

City of Oronoco
Public Hearing & Regular City Council Meeting Agenda Summary
December 21, 2009 @ 6:30PM

I. CALL TO ORDER

Mayor Scott Keigley called the Public Hearing to order at 6:30 pm

II. ROLL CALL

PRESENT: Mayor Scott Keigley; Councilor Brian Breider; Councilor Kevin McDermott; Councilor Paul Briggs; ABSENT: Councilor Jackie Hall

III. PUBLIC HEARINGS

• Request for Municipal Consent from MNDOT for the Elk Run Interchange Design Build Project: Resolution 09-15

Terry Ward made a presentation: He provided a summary sheet of 35.6 million dollars for total project costs. Necessary funding has been secured. Letting date set for April 7, 2010, with a construction completion set for fall 2012. It may take time to acquire the property and the right of ways. There is a 3 year time line for construction. Mayor Scott Keigley; but that doesn't necessarily mean it won't get completed until fall of 2012. Terry Ward; there are certain pieces that will get started like the interchange and the county roads, there are other pieces of the project that will be the last pieces of the puzzle; some of the right of ways may not be finished until fall 2012. Mayor Scott Keigley; how about access, will we lose access at the north interchange? Terry Ward; The commitment that MnDOT is willing to make is we will not close those right in's and right out's until the frontage road system is built and the interchange is in operation and traffic can be served. It is likely that won't happen until 2012. Councilor Kevin McDermott; with that, has it been looked at for a concern to get one or two emergency turn a rounds put in place, is there a place or two where we can get an emergency turn around somewhere in the corridor, if there is an accident in the south bound lane, the emergency vehicles will have to go all the way up to the new interchange and back. Terry ward; you can put that in as a condition under municipal consent, I would encourage you to think about where the best area would be for that access? We can do something like that, but think about the location. Councilor Kevin McDermott; but it shouldn't be a problem? Terry ward, no. Councilor Kevin McDermott; that was one of my main concerns. Terry Ward; we can accommodate you with something like that. You would probably want that plowed in the winter time, keep in mind that there may be people who want to use that, it may have some down sides if there are other people besides emergency control who would want to use it. Councilor Brian Breider; worst case scenario would be in the fall of 2012 to get that service road in? What would be the soonest that interchange would be up and that service artery could be in? Terry Ward; there is a long shot chance the interchange could be completed by the fall of 2010, it is more likely it will be in some time mid to late 2011, MnDOT is not going to pay an incentive for a fast schedule. Councilor Brian Breider; my concern is all that traffic will be dumped down 3rd avenue until that road is complete. Terry Ward; this interchange can help operate traffic along a different direction. We could look at a staging requirement; it can be written into the contract, if you would like it under Municipal consent, mention it as a concern. Terry Ward presented a sheet on funding milestones; this is not just MnDOT, the city and developer needs to take some steps along the way. Terry Ward talked briefly about the map, green shows the future. On the north end of the project up by the Gun Club area, MnDOT is extending the frontage road up to a new city street to tie into county road 11. This is in the scope of work. Lastly, Access Management Road Classification map, this shows the type of roadways that MnDOT is putting in service. It shows a short piece of the frontage being within the city limits of Oronoco, so there may be a need to have some discussions with Pine Island to talk about the maintenance responsibilities of the road where the lines merge. The City Administrator of Pine Island is happy to talk with you. You should probably see the appraisals on this in mid to late February. Councilor Kevin McDermott addressed Gwen Holt to let her know that the City of Oronoco and MnDOT need to come to an agreement about the best location with crossovers. Gwen Holt; once the access roads close on the north end, it is a long distance to the overpass. I'm interested to see how that will work for the best. Councilor Kevin McDermott; we need to find a suitable location that will work the best. Gwen Holt; we can talk about it at our next meeting, there is a concern as the

highway comes through Oronoco, it would be nice to have something in place, before the new interchange. Gwen Holt; we have talked about it being some place by where MN avenue used to cross the highway, but we have to think about traffic control and line of sight. Terry Ward; I think it should be away from the interchange. Mayor Scott Keigley; any further questions for Terry? Discussion: Mayor Scott Keigley; so I guess I have to write in on the EMS Access points and the fact that we want it in writing that the west side frontage road won't be open until the additional frontage road is built, so that 3rd avenue won't be used. Does anybody have anything else? Brian Brieder; Sounds good to me. **Mayor Scott Keigley motioned that we approve Resolution 09-15 with the two additions I just mentioned which were the EMS access points, and the right in access. Councilor Kevin McDermott second. Mayor Scott Keigley ; okay, Resolution 09-15 Request for Municipal Consent from MnDot for the Elk Run Interchange Design Build Project that will approve the extension of the frontage road so 3rd avenue won't have to be used anymore , Voice Vote: Paul Briggs-Aye; Kevin McDermott- Aye; Mayor Scott Keigley –Aye; Councilor Brian Breider –Aye; Mayor Scott Keigley; Resolution 09-15 passes.**

Mayor Scott Keigley suggested we take a short recess from 6:50 pm until 7:00 pm until the regular City Council meeting begins.

• **7:00pm Set Final Tax Levy Collectible in 2010: Resolution 09-14**

Mayor Scott Keigley asked if anyone would like to speak or comment about the setting of the Final Tax Levy at this time.

Darren Cafourek of Woody's Auto in Oronoco MN asked to speak; I just got the proposed taxes, and I would like to know why they are getting raised so high, mine was almost doubled. Mayor Scott Keigley; This is a Public Hearing to Set the Final Tax Levy Collectible in 2010, there is a separate meeting from tonight for tax value, tonight it is for the tax roll. Darren Cafourek; I thought it was supposed to go up over 15 years, Mayor Scott Keigley; the budget is about the same. Darren Cafourek; it is ridiculous that it almost doubles. Councilor Brian Breider; was there a change in the classification of your property? Darren Cafourek; it has always been commercial. Mayor Scott Keigley; do you know what it went up value wise? Darren, the value did go up quite a bit on paper, but not that much, to have that much of a rise. Mayor Scott Keigley; we have stayed consistent with our tax rate. Councilor Kevin McDermott; when you say double, are you referring to your actual taxes? Councilor Brian Breider; do you know your taxes from last year? Mayor Scott Keigley; the other meeting would be a better place to address your issue. Darren Cafourek; this much of a tax rise, it will push some people out; there are very few businesses in town. Councilor Kevin McDermott; are the city taxes doubling? Darren Cafourek; yes. Attorney Fred Suhler; come to the county assessment in the spring, they are the ones that set that, since the property value doubled, that is why everything doubled. Councilor Kevin McDermott; you can make an appeal to the value in the spring. Mayor Scott Keigley; the county has to have the same hearing. Councilor Brian Breider; the hearing tonight is just on the levy, and that has stayed pretty flat.

Mayor Scott Keigley; are there any other questions regarding the tax levy? **Mayor Scott Keigley made a motion to accept Resolution 09-14 to set the Final Tax Levy Collectible in 2010. Councilor Kevin McDermott second; Voice Votes: Paul Briggs – Aye; Councilor Kevin McDermott- Aye; Mayor Scott Keigley- Aye; Councilor Brian Breider- Aye. Resolution 09-14 passes.**

IV. APPROVAL OF AGENDA

Mayor Scott Keigley made a motion to approve the agenda with the addition of adding Tilly's liquor license under Unfinished Business. Councilor Brian Breider second; all in favor, motion carried.

V. PUBLIC FORUM

Mayor Scott Keigley; 3rd and final call for public forum. Public Forum closed at 7:20 pm.

VI. DEPARTMENTS & COMMITTEE REPORTS

A. OCSO ~ Sgt. Mike Morrow

B. FIRE DEPARTMENT ~ Chris Stolp, Fire Chief

1. Runs – 3 medicals, 2 auto accidents

New Applicant: Allen Kronebusch will need to take the classes if we accept him, his background came back clear. **Councilor Kevin McDermott motioned to accept new member Allen Kronebusch, Mayor Scott Keigley second; all in favor, motion carried.**

2. Rochester Contract – the contract is not being renewed by Oronoco. Councilor Brian Breider; it was in the paper that we are not contracting with them. Chris Stolp; the contract is ending on the 31st; it shouldn't be a big deal.
3. New Officers: Chief – Dan Sundt, Assistant Chief – Chris Stolp, Secretary- Eric Simon
4. Sirens – complaints that the sirens go off too often and too long. Councilor Paul Briggs; can it be shortened? Chris Stolp, it could be shortened, but it would have to be done on next years budget, we could put it on a higher place in town so it wouldn't be so loud. Councilor Brian Breider; can you put some options together for us? Chris Stolp; the only thing we could do is put in a new control module. Mayor Scott Keigley; let's look into it because it definitely goes off a long time. Chris Stolp; I will get something put together in the next month. Councilor Brian Breider; I would like to thank you for your contributions, thank you for reaching out to other government bodies. Councilor Kevin McDermott; thank you to Chris, and welcome to Allen, and congratulations to Dan.

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

1. Runs – 7: 3 city, 4 township
2. New Officers: Director – Jeff Allhiser, Asst. Director – Gwen Holt, Secretary – Vicki Stolp, Training Officer – Tina Stolp
3. 1st Responder Billings – recommend not pursuing at this time. Gwen Holt; in one of my last duties as director, I talked with Sandy about billing for traffic accidents as I mentioned to the council previously. I also did some research with other services in the area to determine what they might be doing with any billing. I checked with Byron First Responders and learned they do not bill for any of their services. I also checked with Sue Kester from Chatfield Ambulance. Sue is well connected in the EMS field, with good contacts in SE MN. She did some research for me and determined the squads that are billing are billing as a Fire Department, and they are billing for Extrication, traffic safety and such. She told me she specifically checked with Stewartville (a combined Fire and First Responder squad, similar to Pine Island) they do not bill anything medical. For auto accidents, they bill insurance companies and never directly bill the patient; they trade out supplies from Gold Cross on all their calls, so there is no cost to recover there. I reported my findings at our December meeting and we discussed the issue, we've determined this is a good idea but we do not believe it should be pursued at this time. I do not think we want to be the first service in the area to bill for traffic accidents. Mayor Scott Keigley; we don't get many traffic accidents anyway. Gwen Holt; we don't typically get many; the accidents on 52 have mostly been single vehicle accidents. It is nice to not be responding to many critical accidents. I would like the council to agree that we will just leave it alone. Mayor Scott Keigley; thank you for stepping up Jeff.

D. EOC ~ Chris Stolp, Director

1. New Director – Pat McGovern.

E. PERSONNEL

1. December 31st – closed – City Staff would like to be closed on the 31st and will use PTO. **Mayor Scott Keigley motioned to close on December 31, 2009, Councilor Brian Breider second, all in favor, motion carried.**
2. Change January 18 & February 15 Regular City Council Meetings – legal holidays; need to set new meeting dates. **Councilor Kevin McDermott motioned to change the dates to January 20th and February 17th; Mayor Scott Keigley second, all in favor, motion carried.**

F. ORDINANCES & RESOLUTIONS

1. City Code – update: addition to the 400 Utility Code for water availability fees, changes suggested are included in the council packet and the changes have been entered in the Code 400 Utilities Future Sewer and Water as well. 500 Code changes include 3.2 alcohol verbiage and a suggestion that council pull all the fees out and when Council looks at the

new fee schedule Ordinance next month to add them to that Ordinance, so the fee schedule can be changed yearly and not the whole code. Also, included is the open burning Ordinance.

2. Ordinance Establishing Building Safety Department and Fees (supplied from Byron): Byron has supplied an ordinance setting the building permit fees for the New Year. **Mayor Scott Keigley motioned to accept the changes, Councilor Kevin McDermott second, all in favor, motion carried. Mayor Scott Keigley motioned to adopt the ordinance based on the sample that Byron sent us. Councilor Paul Briggs seconds, all in favor, motion carried.**

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

1. Meeting Minutes – Councilor Kevin McDermott; we did not have a meeting this month; we need to get together with Fred to get the ordinance together. Attorney Fred Suhler; I need to clarify with Carol Olson. I have a question as to her intent. Councilor Brian Breider; there is a question you have to have answered by Carol? Attorney Fred Suhler; we have never imposed such a fee. Councilor Brian Breider; Carol would collect them and have them paid to the city, those on private property, the other purpose of the ordinance would be to provide more control over the private property lots. Attorney Fred Suhler; the other part of that process, at that point the city would be required to pick up the costs, the city would pay the cost of trash and law enforcement. Attorney Fred Suhler; I need Carols take on what that is expected to be.

G. PARKS & TRAILS*

1. Meeting Minutes – Councilor Paul Briggs; we are continuing to discuss the public garden plot within the city limits. We lost a member effective the end of this year. Grant Baumann will be stepping down.

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

1. Update

Judy Ohly – Lake Shady Recommendation for 2010 Bonding: request City Council support for a State Bonding Request to fund the additional studies recommended by the Lake Shady Stakeholder’s Group. The Lake Shady stakeholders group has completed its review of available information regarding Lake Shady and the Oronoco dam. While the group has not yet finished drafting its report, the group did identify four items that need additional study before a final recommendation can be made. This includes information to better characterize lake sediment deposits, the current lake sedimentation rates, cost/benefits of restoring the lake or stream, and a legal opinion on lakebed ownership. The stakeholders recommend that the City of Oronoco and Olmsted County seek bonding funds from the Minnesota Legislature in the 2010 session to fund the additional studies that are needed.

1. A sediment characterization study to identify a) limits on the beneficial use of the sediment that has been deposited into the lake since the lake was formed and b) the economic value of the underlying glacial deposits of sand and gravel.

2. An economic analysis to identify costs and benefits of the two restoration options – restoring the area to an open water lake or restoring it to a free-flowing stream reach.

3. A study to assess the current sediment loading rates into Lake Shady.

4. An attorney’s opinion regarding the current ownership of the lakebed.

City Council action is requested to support for a State Bonding Request to fund the additional studies recommended by the Lake Shady Stakeholder’s Group.

Typically a match of 50/ 50 is required when a bond request is made. \$250,000 is needed to do the studies. Bond requests, with Olmsted County and city of Oronoco. Judy Ohly; we would like to have Oronoco take the lead with this request, because it is so important to the city. There is not a lot of money at the local level to protect the clean water act. I would like to present an idea to you tonight, looking for thought and feedback, can we ask that question back to the voters again, this fall if people would be interested in allocating dollars at just the local level. The bottom line, there needs to be local match even if the state has

money available. I would be happy to hear back from you regarding the ballot question. I am setting up a meeting in January to see if we can even do it. I hope that we have some valuable aggregate to help off set the costs. I can talk with Senjem and Demmer to see if maybe we can negotiate a smaller match because the city is so small. Mayor Scott Keigley: I have talked to them at the State Capital. Judy Ohly; I am asking the council to take the lead on paper. Mayor Scott Keigley; any questions? Attorney Fred Suhler; Who do you think will own the aggregate, if it is under public water then it is the state of MN, if it is land that is somebody else's', then they own the aggregate. Judy Ohly; that is why we need the attorney's opinion. **Mayor Scott Keigley motioned for the city to support state bonding request, and that the city takes the lead, Councilor Kevin McDermott second, Voice Vote: AYES- Councilor Kevin McDermott , Mayor Scott Keigley, Councilor Brian Breider, NAYES- Paul Briggs, motion carried.**

I. COMMUNITY CENTER*

The ice rink is up and going. Council Chambers have new chairs.

J. STREETS & ROADS*

We were able to finish crack filling and potholes before the first snow.

K. PLANNING & ZONING*

1. Meeting Minutes –

2. Communications Committee

- Meeting Minutes

- American Legal Code of Ordinances Proposal - \$7750 – American Legal will take the city's existing ordinances and resolutions and combine them in one book and classify them into titles, chapters, and sections, according to subject matter. They will also make suggestions on including new and deleting some older provisions.

- Website: MLT: \$3588 (one time) + 99/mo., CWS: \$2810 + 44.94/mo., GovOffice: \$1375 + \$360/yr., ConXis: \$7280 + \$240/yr. Committee recommends GovOffice.

Councilor Paul Briggs; the committee recommends the city go with gov office, we did a trial, it was simple to manipulate. Mayor Scott Keigley; will the communications committee be doing the updating of the web site? Councilor Paul Briggs; the committee will be doing a majority of it. Mayor Scott Keigley; we need to make sure it is okay for Sandy and Lynn. Attorney Fred Suhler; Chatfield uses it; Cannon Falls and Plainview also use it. Councilor Paul Briggs; the committee is going to discuss a work group approach. Gov office offers good features that wouldn't require a professional. **Mayor Scott Keigley motioned to go with gov office for \$1375 + \$360/yr., Councilor Brian Breider second, all in favor, motion carried.** Councilor Paul Briggs; Fred could you please offer council some direction as to what codification is? Attorney Fred Suhler; City's historically passed ordinances that were serially numbered. After a while cities tried to start organizing ordinances in a way that is more logical, codification can be an extensive process, by looking back at all the ordinance and putting them in a logical order, for example, making sure the ordinances are consistent with grammar, making sure nothing is obsolete, for example, getting rid of old laws that aren't needed any more. We basically took the Plainview ordinances and copied them to be the new city code for Oronoco. I don't think we need a codifier to go back and look at all the ordinances. Councilor Kevin McDermott; there has been a lot of time spent on this. Attorney Fred Suhler; what it needs now, is to go through it one more time to make sure there aren't any more grammatical changes that need to take place. Sandy Jessen; now that the three ordinances are finished, have council look at the complete code in January and then it would be ready to adopt. There are probably some spell check errors and numbering errors. Attorney Fred Suhler; there are some formatting inconsistencies. Councilor Brian Breider; there has been a lot of work, part of the thinking is how do we keep it current and make sure it doesn't go static. How do we maintain the changes and keep it current, the staff will need to manage it. Mayor Scott Keigley; since it is new set of codes a codification wouldn't need to be done right away anyway. Mayor Scott

Keigley; does anybody want to make a motion at this time. No motion made. Mayor Scott Keigley called for a 5 minute recess at 8:10 pm.

Meeting called back to order at 8:20 pm.

L. WATER & SEWER*

1. Minutes
2. Updates – City Engineer Joe Palen; the project ground to halt with the weather, in the last week the contractor has been installing hydrants. By the end of this week they will pretty much wrap it up for the year. They have installed about 2/3 of the pipe. They will resume construction next spring. In the interim the shop drawings for the tank are done and will need approval of them in the coming weeks.
3. Pay Requests: Ellingson - \$541,834.49, Bonestroo - \$23,653.08, they have been submitted to PFA for reimbursement. **Mayor Scott Keigley motioned to pay the two requests associated with the water project. Councilor Paul Briggs second, all in favor, motion carried.** Funds will be sent out by the end of this week, the requested amount was approved.
4. Application for Small Community Waste Water Technical Assistance Grant – City Engineer Joe Palen; a follow up with the MPCA, Sheila and I have been brainstorming with the water and sewer committee and there are these Technical Assistance Grants that allow you to evaluate to see if existing sewer systems to determine if they are compliant or not compliant, and then look for ways to provide soil based treatments. And the angle that I am looking at is making this application to do the evaluation, one of the options available is people put in a collection system and treat it in a community setting. This is one option, there may be other options. If we are successful, it will basically give us some funds to study the best means of collecting this base and then providing some type of interim treatment, assuming the city will someday have in place a municipal system in place for collecting and treating the waste. There is available up to a \$40,000 grant, there is no match requirement, Sheila would be doing the grant with a modest amount of help from City Engineer Joe Palen. We would like permission to put the application together apply for the grant. If we are successful, if we are successful and come up with some options part of the report that is produced from this could be used for additional funding for other project costs. It is the first step; there is not much risk for the city because there is no match required. Councilor Brian Breider; is there a deadline? City Engineer Joe Palen; there is no deadline, and according to Sheila this program is underused. **Mayor Scott Keigley motioned to allow Joe and Sheila to move forward with the application for this TAG grant, Councilor Brian Breider second; all in favor, motion carried.**
5. Oronoco Auto Parts – They would like to be part of the water service, they are agreeable to terms of full assessment amount. They are on a sand point well now. Councilor Brian Breider; do they have any industrial use for the water? Mayor Scott Keigley; no they don't wash vehicles. City Engineer Joe Palen; they would be subject to the city water rates. They would like 6 months to pay \$1000.00 a month, since we can't levy against them since they are not in the city. They agreed to be subject to the cities water ordinance. Mayor Scott Keigley; have Fred draft an agreement to pay a set amount each month and abide by the city's rules, and there would be no annexation as part of the agreement. **Mayor Scott Keigley motioned to allow Oronoco Auto Parts to connect to our water project, under the terms of agreement, Councilor Kevin McDermott seconds, all in favor, motion carried.**
6. **Darren Flicek – water service** – a petition and waiver agreement he has been provided. He is currently receiving water through the Presbyterian Church well. We weren't aware he was on a shared well. He would like to be added to the project. If we would have know it was a shared well, we would have included him in the project, the proposal is to add him to the water service, Attorney Fred Suhler has written up the waiver for him to sign. **Councilor Kevin McDermott motioned to bring Darren Flicek into the project; Mayor Scott Keigley seconds, all in favor, motion carried.** City Engineer Joe

Palen; FYI in the next coming months to get our name on the project priority list, just in case something were to come up. The application for being on the Project Priority List deadline is in May.

VII. PETITIONS, REQUESTS, & COMMUNICATIONS*

- A. Orderly Annexation Agreement – fees - Sandy Jessen; there were a number of drafts of the annexation, council was presented with one that has been superseded. Wondering if council wants to revisit it. The free meeting room use and the paragraph on undeveloped land are different. Does council want to go back to adopt the fee of \$150.00 per developable acre and should that fee be charged to the developer? Should that be included in the new fee schedule? Mayor Scott Keigley; we should revisit with township and let them know there was error, set up a meeting since it is time to sign again. It would be good to sit down with them again, since it has been a few years. Councilor Brian Breider; so the existing one expires at the end of the year, Sandy needs answers on the annexation. Mayor Scott Keigley; on the 2nd part, passing that fee along to the developer should it be included with the fee schedule? Councilor Brian Breider; it needs to be clarified. **Mayor Scott Keigley motioned that we add that fee into the fee schedule so it can be set with the other fees.** Discussion: Councilor Paul Briggs; do cities typically do that? Attorney Fred Suhler; in the case of fair land, the city is likely to lose money on the taxes. **Paul Briggs second, all in favor, motion carried.**
- B. Zumbro Hills Annexation Payment - \$11,714.22 due for the 2009 payment schedule. This is five year payout. **Mayor Scott Keigley motioned to pay the amount to township as it was agreed upon in the payment schedule.** Discussion: Councilor Brian Breider; was this because of a gap in personal change? So we're finding this out on our own. Do we have budget for it? Sandy Jessen; it came out of the Planning and Zoning budget. **Paul Briggs second; all in favor, motion carried.**
- C. Auditor Services - \$7950.00 for 2009 audit. **Mayor Scott Keigley motioned to pay Tom Cummings; Councilor Kevin McDermott second; all in favor, motion carried.**
- D. Olmsted County Planning – offer to continue service. Sandy Jessen; Olmsted County is willing to continue with the city if the city would like to; he knows that the city has already signed a contract with Byron. **Councilor Paul Briggs motioned to respectfully decline Olmsted County's offer, Mayor Scott Keigley second; all in favor, motion carried.**

VIII. UNFINISHED BUSINESS*

- A. CIP- update: there are two comparisons provided by Mike Bubany. Councilor Paul Briggs; did you see the changes I proposed to Mike? He feels we can bond for that less the cash we had set aside already for city road improvements. Mike Bubany reordered it, basically with out having to go through the whole thing. **Councilor Paul Briggs motioned to accept the new CIP plan, Mayor Scott Keigley second.** Discussion: Mayor Scott Keigley; this document is not set in stone. **All in favor, motion carried.**
- B. Munson – excavating land; complaints about hauling out soil and the mess that has been created by the digging and hauling. Mayor Scott Keigley; Fred what are our options since he has not been conforming to anything we have asked from him. Councilor Kevin McDermott; there is no grading plan. City Engineer Joe Palen; he is mining top soil. City Engineer Joe Palen; he was sent a grading plan, but nothing was approved. Mayor Scott Keigley; there were stipulations; there were certain articles that needed to get signed by the property owner. Councilor Kevin McDermott; with spring flooding, there are going to be more complaints. Attorney Fred Suhler; the city could send a deputy out for a ticket for ordinance violation, or sue him. These cases are not easy, because some people won't comply. You could have the City Attorney write a letter to him. **Mayor Scott Keigley motioned for Attorney Fred Suhler to draft a letter to him stating that he has until the end of January to comply with all that we have asked him to comply with, Councilor Paul Briggs second;** Discussion: Councilor Kevin McDermott; are there any other options? Attorney Fred Suhler; he is in violation and it is a crime or sue him, but it is expensive and it takes a lot of time. Lucille Hassler; he is breaking the contract and we have hired an attorney. **All in favor, motion carried.**

- C. Tilly's liquor license- the fee structure is not going to change this year. **Mayor Scott Keigley motioned to approve the license. Councilor Kevin McDermott seconds, all in favor, motion carried.**

IX. NEW BUSINESS*

- X. **CONSENT AGENDA*** Mayor Scott Keigley motioned to approve the consent agenda; Councilor Kevin McDermott seconds, all in favor, motion carried.
 - A. APPROVED BUILDING PERMITS*
 - B. TASK LIST
 - C. MEETING MINUTES
 - 1. Regular City Council Meeting Minutes – 11-16-2009
 - D. FINANCIALS
 - 1. MBIA Account Summaries
 - 2. Budget – available at the office to view
 - 3. Accounts Payable ~ General & Special Funds
 - 4. Accounts Receivable
 - 5. Transaction Report

ADJOURNMENT- Mayor Scott Keigley motioned to adjourn, Councilor Kevin McDermott seconds, All in favor, motion carried with adjournment at 9:05 pm. Respectfully Submitted,

Assistant Clerk

Mayor