

**City of Oronoco
Regular City Council Meeting Minutes
February 16, 2010 @ 7:00PM**

I. ROLL CALL: Mayor Kevin McDermott called the meeting to order at 7:00pm.

Members present: Mayor Kevin McDermott, Councilor Doug Gillard, Councilor Skyler Breitenstein, Councilor Paul Briggs, Attorney Fred Suhler, City Engineer Joe Palen, and Clerk Sandy Jessen. Councilor Nathan Hartung was absent.

II. APPROVAL OF AGENDA

Addition: VI.A. Rucker final settlement

Councilor Skyler Breitenstein motioned to approve the agenda, Councilor Doug Gillard second; all in favor, motion carried.

III. PUBLIC FORUM

Julie Pendergrass is looking to have a farmer's market at the community center, use of the city building for restrooms and they will clean and be responsible for own garbage. It would be Friday's from June to October except Gold Rush weekend. It would be homegrown or homemade products. Attorney Fred Suhler; agricultural products would be difficult to license, it's a policy decision for using city property. Julie; it would not be resale items, hand made or homegrown items. Attorney Fred Suhler; prepared food would need Olmsted county licensing. Attorney Fred Suhler; it would be wise to create one organization. There should be someone that is responsible for the group. Mayor Kevin McDermott; the garbage may be an issue. Julie; it would be in the rules that the vendors are responsible for garbage disposal and they would clean the bathrooms. Discussion: there should be a proposal put together listing the rules and regulations of the group and brought back to Council next month. They are not sure of the numbers of people would be selling. There is a public benefit for having something like this in town. Council will look at the ordinances and make sure the details are clear.

Vendors for Gold Rush or for something like this should look at the liability issue. Sandy will check with the insurance agency.

Kyle Ketterling: would like to have a music event, July 23, there would be food and unplugged bands, ZWP may sponsor this, it would be a fundraiser, would talk to the Fire Department about the beer sales. Mayor Kevin McDermott; have you spoken to the caretaker's about reservations. Food will be vendors and beer would be the Fire Department. **Councilor Paul Briggs motioned to approve the gathering permit for the fund raiser, Councilor Skyler Breitenstein second; all in favor, motion carried.**

Mayor Kevin McDermott called three times and closed the public forum at 7:20pm.

IV. DEPARTMENTS & COMMITTEE REPORTS

A. OCSO ~ Sgt. Mike Morrow

B. FIRE DEPARTMENT ~ Dan Sundt, Fire Chief

1. Runs – 5 (one extrication, the rest medical assists)
2. Got Peoples Co-op grant for \$2400, so have four new portable lights; Dan Sundt met with them yesterday and thanked them and had his photo taken for an upcoming newsletter.
3. With Gold Rush donation bought helmet lights for everyone on the department
4. Replacement gear from flooding/insurance coming in now and will be put into service as soon as possible
5. Got a positive email about our last AFG grant request for 5 sets of gear/washer/dryer, so that might happen in 2011
6. Rick Freshwater from the Olmsted County Sheriff's Office ordered a desktop charger for the Fire Department it was received in December but the bill was just received for \$133.25. **Mayor Kevin McDermott motioned to pay the desktop charger bill, Councilor Doug Gillard second; all in favor, motion carried.**

- C. FIRST RESPONDERS ~ Jeff Allhiser, 1st Responder Director
 - 1. Runs – 10: 6 township & 4 city
 - 2. Goldrush donation went to purchase two new pager and chargers.
 - 3. Operation Round up People’s Grant for \$2500 for 5 pagers will be applied for.
 - 4. 1st Responder classes will be completed in March with six newly trained responders.

- D. EOC ~ Pat McGovern, Director
 - We still have not received the new sand bags; Pat will be asked to check on it again.

- E. PERSONNEL
 - 1. Set Meeting Date: March 9, 2011 at 5:00pm.

- F. ORDINANCES & RESOLUTIONS

- G. DOWNTOWN ORONOCO GOLD RUSH DAYS* ~ Co- Chairs Lynn Benrud, Dan Ondler
 - 1. Meeting Minutes – January 19, 2011
 - They went over the meeting minutes and chose to have Alyssa do the 990 to save some money, she is a CPA. Discussion was about updating the website with MLT. Discussed Tim Redepenning’s duties for Gold Rush and they will try to relieve some of those duties and costs on his hours. Advertising options were discussed; they will look at a billboard.

- H. PARKS & TRAILS*
 - 1. Meeting Minutes– canceled

- I. LAKE SHADY ~ Katie Dudley, Lake Shady Committee Chair*
 - 1. Terry Lee: Update, Agreement between Olmsted County and the City of Oronoco to establish a framework for cooperation and participation regarding the Oronoco dam removal and the Zumbro River restoration project. The County and the City will through a jointly appointed Project Oversight Committee consisting of two members from the County and three members from the City will coordinate the vision for overall restoration, purchasing engineering and construction services, purchase land and easements for construction access, landscape restoration and park development, apply for required permits, and to hold public hearings. City Engineer
 - 2. 2010 Flood Damage Assessment Agreement: Bonestroo: cost estimate and services for the facilitation and concept planning associated with the Lake Shady dam removal, riverine system establishment and lake bed development for public use. Tasks include: Project coordination, data collection, public meetings, concept planning and cost estimate, stream and lakebed restoration, Charrette, concept plan and technical memorandum, and finalize concept plans for a total fee not to exceed \$25,000 plus reimbursable expenses without prior authorization. Joe Palen; this stemmed from the joint meeting last week. Opportunities and challenges were discussed, FEMA will not be willing to fund as much as was thought, it was discussed to engage the public for the restoration. Put together a scope of services that would be worked with the project: the meeting on the 22nd next week will be a presentation of the information to date and then there may be some public comment / open house, there is the Charrette on March 5th with the DNR, Bonestroo, the county, and city representatives. They will then put a report together that could be brought to the state legislature to leverage the bonding bill prior to May. This cost would be refunded by the county if they receive funding from either FEMA or the state. City Engineer Joe Palen reviewed and made comments and Attorney Tom Canan entered those changes. There will be project oversight committee. Within the agreement it was not clear that the city would be part of the planning portion of the agreement; the city ultimately owns this and it is our backyard. There may not be enough money to do everything and so the city should be able to make these decisions. Attorney Fred Suhler; this assumes that we have the right to do something with the property as we don’t know who owns it. I think it’s a lot more complicated on who owns it; the state is not a part of this and they may also have a say. If spending public money it should be elected

officials. City Engineer Joe Palen; the million dollars has been appropriated to the county and there is a proposal to change the verbiage to include the engineering fees at the state level. Terry Lee and Attorney Tom Canan have been working on the issue of ownership. There are lots of concerns. Attorney Fred Suhler if the city wants to spend \$25,000 that they may or may not get back they can. Mayor Kevin McDermott; we need to start moving forward now, don't see the state putting in a lot of funding; there are a lot of unanswered questions. The dam is going to come out and we need to work through the process and move forward with the public to determine a plan. Attorney Fred Suhler; I would make it a requirement that they are elected officials, not employees. Councilor Paul Briggs; doesn't like the part where the city may get stuck with the \$25,000 and would like to see that change and agree that it should be elected officials. There are three city members to two county members. He would like to see those modifications. The city is fronting the money and wonders how the county board would react without having the majority vote. The county will pay for this with grant or FEMA money only. Construction would not begin until 2013. There is documentation and permitting that needs to be completed. Councilor Skyler Breitenstein if I'm the county or the board and the city wants them to fund it all; we could put in sixty / forty or fifty / fifty if not reimbursed from the state or FEMA. There should be shared cost. Mayor Kevin McDermott; how vital is the \$25,000 vision to go to the state legislature this spring, knowing that this won't be complete for a few years. Councilor Paul Briggs; since it is somewhat a county issue it would help to be more professional, if it were just the city we could probably go up with less preparation. City Engineer Joe Palen; in order to ask for that type of money, you need to know how much, what for, and what it will look like or you don't stand a chance, go to the state and let them know that FEMA has not come through and that the state should step in. Terry Lee will spear head applying for grants. Mayor Kevin McDermott will entertain a motion. **Councilor Paul Briggs motioned to approve the MOU agreement with changes being the city taking a 60% risk for the \$25,000 and that the members will be elected officials, and the correction 3b to three members not two, Councilor Doug Gillard second; all in favor, motion carried. Councilor Paul Briggs motioned to approve the contract with Bonestroo for the flood damage assessment, Councilor Skyler Breitenstein second; all in favor, motion carried.**

Mayor Kevin McDermott called a five minute recess at 8:05pm and reconvened the meeting at 8:15pm.

J. COMMUNITY CENTER*

1. Shop / City Buildings; purchased the Toolcat, but they have not had a chance to look at the buildings.

K. STREETS & ROADS*

1. Seal coating; look at streets in need this spring, will look in a month. By the bridge is bad.

L. PLANNING & ZONING*

1. Meeting Minutes – 2-3-2011: not received
2. Public Hearing: Dan Buchanan
 - Recommend approval of the CUP for 905 Riverwood Lane SW:
 - Proponent is operating a franchise pest control business from his home, some chemicals will be stored on the property and a vehicle will be parked in the driveway.
 - P&Z recommends approval with the following conditions:
 - No more than 32 gallons of chemical be housed on the premises at one time. Most of the chemicals are natural.
 - Proponent files his applicators license with the City.
3. Naming of officers for 2011
 - Brian Breider, Chair
 - Adam Brase, Vice Chair

Councilor Doug Gillard motioned to approve the CUP, Councilor Paul Briggs second; all in favor, motion carried.

M. WATER & SEWER*

1. Minutes- January 26, 2011
2. Pay Requests: Ellingson-\$33278.71 part of the retainage, there was a 3% retainage the well house was completed and they requested to drop it to a 1% retainage, there is potential that the seed may not come up, there is a two year warranty, but it is better to have the money held back, this is not unreasonable City Engineer Joe Palen suggests to drop it to 1 ½%, the final will probably June. Ellingson is not doing the well pipe; TJ Trucking was the low bid. **Councilor Paul Briggs motioned to pay the Ellingson request Councilor Skyler Breitenstein second;** discussion: cash flow is probably an issue and City Engineer Joe Palen is recommending payment, they are a reputable firm. **All in favor, motion carried.** Bonestroo – \$6612.96 **Councilor Paul Briggs motioned to pay Bonestroo Mayor Kevin McDermott 2nd all in favor, motion carried.**
3. Project Priority List: Wastewater Application re-submission: the project priority list for sanitary sewer improvement allows you to qualify for PFA funding there is a potential for a better chance now. City Engineer Joe Palen is looking at a small cities grant for a collection system for the downtown area until there is another option that comes forward. It allows the city to apply for grants. **Councilor Paul Briggs motioned to reapply Councilor Skyler Breitenstein second; all in favor, motion carried.**
4. Councilor Skyler Breitenstein; it was a lengthy and tenuous meeting. There was a lot of concern of the lack of concern of council taking action of the water project. They are looking for direction of where they go. As a council do they start looking at sewer projects? City Engineer Joe Palen recommends making an application next May to PFA to see if the city qualifies. MPCA had taken a back seat when the city was looking at expanding the water system. Sewer is a continued issue in the downtown area.

V. PETITIONS, REQUESTS, & COMMUNICATIONS*

- A. Complaints: none
- B. Farmer's Market; Julie Pendergrass
- C. Music Festival: July 23, 2011, noon – 11:00pm, Kyle Ketterling; music, food, & beer. Approval of a gathering permit is also required.

VI. UNFINISHED BUSINESS*

- A. Rucker final settlement

VII. NEW BUSINESS*

- A. Garbage Hauler's Contract: request for bids: Veolia submitted some questions in regards to the bids. Mayor Kevin McDermott; the bids will include west of 52, will include residential customers only, city will accept bids not solely on price, single sort recycling or not (require recycling only), city clean up not a requirement, Gold Rush cleanup would be a requirement, Attorney Fred Suhler Gold Rush should be responsible for choosing their hauler. They in the past did not pay for the service. Mayor Kevin McDermott it needs to be the same hauler or they would be a number of hauler's coming in, the day would need to be a single set day, leak proof / sealed/ contained refuse will not be addressed in the bid, multiple cart size service, yard waste will not be part of the bid, comparison pricing with Rochester will not be part of the bid. **Mayor Kevin McDermott motioned to put out bids for garbage haulers, Councilor Paul Briggs second, all in favor, motion carried.**
- B. Flood Relief; working on this.
- C. April 19, 2011, 7:00pm, Board of Appeal & Equalization; training for this will be shortly after the township election. Councilors need the training to hold this meeting at the city.

VIII. CONSENT AGENDA*

- A. APPROVED BUILDING PERMITS*

B. TASK LIST

C. MEETING MINUTES

1. Regular City Council Meeting Minutes – 1-19-2011
2. Special City Council Meeting Minutes – 1-26-2011
3. Special City Council Meeting Minutes – 2-1-2011
4. Special City Council Meeting Minutes – 2-8-2011

D. FINANCIALS

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

Mayor Kevin McDermott motioned to approve the consent agenda, Councilor Doug Gillard 2nd all in favor, motion carried.

Mayor Kevin McDermott closed the Regular City Council meeting at 8:55pm to move into closed session.

IX. CLOSED SESSION

Mayor Kevin McDermott reopened the regular City Council Meeting at 9:21pm. Mayor Kevin McDermott; summary of the closed session was for the discussion of the Jech, Fitzpatrick and Rucker case. A motion to close out the Rucker case for payment of \$23,563.30 is required.

Councilor Paul Briggs motioned to pay the fee of \$23,563.30 to be paid out of the investment fund, Councilor Doug Gillard second; friendly amendment to take into account the per diem. Discussion; made to the trust as prior payments were. All in favor, motion carried.

X. ADJOURNMENT

Councilor Paul Briggs motioned to adjourn at 9:25pm, Councilor Doug Gillard second; all in favor motion carried.