

City of Oronoco

Regular City Council Meeting Minutes

December 17, 2007

7:00PM

I. CALL TO ORDER

Mayor Scott Keigley called the meeting to order at 7:04pm.

II. ROLL CALL

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

III. APPROVAL OF AGENDA

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

IV. DEPARTMENTS & COMMITTEE REPORTS

A. OCSO ~ Sgt. Clayman

Snowplowing on west frontage road was discussed.

B. FIRE DEPARTMENT ~ Johns Stolp, Fire Chief

1. Runs: 0

2. New Member – Corey Schultz*

Mayor Scott Keigley motioned to approve, Councilor Jackie Hall second; DISCUSSION: City Attorney Tom Canan suggested placing a restriction on driving. **All in favor, motion carried.**

3. New Member – Adam Jurrens*

Mayor Scott Keigley motioned to decline Adam Jurrens application due to the background check, Councilor Kevin McDermott second; DISCUSSION: Results from attorney and deputy referral to give strong consideration to the background check. **All in favor, motion carried.**

4. Fire State Aide - \$9,176.00*

Mayor Scott Keigley motioned to cut check to the relief association, Councilor Kevin McDermott second; all in favor, motion carried.

5. Councilor Brian Breider questioned the criteria on background checks. FD decided to do this to weed out applicants. It's not mandatory in by laws or ordinances. However, the personnel policy requires it, and it gives an opportunity to see if the applicant has made amends. The fire department wants to have trustworthy people when going into burning houses. Mr. Stolp will research the practices of other fire departments.

6. 800 MHz radio issue. They radios were programmed wrong to begin with and then the fire department went to a call with Pine Island and radio got hot. They are supposed to withstand 40mph driving rain. They brought radio back to Olmsted County, and they gave Jerry new radio, and took old radio. Just received phone call that they want to charge city \$879 to repair it. Contract does not cover water damage. John or Gwen has never seen a maintenance contract for the radios. County bought the radios. There should be a warranty on the radios. Mr. Stolp will continue to look into this. City Clerk Cheryl Nymann reported to Mr. Stolp that Olmsted County will be sending the City a repair bill for the radio.

7. Mr. Stolp received a phone call today from Lyle Felch, acting asst. chief, for 6 month review with Rochester Fire Department. The meeting will be set up.

8. Elections last week. Secretary is Daniel Sundt, Dell Holt Asst. Chief, Adam Schaeffer Fire Chief. It will be effective in January at the annual meeting.

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

1. 5 runs; 3 Township, 2 City
2. Gwen Holt also had Adam Jurrens for 1st responder. When you go through training, the state certifies their background. He hasn't begun any classes yet. It is all public information.
3. Elections will be tomorrow night at their meeting.
4. 800 MHz meeting she's attended, she thought there was a warranty on the radios.

D. EOC ~ *Dennis Blanck, EOC Director*

1. Storm Spotters
A complaint that 1st Responders responding on storm spotter runs and didn't get paid for them. It's always been a fire department run, but he came out for it. Now, Olmsted County will page out first responders and fire department for storm spotters. Storm spotting is not an EOC call, it has always been a fire call run.
2. Money (\$850) from Gold Rush, would like it in his budget next year (not as part of the levy).

E. ORDINANCES & RESOLUTIONS

1. Ordinance Violations:
 - a. Outdoor Wood Fired Boilers*
 - i. Complaint Received
It is not an ordinance violation. It smokes when it is first loaded up. City will look at this and P & Z is currently looking at this.
 - ii. Dennis Blanck, Peter Dolan
The smoke either goes up or down, just wanted to show their pictures. There is no other source of heat for his shop and house. Pallets discussed, they're pine and oak. There is no ordinance violation on this, just a complaint on the amount of smoke. With fuel costs, the city may be seeing more of this. Mr. Dolan questioned the difference with burning wood stove in fire place in the garage or the house. City Attorney Tom Canan reviewed some of the requirements. This is at P & Z for regulating through ordinance.
 - b. Owner @ 505 7th St SW
 - c. Fences / Stakes in Road ROW
City Clerk Cheryl Nymann will send a letter and must be removed within a week.
2. Code of Ordinances (for January meeting)
 - a. Section 100 General*

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

1. No meeting this month

G. COMMUNITY CENTER*

1. South Doors
Mayor Scott Keigley motioned to rebid the doors, and purchase council tables out of this year's budget, Councilor Kevin McDermott second; DISCUSSION: having more octagon shaped so it's a true horseshoe table; **all in favor, motion carried.**
2. Council Table
Tim's discretion when ordering.

H. PARKS & TRAILS COMMITTEE ~ *Matt Jennissen, Chair*

No meeting held this month.
A reminder that Mr. Jennissen is stepping down as chair after the January meeting.

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

No meeting held this month.

J. STREETS & ROADS COMMITTEE

1. Directional Signs for Lake Shady Avenue & 5th Road @ West end of Overpass
2. Directional Signs for Vintage Road & 5th Street @ East end of Overpass

Mayor Scott Keigley motioned to place these directional signs, Councilor Kevin McDermott second; all in favor, motion carried.

K. PLANNING & ZONING COMMISSION

1. Recommendations & Minutes*

- a. Brandon Radke; does he understand the process of what needs to be done, the proper paperwork needed. Brochures for various processes also on the web site.
- b. Luis Merced Conditional Use Permit. Points of Discussion included:
 - He has a nice fence, but not out building, just a lean to for the horse;
 - Did he resubmitted permit between zoning class changes;
 - There's other places (besides the livestock ordinance) that allow livestock {5.02, par. 6 and 6.02, paragraph 12;
 - In October, the P & Z and Council accepted the new Ordinance, however he submitted his new application before the livestock ordinance was repealed.
 - City has always gone by the ordinance that is on the books at the time an application was made.

Mayor Scott Keigley motioned to allow Luis Merced to have the 1 horse because he meets the requirements for the CUP at the time of his application, and when the animal is gone it cannot be replaced, because it would be subject to the ordinance that is now on the books, Councilor Kevin McDermott second; DISCUSSION: Minutes and timeline on new ordinances were verified by looking back at previous months' minutes. **AYES: Mayor Scott Keigley, Councilor Kevin McDermott, Councilor Jackie Hall, Councilor Brian Breider, NAYE: Councilor Tom Novak.** Motion carried.

c. Wood Burning Boilers

Eyota regulates height of stacks, setbacks, to control what is allowed in the burner to prevent smoking, etc. Discussed concern with ash bore. IUP (interim use permit), timetable set on it and doesn't transfer with property. Council gave clear direction to P & Z; Eyota has a good sample ordinance. Have P & Z look over Eyota's and submit to Council. Do not ban them, but regulate them.

d. Parking Ordinance

Needs to be revised, and P & Z suggesting apply for an interim use permit, and when time up, review it, and grant IUP. What does "other vehicles mean"? P & Z would like to see the town cleaned up of junk in the yards. It would be for tractor trailers, and other stored items in front, side, back of yards. If semi regulated, it's different than someone parking their boat/camper on their property. Can the city function on the current ordinance? City Attorney Tom Canan; be clear about what problem needs to be fixed. City Clerk Cheryl Nymann will get model ordinance for LMC on IUP for trailers, set price on the IUP, and track.

2. Zoning Ordinance Revisions

Discussion regarding rewriting ordinance or writing ordinance is too time consuming for P & Z to do, and maybe the Clerk's office be doing this. P & Z would like to take it over after it is written. Council looks to the committees because that is their view on how the City should be run, not city running the city.

3. Project Summary Sheet*

4. Summary of Building Permits issued in 2007 (total of 42)

5. Annexation along east side of 3rd Avenue SW and north of CSAH 12

Discussion on creating an island effect, the area is part of the orderly annexation agreement, and the City can provide services to this area. **Mayor Scott Keigley motioned to annex the property along 3rd Avenue SW and CSAH 12, Councilor Tom Novak second; DISCUSSION:** Legal description contains 3rd Avenue? **All in favor, motion carried. Mayor Scott Keigley motioned to have approval in Resolution 07-12, Councilor Kevin McDermott second; voice vote all in favor, motion carried.**

6. Annexation along east side of MN Avenue & South of Cedar Point Dr SE

Need clarification on whether it meets up to MN Avenue. **Mayor Scott Keigley motioned to table on where property will be serviced from (MN Avenue access), Councilor Kevin**

McDermott second; DISCUSSION: It can be serviced another way from Cedar Point Road. City wants clarification that the property abuts MN Avenue or whether it's through another landowner's property. **AYES: Councilor Kevin McDermott Councilor Jackie Hall, Councilor Brian Breider** **NAYE: Councilor Tom Novak, Mayor Scott Keigley; motion carried.**

Break called for at 8:40pm

Reconvene at 8:45pm

7. Subdivision Ordinance (you were given this at the meeting in November to review)
Discussion: dressing up drainfields, River Park's looks so nice. Take what River Park has done and make it standard. MPCA will dictate where to put trees. **Mayor Scott Keigley motioned to add fencing of trees similar to River Park to the subdivision ordinance in future developments. Councilor Brian Breider second; all in favor, motion carried. Mayor Scott Keigley motioned to table subdivision ordinance, withdrew motion. Mayor Scott Keigley motioned to have Public Hearing on this ordinance January 9th @ at 6:30, have a joint water sewer committee at 7pm for presentation from Joe Palen on sewer flow study, and for the annual meeting, Councilor Jackie Hall second; DISCUSSION: Joe; take an hour. City Clerk Cheryl Nymann will notify water sewer committee. All in favor, motion carried.**
 - a. City Engineer Joe Palen discussed individual grading plans required for all individual lots (residential or commercial) contours, driveway, elevation, drainage, etc. There is a cost to it, and people might complain about it. Discussion on timeline for engineer to sign off on building permit site plan. Need to exempt undeveloped lots now.

L. WATER & SEWER COMMITTEE

1. Set Date to review study with water & sewer committee (done earlier)

V. PUBLIC FORUM

Called for three times, no one came forward.

VI. PETITIONS, REQUESTS & COMMUNICATIONS

VII. UNFINISHED BUSINESS

A. SNOW PLOWING

- i. It was clarified (and Mr. Fitzpatrick knows this) that if Riverwood Hills or Cedar Woodlands are not plowed within 24 hours, then we will send out the City's snowplow, and send Mr. Fitzpatrick the bill.
- ii. West frontage road; freezing rain discussed. County will not plow it, saying it is the City's responsibility. City Attorney Tom Canan restated that is not what the contract with MnDOT says. The City will send Olmsted County the bill after the plowing was done. Suggested to speak to Judy Ohly. Councilor Kevin McDermott and Mayor Scott Keigley will set up a meeting with Judy Ohly and Mike Sheehan concerning this. Until then, the City will plow and invoice Olmsted County. Streets & road committee (Scott and Kevin) makes decision on sanding, etc. Mr. Ottman had courtesy to call and ask what needed to be done.

B. 2008 BUDGET ~ City Clerk Cheryl Nymann

Budget didn't change. **Mayor Scott Keigley motioned for the General fund levy at \$325,703 for budget, Mayor Scott Keigley second; all in favor, motion carried.**

C. SCHOOL DISTRICT BOUNDARIES

Councilor Tom Novak stated Senjem and Demmer are in support of going to one district (with no preference). He attended PI School District Boundaries and notified them of City's intentions, and is looking to set up meeting with Rochester School Board. The steps afterward are to get state involved and hold community hearings about this. City Attorney Tom Canan opinion the council should stay out and not provide a preference to one school district over another. Discussion on the fact that information gathering a good idea, and possibly putting it on the ballot in November. School district attorney may have a view on it. City council members should be speaking as a

private individual, and not as a council, and can coordinate meetings. **Mayor Scott Keigley motioned stating** (withdrew). **Tom Novak motioned to explore options on how to have a level playing field in the city concerning the option of having one school district, Mayor Scott Keigley second; DISCUSSION:** Reword it. **Councilor Tom Novak amended his motion to be explore options of having one school district with City limits with option of possibly voting on it, all in favor, motion carried.**

D. WEB PAGES

Facts should be stated on the Public Forum or questions, not nasty comments City Attorney Tom Canan advised the City be careful on freedom of speech. It was suggested to get rid of the community forum. **Councilor Brian Breider motioned to get rid of the community forum, Councilor Jackie Hall second; DISCUSSION:** Councilor Tom Novak doesn't want to put his discretion on approving the message. Don't need to be part of the bickering. Oronoco is not the only city with problems with ice. **All in favor, motion carried.** **Councilor Brian Breider is willing to post minutes of all committee minutes, and motioned to do so, Councilor Tom Novak second; DISCUSSION:** Councilor Tom Novak will help him with it. **All in favor, motion carried.** City Clerk Cheryl Nymann will work with Deputy Clerk Sandy Jessen on a general update of the web site.

VIII. NEW BUSINESS

- A. LETTER CONCERNING MPCA PROPOSED RULE*
Doesn't apply to City.
- B. 2008 PROSECUTION SERVICES AGREEMENT WITH OLMSTED COUNTY*
Mayor Scott Keigley motioned to accept, Councilor Jackie Hall second; DISCUSSION: Change statute numbers: Statute 484.87 and 484.90 are the laws that govern this. **All in favor, motion carried.**
- C. ROCHESTER JUVENILE HOCKEY ASSOCIATION GAMBLING LICENSE RENEWAL*
Maybe parks dept. wants to take this over, and keep the money in the community. Councilor Kevin McDermott will take idea back to the Parks Committee. **Mayor Scott Keigley motioned to accept renewal, Councilor Kevin McDermott second; all in favor, motion carried.**
- D. TILLY'S TAVERN LIQUOR LICENSE RENEWAL*
Mayor Scott Keigley motioned to renew, Councilor Jackie Hall second; no complaints or reports from OCSO, **DISCUSSION:** (take it up with Public Safety)....social security number, etc. **all in favor, motion carried.**
- E. SMLM MEETING JANUARY 30TH, PINE ISLAND*
Councilor Tom Novak, Councilor Jackie Hall, Councilor Brian Breider, Councilor Kevin McDermott, City Clerk Cheryl Nymann, and Mayor Scott Keigley will be attending. **Mayor Scott Keigley motioned to post this as a quorum at this meeting, Councilor Tom Novak second; all in favor, motion carried.**
- F. WREATHS*
Don't need any.
- G. DEED REDEVELOPMENT GRANT PROGRAM NOTICE*
FYI
- H. LMCIT PREMIUM RATES & DIVIDENDS*
- I. SEMDC ~ Councilor Tom Novak

Posing as a City Administrator, part time for Chatfield, cannot afford full time, but fill void and maybe only need one here and there. As City grows, City may want to look at this. Interim period. Not budgeted for, but think about for 2009.

J. SET DATE FOR ANNUAL MEETING (completed earlier)

IX. CONSENT AGENDA

A. BUILDING PERMITS*

- | | | |
|------------------------------------|------------------------------|----------|
| 1. Allen Buck (AB Custom Builders) | 860 Cedar Point Lane SE | New Home |
| 2. Daniel Renier (H & H Company) | 785 River Park Road SE | New Home |
| 3. Amy Wittlief | 3628 110 th St NW | Sign |

THIS APPLICATION WAS DENIED FROM CITY HALL BECAUSE THE SIGN WOULD NOT BE ON THE PREMISES OF THE PERMIT HOLDER, PER REG. OF NEW SIGN ORDINANCE.

DISCUSSION: Seasonal signs and have a time period on how long they can be up. Let one do it, there could be numerous signs going up.

B. MEETING MINUTES*

1. 11-19-2007 Regular City Council Meeting Minutes
P. F. 3 C is Ord. 132
2. 12-12-2007 Special City Council Meeting Minutes PULLED
DISCUSSION: Replace general fund levy with corrected amount. Closed minutes state what exception, why it was closed, and any action that was going to be taken.

C. FINANCIALS

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

Mayor Scott Keigley motioned to pass consent agenda, Councilor Jackie Hall second; all in favor, motion carried.

X. ADJOURNMENT

Councilor Kevin McDermott motioned to adjourn at 9:57pm, Mayor Scott Keigley second; all in favor, motion carried.

Respectfully Submitted:

Scott Keigley, Mayor

Cheryl Nymann, CMC Clerk/Treasurer