Scott Keigley, Mayor

Cheryl Nymann, City Clerk / Treasurer