

City of Oronoco

Regular City Council Meeting Agenda

March 19, 2007

7:00PM

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF AGENDA

Additions: VIII. F. CALL FOR EQUIPMENT RENTAL & ROCK BIDS
IV. H. 2. Feasibility Study on West Frontage Road

Please note that other items were moved up on the agenda.

IV. DEPARTMENTS & COMMITTEE REPORTS

A. OCSO ~ Sgt. Tom Clayman, OCSO

B. FIRE DEPARTMENT (OFD) ~ Delbert Holt, Assistant Fire Chief

1. 2 runs (hwy. accidents)
2. New Application*

Shelley Harms was present and is aware that a 1 year commitment to the OFD or she reimburses the City for training. **Mayor Scott Keigley motioned to approve pending successful training (background check complete), Councilor Kevin McDermott second; all in favor, motion carried.**

3. Pine Island Citizen Concerns

OFD is still in talks with Rochester Fire Department on an agreement. If the City needs them, the officers will call Olmsted County mutual aides and Rochester will come out to cover the City during the daytime hours.

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

1. Runs: 8 Runs in February: 6 Township, 2 City
2. Is Council still interested in meeting w. township on 1st Responders?

Oronoco Township is happy to meet with the city. An agreement is appropriate for this. Councilor Jackie Hall will meet with Gwen Holt, 1st Responder Director and Township.

D. EOC ~ Dennis Blanck, EOC Director

1. One home sandbagged during the recent flooding. Discussion on concerns that the dam wasn't open because of broken chains (flashboards were up). Dennis Blanck, EOC Director stated that if the Lake is a threat to those residents then EOC Director should have the authority to order the raising and lowering the dam; and If the dam is inoperable, the City should be notified. County and City responsible for cleaning out the culverts (depending on who's road it is).

2. Purchase of Sandbags

The City received some from Olmsted County previously. Dennis Blanck, EOC Director encouraged the City to have some on hand; and suggested purchasing 5,000 of them for \$500.00. **Mayor Scott Keigley motioned to purchase 5,000 sandbags for \$500 for EOC, Councilor Kevin McDermott second; all in favor, motion carried.**

3. Cost of sand & sandbags

Contact Jech's for possible sand purchase. Need to look into a possible tandem for delivery of bags/sand.

- E. **PARKS & TRAILS ~ Matthew Jennissen, Parks & Trails Committee Chair**
1. T Ball again this year on Tuesday nights, ages 4-6; sign up end of April.
 2. Women's softball league, another team of \$75 league fee.
Councilor Kevin McDermott motioned to pay \$75 softball league fee, Councilor Jackie Hall second; all in favor, motion carried.
 3. Matt met with Kevin Cardille and Doug from Pine Island at River Park. Pine Island had issues on how the concrete pad was put down; that's why they have had problems getting everything in straight. There should be footings in the concrete. They will redo and get it done as soon as possible. They are devoted to having it look right. They will pull off the shingles, and re do the roof. What if they need additional supplies? There are some brackets that they will make in their shop, and there's some soffit and fascia still out there. No additional costs for the City.
- F. **ORDINANCES & RESOLUTIONS**
1. Ordinance Violation on Riverwood Drive*
 - a) Ordinance Violation #1: business equipment storage
Each day is considered a new violation, but the solution is to overhaul the entire home occupation ordinance. This ordinance will be sent to P & Z. If outside storage of equipment (trailer) related to a business that is a violation. And they have signs on the trailers. City Attorney Tom Canan stated if it is only a question of where you can park trailers, it is ok; but is he running an illegal home occupation? Home occupations should have a permitting process. Councilor Tom Novak stated if the person's trailer is in the drives it's ok. Check one more time to see if they're there. If in violation write another ticket out. OCSO will drive by and then talk to City Hall with the outcome.
 - b) Ordinance Violation #2: business equipment storage
City Attorney Tom Canan 2 angles again. Ignore home occupation piece of it. City really needs to overhaul home occupation ordinance.
 2. Animal Ordinance Violation*
 - a) Sent letter (3 complaints, same dog)
OCSO will continue with this issue. The new animal ordinance will be attached to another Public Hearing Date later in the agenda.
 3. Dog Catcher*
Information is for housing of animals, not a dog catcher; this will be placed on next months agenda.
- G. **DOWNTOWN ORONOCO GOLD RUSH DAYS ~ Danny Ondler, DOGR Chair**
1. Looking at possible entertainment, and where to have it. 23 food vendors (limit of 25). Reviewing administrative assistant duties. Potential of another port-a-potty vendor in place of the current one because they are a better price; but will be checking references and making sure they service well. Also spoke to OCSO and how he will be bringing in someone else during the event due to training that he will be attending.
- H. **STREETS & ROADS**
1. Traffic Study on Minnesota Avenue
City Clerk Cheryl Nymann will request a traffic count from Olmsted County.
 2. **Feasibility Study on West Frontage Road ~ City Engineer Joe Palen**
He evaluated 2 options on the West Frontage Road. It is a ½ mile roadway.
 - a) Rural (points of discussion were as follows)
 - ⇒ 36' wide (Lanes with 6' side 100' ROW could acquire 80' row with addition of easements).
 - ⇒ Ditches convey the storm water that flows from the south and west, and; retention pond for stormwater improvements (as per the MPCA stormwater permitting process).
 - ⇒ Accommodates bicycle traffic.
 - ⇒ Developed 'ghost plat' on how this area will ultimately develop (just a concept), but needed to look at utilities, etc.).

- ⇒ There is nothing planned to put in turn lanes (generally funded by the developer at that time).
 - ⇒ Request for green space includes the west side from the Elm Ave SW (west of the cottonwoods that may be wetlands) {conservation easement}.
 - ⇒ Requires acquisition 4.22 acres of roadway Right of Way
 - ⇒ Cost would be \$650,000 (does not include Right of Way acquisition)
- b) Urban (with curb and gutter)
- ⇒ no ditches
 - ⇒ Accommodates 1 way directional bicycle traffic.
 - ⇒ No ditch sections (blue dashed sections include ditches for volumes of stormwater conveyance to the pipe. Pipe sizes range from 15" tp 36" pipe.
 - ⇒ Improvements the same, utility corridors the same. Benefit is 66' row (with exception of ditch).
 - ⇒ Ghost plat smaller than the rural section.
 - ⇒ Requires acquisition 5.72 acres of roadway row, rural 4.22 acres
 - ⇒ Cost would be \$785,000 (does not include Right of Way acquisition)

Mayor Scott Keigley and City Engineer Joe Palen had a meeting with Mr. Hall, he was generally supportive on the east side of the proposed frontage road, and requested a conservation area on the west side of the proposed frontage road. Mr. Hall wants \$100,000 per acre. The City should hire an appraiser to estimate the value of the property. Discussed 9 conclusions and recommendations for Council's consideration, including annexation and acquisition of property, rural vs. urban street, assessing & deferring to the profiting property owner (minimum of 20%), and combine this project with 5th Street SW improvement, time frame, and scheduling of the project.

Mr. Palen provided an aggressive schedule, and depends on how hard Council wants to pursue it, and how negotiations go with the land owner. City Attorney Tom Canan added that the City also needs to consider how 3rd Avenue and 12th Street project will be going along. When MnDOT pulled this the cost of this project was \$570,000 (w/ out row acquisition). Council needs a basis to negotiate from. Schedule could slide about a month. One of the benefits is that there is already a construction company already here for the Hwy. 52 road project. **Councilor Tom Novak motioned to authorize City Engineer Joe Palen and City Attorney Tom Canan retrieve appraisals, Councilor Jackie Hall second; DISCUSSION: Councilor Tom Novak amend his motion that the appraisal is to not exceed \$2,000; all in favor, motion carried.**

5 minute break at 8:30pm
Resumed at 8:40PM

I. PLANNING & ZONING , Carl Riess, P & Z Vice Chair

a. Report from Carl Riess, P & Z Vice Chair*

i. Oronoco Commercial Park Preliminary Plat

Vince Fangman was present representing Kevin Henry. Points discussed were:

- 5 lot plat, and drainage plans given back in 2005. Wetlands delayed the project in 2005.
- Access driveways approved by Olmsted County (common access to lots 2 & 3 and 4 & 5 {opening 80'}, and one access to lot 1.
- Plenty of row for the future in the platting process.
- Reviewed drainage areas, collection ponds and wetland areas.
- Suggested that the speed limit on MN Avenue should be looked at in this area.
- Driveway will be moved 50' to the north.
- Oversize well already in place.
- Community sewage easement (labeled common drainfield).
- Access to common drainfield will be behind Lot 1, 2, 3. No additional water will be drained into MnDOT's right of way.
- Land owner will maintain storm water ponds in the future.
- Drainage report and hydraulics will be looked at by City Engineer.

- City Engineer Joe Palen doesn't see any huge issues. Shared septic (lot owners take responsibility to maintain systems). They'd be responsible from an environmental standpoint as well. **Councilor Tom Novak motioned to approve preliminary plat, conditional on approval of drainage plan by City Engineer Joe Palen, Councilor Jackie Hall second; all in favor, motion carried.**
- ii. Appointment of new member
Councilor Tom Novak reported that P & Z talked about this in length and felt that Adam Brase is the best individual to fill the vacancy and that it was unfair to Adam on how it was voted down at the last meeting. There was one more application received from a resident on the east side of town. **Councilor Tom Novak motioned to accept Adam Brase to the P & Z Commission, Councilor Brian Breider second; DISCUSSION:** Discussion on what the by-laws recommend and the fact that it is in place for situations like this. **AYES: Councilor Brian Breider, Councilor Tom Novak, NAYE: Councilor Kevin McDermott, Mayor Scott Keigley, Councilor Jackie Hall; motion fails. Mayor Scott Keigley motioned to appoint Justin Beaukamp to the P & Z Commission, Councilor Jackie Hall second; DISCUSSION:** Mr. Beaukamp had previously applied. **Mayor Scott Keigley, Councilor Kevin McDermott, Councilor Jackie Hall, NAYES: Councilor Tom Novak, Councilor Brian Breider; motion carried.**
- iii. Appointment of Chairman & Secretary
P & Z recommends Chairman to be Carl Reiss, and Vice Chair to be Doug Gillard. **Mayor Scott Keigley motioned to accept this recommendation, Councilor Brian Breider second; all in favor, motion carried.**
- b. Training meeting for P & Z date is March 28th from 6:30pm – 8:30pm
- c. Final Plat Submittal for Oronoco Commercial Park*
Issues that drainage report not done. **Mayor Scott Keigley motioned to hold a public Hearing on the Final Plat for Oronoco Commercial Part on April 16th at 7:30PM, Councilor Jackie Hall second; all in favor, motion carried.**
- d. Summary of Applications & Permits*
FYI

J. COMMUNITY CENTER

No report.

K. PERSONNEL COMMITTEE

- a. City Clerk Cheryl Nymann 4 Year Review*
Personnel Committee met with City Clerk Cheryl Nymann, and she requests her review to be held in open session. The personnel committee reported that Ms. Nymann continues to improve in her job position, and that a 3% wage increase is fair. The Committee had a concern with the tone of her comments. Discussion on the use of the League of Minnesota City's statewide pay averages for one employee vs. LMC southeastern pay averages for the other two employees, thus providing an unfair pay equity. **Mayor Scott Keigley motioned to give 3% pay raise to, Councilor Jackie Hall second; all in favor, motion carried.**
- b. Recommendation on Safety Committee & Policies* Tabled.
- c. Recommendation on Committee Responsibilities* Tabled

L. HIGHWAY 52

- 1. Recorded Call on Accident
Mayor Scott Keigley commented that the write up in the Post Bulletin was not accurate. The City has never insisted that the intersection remain open.
- 2. MnDOT Meeting Tuesday, March 20th at 6:30PM (following mtg. w/ Pine Island) council and mayor assuming new positions for an overview of the project.
- 3. April 2nd @ 7pm. Leadership Committee meeting and 6pm Emergency Personnel Mtg.

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

No report

N. WATER & SEWER

No report

V. PUBLIC FORUM

Sandy Jessen, Assistant City Clerk

Assistant Clerk Sandy Jessen fielded call on complaints on the 2 job trailers. Complaint is that if they were to have a conditional use, they would be in violation because they have job trailers sitting outside. It is a billboard for all potential builders drive by it. Running a business with trailers outside (free advertising, plus they are warehousing their trailers outside); is proof that they are running part of their business (warehousing trailers) from their home. The City needs to address these issues as well.

Don Clark, 705 Timberline Dr SE

Mr. Clark submitted recent pictures taken of trailer from Zumbro Ag Ranch & Pet. That trailer has set outside that home about 1½ years (at one time it was a manufacturing business). All zoned residential. Warehousing and unloading at night.

Bridget Bowen, 720 2nd Ave. SE

Ms. Bowen explained the phone calls she made to Council Members during the flooding. P & Z meeting minutes in February briefly stated her concern on the public hearings for Munson/Hall. And, stated that P & Z committee allowed all that fill to put on Pat Halls Property and now it has flooded everywhere. She has never seen it run across property and is frustrated with the planning of this area and the fast flow of the water. She asked that Council please take into consideration what the people living in Oronoco have to say about the water. Mayor Scott Keigley called out the City engineer right away when the flooding started. Ms. Bowen also conveyed that every hearing she's been invited to the decision seemed to be already decided. According to City Engineer Joe Palen, the hydraulics done on hwy 52, and dry pond are not complete (when done with project the flow won't be as strong). Mayor Scott Keigley will keep Ms. Bowen informed on the progress of this matter.

Don Clark, 705 Timberline Dr SE

Mr. Clark stated that he has lived here all his life, and that Mr. Halls field on 2nd Ave SE has always been the site where it's been a natural flood plain. Now, he sees the fill that Munson brought in, and it's quite obvious that the water run down on north side of the fill, and on the south of the fill, and the water went over 2nd Avenue. Water coming down on east side of Hwy. 52 where it did not follow the road ditch down the highway. 20' wide and 4' deep, there is no pond on the east side (water needs to be contained). He would like to see a stormwater pond in there somewhere to control the force and the water flow. Gravel on the new road has ended up in his back yard, and now he'll be cleaning that up.

Dick Nelson 115 2nd Avenue NW

Has a concern on P & Z nominee. Dick requested his letter to be a part of the public record. He read:

3/19/2007 Dear Mr. Mayor and City Council,

As a taxpaying citizen, I have concerns about Adam Brase, former Park and Recreation Chairman, being nominated to the Planning and Zoning Committee by Councilman Novak.

Adam failed to consider Planning/Zoning and developer recommendations on Riverwood Hills park placement. I feel it was self-serving to place the park in proximity to their own properties at tax payer expense. The reason for original placement was for drive-up access by all citizens. There was no consideration given to handicapped parents or children. The 3rd Avenue location was a former pasture with mature and beautiful trees. The developer designated the land specifically for this purpose. Today, the location gives limited public access and cannot be driven to. The park is surrounded by septic drain fields on three sides. This is an unpleasant atmosphere for a children's park. The results are that the city now has a park that is unfinished and in an undesirable location.

Adam's skills as Park and Recreation Chairman are disturbing and disappointing. The Riverwood Hills Park was approved for a budget of \$26,000. At present the expenses total \$41,000+, which is grossly over budget. In addition, River Park is \$14,000 over budget. Also, Adam failed to secure sealed and competitive bids for park equipment totaling \$30,432. This is in violation of city and state procedures. Decisions were made and money spent by Adam and previous mayor without the city council approval and knowledge. Where was our city attorney when these filiations occurred? These budget overruns caused the city council to scramble to cover the expenses and borrow from future funds, including the city investment fund and park budget fund for the next two years. Perhaps these things would not occur if we had a city administrator to oversee and make recommendations to the council.

Planning and Zoning bylaws state that Planning and Zoning commission have equal representation from all parts of the city. What does Councilman Novak not understand about City procedure? Why would Councilman Novak nominate Adam Brase for the 2nd time to Planning a Zoning when he was rejected at a previous council meeting? Adam Brase lives on the west side of the highway. We do have a candidate from the east side of the highway who is willing to serve on Planning and Zoning that needs to be given consideration by the City Council.

In my opinion, Adam Brase has proven that he is unable to manage Park and Recreation, therefore would be a poor candidate for Planning and Zoning."

Mr. Johnson 1115 1st Street NW

Mr. Johnson questioned how & who is going to handle waste pick up; and stated that the City should have the most reliable and cost effective way to do it. And, that he doesn't think the current hauler has

the best interest of the community in mind. And, the current hauler charges whether there is a pick up or not. He doesn't want to pay for service that he doesn't receive. Mayor Scott Keigley informed him that the current contract is in effect until May.

Public Comment called for 3 more times and Closed at 9:10PM

VI. PETITIONS, REQUESTS & COMMUNICATIONS

- A. CLERK RECIPIENT OF \$150 GRANT TO ATTEND LAST YEAR OF CLERK'S INSTITUTE* FYI.

VII. UNFINISHED BUSINESS

- A. MR. DAN FITZPATRICK

- 1.) Mayor Scott Keigley spoke to Mr. Fitzpatrick today. Mr. Fitzpatrick is requesting that the City adopt (like other cities), a stated amount of fees per development. (Easier for the developer to budget and plan for). Discussion on unforeseen costs associated with trail going through the development. **Mayor Scott Keigley motioned to take \$1,700 out of \$5,000 credit, Councilor Jackie Hall second; all in favor, motion carried.**
2. Mr. Fitzpatrick stated that he has not heard back from People's Co-Op on the \$3,000 additional digging charges.
3. Mr. Fitzpatrick has an interested party looking at a commercial area just south of the city boundary. Couple people have approached him that this area is a good spot for a convenience store and gas station on the east entrance of MN Avenue to Oronoco. Mr. Fitzpatrick would like to pursue it and begin with a gas station/convenience store to begin with and maybe expand it in the future. The property is currently in the Township and would have to be annexed.
4. Cedar Woodlands II will have base on the road this summer and fall. Bike Path will be very nice as it is accessible to River Park.
5. Riverwood Hills V plat to line and build road in to 100th street with just gravel in 14 months. Blacktopped to end of phase 5 in 2009, and Phase 6 in 2010.
6. He has no immediate plans for 3rd Avenue SW as of yet.

- B. GRACE LUTHERAN CHURCH SIGN*

Councilor Kevin McDermott motioned to approve the building permit, Mayor Scott Keigley second; DISCUSSION: City Attorney Tom Canan suggested making sure that set back far enough so line of vision isn't interrupted, **all in favor, motion carried.**

- C. CAPITAL IMPROVEMENT PLAN*

1. Citizens Informational Public Hearing on CIP Plan (March 29th @ 6:30pm) **Mayor Scott Keigley motioned to hold this, Councilor Kevin McDermott second; all in favor, motion carried. Mayor Scott Keigley motioned to have 1st Reading of dog ordinance on March 29th, Councilor Jackie Hall second; all in favor, motion carried.**
2. Project Schedule of Events (3rd Avenue and 12th Street Improvements) If Council wants to move ahead, they would look to authorize plans and specs for the project, referring to the report on 3rd Avenue and 12th Street. Does Council want to move forward with this (3rd Avenue and 12th Street)? **Councilor Tom Novak motioned to move forward on the 3rd Avenue project and 12th street drainage, Councilor Jackie Hall second; DISCUSSION:** Ditches on 12th included in maintenance with township (just the south side ditches); **all in favor, motion carried.**
3. [Resolution 2007-04](#) of Public Hearing on Proposal to Adopt a Street Reconstruction Plan & The Intent to Issue General Obligation Street Reconstruction Bonds (April 16th @ 7:00pm) **Mayor Scott Keigley motioned to approve for 3rd Avenue Street Reconstruction plan, Councilor Kevin McDermott second; DISCUSSION:** This effects 12th street ditch and culvert repair as well. **Voice Vote AYES: Councilor Brian Breider Councilor Jackie Hall, Mayor Scott Keigley, Councilor Kevin McDermott , Councilor Tom Novak motion carried.**

4. [Resolution 2007-05](#) Establishing Procedures relating to Compliance with Reimbursement Bond Regulations Under the Internal Revenue Code Mayor **Scott Keigley motioned to approve, Councilor Kevin McDermott second**; DISCUSSION: This is front money from the City to do the project and reimburse it self out of the bond proceeds; **Voice Vote AYES: Councilor Brian Breider, Councilor Jackie Hall, Councilor Tom Novak, Mayor Scott Keigley, Councilor Kevin McDermott., motion carried.**

VIII. NEW BUSINESS

- A. SUSTAINABLE LEADERSHIP PARTNERSHIP*
Mayor Scott Keigley asked if anyone is available to go to this.
- B. SAFETY & LOSS CONTROL WORKSHOP IN ROCHESTER APRIL 5TH, \$20.00
FYI, if anyone wants to attend, please contact City Clerk Cheryl Nymann.
- C. VEOLIA CONTRACT*
This renews contract with the City with the same rates as 3 years ago, and contract including Gold Rush Days. Discussion on why the city has an agreement like this, and that it is important for people to have a choice, but the City needs to consider wear and tear on the streets. **Councilor Tom Novak motioned to approve the contract for one year, Councilor Jackie Hall second**; DISCUSSION: Great service, and no problems with year. **Councilor Kevin McDermott Nay, motion carried.**
- D. ALLIANT ENERGY'S WORKSHOP – April 5, 2007 – Decorah, IA (*in bins*) No one attending
- E. REQUEST FROM CITY HALL
City Hall is requesting money from the investment fund for the purchase of new computers to be networked to work together, as well as a new copier that would be linked to our computers. Discussion on cost of it, which includes complete installation possible laptops, and receiving comparable quotes, and that the office staff knows what they need. Councilor Tom Novak will get a quote and bring it on the 29th meeting.
- F. [CALL FOR EQUIPMENT RENTAL & ROCK BIDS](#)
[Goes to News Record and Post Bulletin. Mayor Scott Keigley had a meeting with Stolp's and next year that they may be asking for a guarantee of \\$2,500 per month for 5 months \(instead of \\$1,000 for 3 months\). Mayor Scott Keigley motioned to publish on Sat. and Wed. in Post Bulletin and twice in the News Record, requesting sealed bids and that they are not required to bid on all items, Councilor Kevin McDermott second; all in favor, motion carried.](#)

IX. CONSENT AGENDA

- A. BUILDING PERMITS*
- | | | | |
|----|-----------------------|----------------|-----------------|
| 1. | 1190 Istas Lane SW | Paul Meier | New Home |
| 2. | 650 Valley View Rd SW | Don St. George | Finish Basement |
- B. MEETING MINUTES*
- 2-20-2007 Regular City Council Meeting Minutes
 - 2-20-2007 Closed City Council Meeting Minutes
 - 3-5-2007 Special City Council Meeting Minutes
 - 3-15-2007 Special City Council Meeting Minutes
- C. FINANCIALS*
- MBIA Account Summaries
 - Transaction Detail by Account
 - Accounts Payable ~ General Fund & Special Funds
 - Accounts Receivable
 - Transfers

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

Monday, March 19, 2007

Mayor Scott Keigley motioned to move into closed session at 11:10pm, Councilor Kevin McDermott second; all in favor, motion carried.

Reconvened at 11:33PM Summary discussion on pending legal matters concerning Whittington Acers subdivision unpaid items.

XI. ADJOURNMENT

Mayor Scott Keigley motioned to adjourn at 11:35PM., Councilor Kevin McDermott second; all in favor, motion carried.

Respectfully Submitted:

Scott Keigley, Mayor

Cheryl Nymann, City Clerk/Treasurer