

**City of Oronoco**  
**Regular City Council Meeting Agenda Summary**  
**May 17, 2010 @ 7:00PM**

**I. CALL TO ORDER**

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

**II. ROLL CALL**

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

**III. APPROVAL OF AGENDA**

Councilor Brian Breider add RWH IV Outlot A to the agenda under Parks

**Councilor Jackie Hall motioned to approve the agenda with the addition of RWH IV Outlot A, Councilor Paul Briggs second, all in favor, all in favor, motion carried.**

**IV. PUBLIC FORUM**

Councilor Kevin McDermott made three calls for Public Forum; Public Forum closed at 7:15 pm.

**V. DEPARTMENTS & COMMITTEE REPORTS**

**A. OCSO ~ Sgt. Mike Morrow**

1. Anthony Deveaux; Crime Prevention Program -was not present

**B. FIRE DEPARTMENT ~ Dan Sundt, Fire Chief**

1. Runs – 3 medical assists
2. Pull tabs doing well so far, meat raffle has been successful on Saturday nights and bringing in \$1000 to \$1500 a month.
3. Calendar: Fire Relief Fundraiser, they are given sponsors for the ad's and it doesn't cost the city any money and it will be sent to everybody in our coverage area.
4. Grant: turnout gear and water extractor till the end of the month to apply again.
5. Red Cross, **Councilor Kevin McDermott motioned to let Dan Sundt sign the form between the Red Cross and the Fire Department for disaster/emergency relief; Councilor Brian Breider second; all in favor, motion carried.**
6. 990 N form already filled out for the year.

**C. FIRST RESPONDERS ~ Jeff Allhiser, 1st Responder Director**

1. Runs – 5 township

Gwen Holt spoke on behalf of Jeff Allhiser; the rig is scheduled to go for an alignment and tires on 5-24-10 in Wanamingo should be under \$500 dollars, Councilor Kevin McDermott; is Nate joining the First Responders? Gwen Holt; yes, Jeff will be looking for a class for him to take.

**Councilor Kevin McDermott motioned to let Nate Winkles join the First Responders; Councilor Paul Briggs second, all in favor; motion carried.**

**D. EOC ~ Pat McGovern, Director**

**E. PERSONNEL**

**F. ORDINANCES & RESOLUTIONS**

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

1. Meeting Minutes –Councilor Brian Breider; change by-laws at the next meeting and vote on those. Food permits; changing the fee permit, all food permits will be the same; Attorney Fred Suhler; if the city can justify the amount as part of our cost for regulating that activity, I can talk to Sandy about it, Councilor Brian Breider; I will send you a note on it; Councilor Brian Breider; looking at changing the fee schedule; also looking further down the road at the

actual food ordinance itself; Attorney Fred Suhler the Health Department regulates it, the city doesn't have too much involvement.

2. City Trailer Use – Rochester Fest; DOGR would like to advertise on the City Trailer at the Rochester Fest parade for Gold Rush and the City of Oronoco. **Councilor Brian Breider motion to let Gold Rush use the trailer, Councilor Jackie Hall second the motion; Councilor Paul Briggs; make a friendly amendment that Hampton Inn covers the liability insurance.; all in favor; motion carried.**

#### H. PARKS & TRAILS\*

1. Meeting Minutes – no quorum
2. ZWP – Gathering Permit -\$20, form has been picked up but not submitted.
3. Waterville Foods & Ice – machine runs \$12-\$15 for electric a month.
4. Caryl Cowden Park – Ottman estimate to repair hole; \$892.7 Councilor Kevin McDermott; requested Attorney Fred Suhler send a letter to township and explain it is their responsibility, they need to restore it the way it was; Attorney Fred Suhler; I have a minor conflict of interest because I represent township with a conflict; Councilor Brian Breider; asked City Engineer Joe Palen to see if there are rocks or excess fill left over from the water project to fill the hole; City Engineer Joe Palen; there might be some reasonably decent excess fill, we can look into it; Councilor Kevin McDermott; a lady would like to have her wedding at this park next year; Councilor Jackie Hall; it would be nice to have it decent.
5. Caryl Cowden Park – burnt dead trees: should city staff get quotes for removal and forward them to Township? This goes along with the hole, Councilor Jackie Hall we need that taken care of too.
6. Dead Tree – 1<sup>st</sup> Street NE; partially in the City ROW: Councilor Kevin McDermott; City should get quotes for the removal.

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

1. Flashboards install; May 17, 2010 lowered the flashboards; Discussion: Councilor Kevin McDermott; there was an issue that the gates weren't open far enough and there was still water going over the spillway, Steve wasn't there right away, there was enough notice that it should have been taken care of, do we want to divert that to the personnel committee? Rochester service did complete it this afternoon; we need to visit with Mr. Wittlief to look further into it.

#### J. COMMUNITY CENTER\*

1. 4<sup>th</sup> of July Music: Music on Wheels \$560, Cruisin' Tunes will be comparable to last year. Councilor Kevin McDermott; wait to see if we can get a quote from Cruisin' Tunes. Table until next month.
2. NNO- should a request be made for residents to bring a side dish or dessert to pass. Councilor Kevin McDermott; leave it as is, do not request residents to bring a side dish to pass.

#### K. STREETS & ROADS\*

Discussion: Councilor Kevin McDermott; Still the issue of 7<sup>th</sup> street, we promised last fall that we would take of that, and I would like to follow through and get an estimate for that; looked at the frontage road and the rehab work; the extension of Timberline Drive; The money the city received from MnDOT from last year is \$224,000; City Engineer Joe Palen looking at completing pavement, rehab, removing panels, filling cracks and doing maintenance to the shoulders, milling, overlaying, seal coating; Realistically we are looking to do that work for 150,000 to 175,000 dollars, so that does leave us with some money left over to do some other things. For example, Timberline drive, extend 400 feet to the east; 1<sup>st</sup> street over by the church, the street and alley are in bad condition, what will end up happening is that road is deteriorated too far just to do some patching, in 2 to 5 years I would recommend coming in and resurfacing the entire area of road and corridor, Councilor Kevin McDermott; I thought we could address the worst conditions, such as the pot holes,

do some patching, and it will be a band-aid until we can do a permanent fix. City Hall parking lot is distressed, cracking, weighed the options, milling the edges of the side walk, in total 25,000 to 30,000 in improvements in addition to the work that we do on the west frontage road, can we stretch our money a little farther, reality is we have other obligations to potentially purchase the ROW for the extension of the west frontage road estimated to cost \$145,000 to \$150,000, the sum of what exceeds the funding of what we have from MnDOT for the turn around, so what we need to do is ascertain if we can afford to do all the projects, or prioritize and decide what we can afford to do, I'm bringing it to council to see what you think. Councilor Brian Breider; truck traffic is a concern, Councilor Kevin McDermott; one thing I was looking at was Gold Rush uses that whole area and it is getting to the point where it could be a liability, with Gold Rush set up in that whole area and through out the church, get those patched for a few years, until we can really address that road, it warrants a temporary patch for now to get us through, I don't know if the trucks are operating out of there anymore, City Engineer Joe Palen; it is not a permanent thing, but ideally would like to get 4 to 5 years out of it. Councilor Paul Briggs; am I understanding you right, 185,000 for frontage road repairs, for 1<sup>st</sup> Street and for the extension of Timberline Drive? City Engineer Joe Palen; yes, if there is a target number we can set on we can prioritize accordingly. Councilor Paul Briggs; does it make more sense financially to redo 1<sup>st</sup> Street now and limit the rehab to the frontage road? City Engineer Joe Palen; I disagree, 1<sup>st</sup> Street is too far gone to sealcoat and overlay now, the next point is reconstruction whether it is done now or in five years, there is going to be reconstruction, so put a \$2000 band-aid on it and you get by for a few more years, the West Frontage Road isn't a pavement that is slated for reconstruction, if you do the proper maintenance on it and do some rehab work on it, it extends the life significantly; if I was going to make a maintenance investment on the roads, that would probably be my top priority. **Councilor Kevin McDermott motion to at least get some estimates for the concrete rehab work in itself, and then the shoulder and the mill and overlay, and that on a separate, and see where we are at, see what comes back,** Discussion: Councilor Kevin McDermott; I definitely think that 1<sup>st</sup> Street and Timberline Drive are smaller chunks are money, but the MnDOT money was given to us for rehab of the road for a turn back, **motion to at least get the estimates, for all of them at the present time, we can choose to eliminate later,** Discussion: City Engineer Joe Palen; have to go out for bid for the concrete work because it exceeds \$100,000. **Motion dies for lack of second,** Councilor Kevin McDermott entertain other motions, Councilor Brian Breider; the smaller projects are, 35,000 to 40,000 on that we know where we are, Councilor Kevin McDermott; do we want to wait another month? I would like to see 1<sup>st</sup> taken care of before Gold Rush. City Engineer Joe Palen; could have the quotes back in two to three weeks. Ellingson may schedule accordingly if they are in the area; **Councilor Kevin McDermott make a motion to get quotes for 1<sup>st</sup> avenue, Timberline Drive and the City Hall parking lot; Councilor Brian Breider second; all in favor, motion carried.**

L. PLANNING & ZONING\*

1. Meeting Minutes – April 28<sup>th</sup>, 2010 meeting discussing B1, B2, and B3, M1, M2; Councilor Paul Briggs; we went through the final screening of the numerous changing to M1, M2, B2, B3 setbacks and everything associated with it; proposed to keep B1 the way it currently is. B2 high density commercial district; addition of a B3 pedestrian constricted commercial district kind of like our Hwy B2 currently is with several revisions with what is allowed and not allowed, and reworking M1 and M2; it has mostly been fine tuning, setbacks, hours of operation has now been included, and parking requirements reworked, that is a general overview. **Councilor Paul Briggs made a motion to accept the new zoning districts per the attached handout with the agenda. Councilor Jackie Hall 2<sup>nd</sup> ;** Discussion: Councilor Brian Breider; my assumption is that the issues were taken care of on the M1, Councilor Paul Briggs; I believe so, we hashed through a lot of it, I think everyone was satisfied with where it came out at the end. Councilor Brian Breider; discussions on setbacks were okay? Councilor Paul Briggs; and the parking details were worked out. Councilor Kevin McDermott; any more discussion, **all in favor, motion carried.**

2. Discussion: Architectural Control Committee; It is not set up to earn enough points for a larger business to come into our community. The recommendation is to suspend M1 and B2 and remove it from the ordinances; Councilor Brian Breider; is there discussion to recommend how that should look? Councilor Paul Briggs; part of that is covered in the landscaping requirements, but it is one of the concerns that is still out there. One of the things we have to fall back on is we still have to sign off on the building permit itself, and that is the only way we could restrict anything in and of itself; rework with more reasonable expectations for warehouse building; it is a time constraint issue, we are limited in time and resources. Councilor Paul Briggs; for B2 and M1 from the OACC, repeal it because the Planning and Zoning Commission is not as concerned as with People's Coop, we know they will represent the community in a good way, and it will allow them to move forward; **Councilor Paul Briggs motion to remove the requirements of the OACC for M1 and B2; Councilor Jackie Hall second**, Discussion: Councilor Kevin McDermott; make sure we revisit this to make sure we thought this through; **all in favor; motion carried.**
  - Update Business and Manufacturing Ordinances
    - Amish Barn – they are looking for business fits for their location and zoning Councilor Brian Breider; we revised the CUP for storage units, there will be more options for them.
3. Communications Committee
  - Meeting Minutes
  - Website
4. RW IV outlot A addition
  - Councilor Brian Breider; residents are not happy because part of it is being cultivated; ask that the City send a letter to whoever it is to cease and desist, Councilor Paul Briggs; we aren't so sure the City owns that outlot; Councilor Kevin McDermott; find out if the City or the Association owns it, if the Association owns it then they can deal with it however they want to. If the city owns it we can send a letter; Councilor Brian Breider; have City staff check on the parcel tax records to see who owns it.

#### M. WATER & SEWER\*

1. Minutes- Councilor Brian Breider a lot of questions about the meters, City Engineer Joe Palen; we have been sorting through that, should have more details by the end of the week for the residents and council to follow, Councilor Brian Breider; so we are comfortable on our lead times? City Engineer Joe Palen; yes.
2. Updates:
3. Feasibility Study – 2<sup>nd</sup> Phase Water; submitted to PFA. Deadline for Intended Use Plan 2011 is June 4<sup>th</sup> and September eligibility list is released. **Councilor Paul Briggs; motion for City Engineer Joe Palen to draft the letter to PFA, Councilor Brian Breider second, no discussion; all in favor; motion carried.**
4. Well Water Improvement Priority List Submittal \$500,000: made that submittal to the PFA to be on the priority placement list; next step is the City needs to submit a letter to allow continuing through the funding process to be placed on the intended use plan; in August we should know if we fall within in the priority list. City Engineer Joe Palen; recommend a letter, and determine what the City wants to move forward with; Pay Requests: Ellingson \$355,767.32, Bonestroo \$22,262.20 **Councilor Kevin McDermott; motion to pay; Councilor Paul Briggs second; all in favor, no opposed, motion carried.**

#### VI. PETITIONS, REQUESTS, & COMMUNICATIONS\*

- A. Complaint: 20 4<sup>th</sup> Street NE; wood piles, noise: letter sent to resident, Curt Burt, The wood piles are a non-conforming use of his property. I am retired, and I have to go back to work, so my choice is to do the fire wood because no one is going to hire a 75 year old man, the piles are growing and getting larger, but they won't get any larger, I am begging for permission to complete my mission and then the only activity that will be there is if someone comes to buy firewood. If you shut me down then what do I do with all that wood? I need this job and the money from it, maybe we can work on the sound thing, my equipment is not that much louder than a lawn mower, it is all EPA approved. I go by all the guidelines, Councilor Paul Briggs; we visited this late last year, we do not have the legal grounds to stand on; Attorney Fred Suhler; he was doing

something before the ordinances were in place, the only concern I have is if you have a non-conforming use of your property, you are not allowed to expand it; Curt Burt; I need a letter of acknowledgement, so I have something to go on. The hours I work are 11 to 4 in the winter and 11 to 6 in the summer; Councilor Brian Breider; I do have concerns with the height of the wood piles if there are kids running about there; need to get a baseline on this letter, if it goes above an agreed upon height; and we don't want to introduce other problems in the City too, regarding Emerald Ash Bore.

**VII. UNFINISHED BUSINESS\***

A. Orderly Annexation Agreement; has been signed and sent to the County & State

**A short recess was called at 8:20; called back to order at 8:25 pm.**

B. Oronoco Crossings – Development Agreement

Councilor Kevin McDermott; when it comes to motions, I am going to step down and Councilor Brian Breider will take over. City Engineer Joe Palen gave the following review:

I have reviewed the revised Oronoco Crossings development agreement received by the City on May 13, 2010. I offer the following comments on the proposed development agreement based upon my understanding of the direction given by the City Council at the May 12, 2010 Special City Council meeting.

1. Article I, Paragraph B- (2) – The proposed ingress and egress easement around the proposed large storm water pond are of little value to the City. Moreover, the associated wording contradicts the idea that the development owner / association will be responsible for all maintenance of the pond and associated infrastructure. We recommend requiring a drainage and utility easement over the Outlot containing the pond or removing the discussion concerning the proposed ingress and egress easement from the agreement all together.
2. Article I, Paragraph D (3) - The statements in first paragraph contradict the subsequent statement granting easements in items a and b.
3. Article I, Paragraph D (4) – Per the access controls agreed upon by the developer and City Council, if future development of the CWTS property is allowed by the City Council, it may only be accessed from Elm Avenue SW. The existing Elm Avenue SW right-of-way corridor is not wide enough to support the necessary roadway and utility improvements to develop these accesses. As a result, we encourage the dedication of the necessary right-of-way now or at the time the CWTS property is developed and at no cost to the City.
4. Article I, Paragraph G – We recommend adding a maximum reimbursement rate for watermain fitting (ductile iron fittings and valves) oversizing by the City to the Developer. We recommend a maximum of \$850 for the oversizing of gate valves from 8” to 12’ diameter and a maximum of \$5.00 per pound of ductile iron fittings for all hydrant tees, bends and plugs. This should also be clarified in Article II, Paragraph 5.
5. Article I, Paragraph H – Since the CWTS property may be developed in the future, we recommend that it be subject to the WAC if / when development occurs. The property is currently exempt for the WAC calculation per the existing definition.
6. Article I, Paragraph R (2) – Typing Error – “Final approval and acceptance of the improvement shall he” should read “be”.
7. Article III, Paragraph 9 – City Hall street address is incorrect. It should be 115 Second Street NW. The P.O. Box is correct.

Discussion: Add language to make it clearer for the city to go in and do what they want to do to protect the city's right to act if we need to, the language is written in there, we could make modifications, People's would like some language in the agreement that they would be notified if there was a problem. Add the drainage and utilities. City Engineer Joe Palen; item

- 2: change to road way right of way; Item 3: Bill Tointon; when you get sanitary sewer we would have to come back in for an approval. If there is a change of use in 15 years, then it is reasonable to make a revision. City Engineer Joe Palen; we need some type of access to the wastewater facility to maintain the system and do maintenance. Item 4: Bill Tointon; we are fine with that, we can put that in to define it, this will clarify it individually. Item 5: at the time it would be developed, People's would be willing to pay the water fees, we could put a clause in there to say if and when it becomes developable we would pay the water fees. MNDot needs to provide the city with an appraisal. The appraisal was on the desk of real-

estate specialist Ron Lampert out of Mnpls/St. Paul because he is making a certified amendment to it because of the loss of rent from the crops. The MnDOT regional office should have it 5-18. Gary Rirel is the name of the person the city needs to follow up with tomorrow 5-18-10. It will be an additional \$1500 dollars to the original estimate. Councilor Kevin McDermott; any more discussion? Bill Tointon; I will make the changes and get a final draft back to Sandy. **Councilor Paul Briggs motioned to approve the Developers Agreement subject to City Engineer Joe Palen and Attorney Fred Suhler's review; Councilor Jackie Hall second the motion; Discussion:** Councilor Brian Breider; make sure nothing gets left out. Attorney Fred Suhler; leave it at pay the appraised value, and the temporary agreement that People's agreed not to charge you. **All in favor, motion carried.**

**VIII. NEW BUSINESS\***

**IX. CONSENT AGENDA\***

**A. APPROVED BUILDING PERMITS\***

- |                      |                      |          |
|----------------------|----------------------|----------|
| 1. Penz Custom Homes | 1055 Istas Lane SW   | new home |
| 2. David Dangerfield | 620 Sunny View Ln SW | new home |

**B. TASK LIST**

**C. MEETING MINUTES**

1. Regular City Council Meeting Minutes – 4-19-2010
2. Special City Council Meeting Minutes – 5-12-2010

**D. FINANCIALS**

1. MBIA Account Summaries
2. Budget – available at the office to view
3. Accounts Payable
4. Accounts Receivable
5. Transaction Report

**Councilor Jackie Hall motion to approve the consent agenda; Councilor Paul Briggs second; All in favor, motion carries.**

Terry Jones 35 2<sup>nd</sup> Ave. NW wants to have a simple rectangular turn around on 2<sup>nd</sup> Ave. He believes now is the time to do it because all of the equipment is in the city. Not having a turnaround is a health and safety issue for the residents, garbage haulers, etc.

**Closed session at 9:20 Pending litigation of River Park Development Agreement**

**Re-open Regular City Council Meeting at 9:45 PM**

**X. ADJOURNMENT**

**Councilor Kevin McDermott motioned to adjourn the Regular City Council Meeting at 9:45 pm; Councilor Jackie Hall second, all in favor, motion carried.**

Respectfully Submitted,

-----  
Assistant Clerk

-----  
Mayor