CITY OF ORONOCO
PUBLIC HEARINGS
Wed., Feb. 8, 2006
7:15 PM

Mayor Joy Bertsinger called the meeting to order at 7:15PM.

Bertsinger stated that this meeting is for public comment only and that council may not make a decision on these tonight. She stated that to please step to the microphone and identify themselves, and where they live to participate in Public Comment.

2006-01 An Ordinance Creating Section 3.031 of the City of **Oronoco Planning & Zoning Ordinances** creating a procedure for LOT SPLITS.
Bertsinger gave a synopsis stating that the City currently does not have an ordinance pertaining to lot splits now; this ordinance is necessary so the city would have the ability to track it. With this, the City would look at access, and how they would handle sewer and water concerns on a lot split. THERE WAS NO PUBLIC COMMENT.

2006-02 An Ordinance Creating Section 194.00 of the City of **Oronoco Code of Ordinances**, regulating certain activities within the City during Downtown Oronoco Gold Rush Days, Inc. Anyone renting lots to dealers or car parking, would need to pay $25 gathering permit so DOGR can maintain set hours for the event, and provide safety to others during set up. Public Comment was as follow:

Gary Klennert (15 1st Avenue SW)
Gary asked if the Post Office VFW and churches would all have to get the gathering permit. Bertsinger replied that the Post Office does not rent out or profit from the event. And that this pertains to any property that DOGR does not handle thru DOGR permit. He also asked should each entity have to get a gathering permit and how would it be handled for people that donate spaces to the city. His concern was how it would be regulated as to who pays and who doesn't; does it include outside city limits, and what do you do with those businesses who sell antiques year round, but don't have it outside year round, who will enforce this, and what would the hours be. Bertsinger replied that the cost of $25 for the gathering permit would cover the cost of someone manning both north and south entrances into the City. And that the need to control the hours has risen from an increasing safety issue on Thursdays. Also, Olmsted County will enforce the hours. Hall added that last year they doubled cost for port a johns for DOGR, because they got sold to On Site Sanitation. Everyone renting on private land is still getting the benefit of traffic control and port a potties.

PAUL PENDERGRASS (105 Minnesota Avenue N.)
Paul questioned the requirement for proof of liability insurance. He said that DOGR carries it's own liability insurance. McDermott replied that DOGR met earlier this evening and they would be taking out the proof of insurance off the ordinance.

DANNY ONDLER (135 1st Avenue SW)

Danny asked if the gathering permit fee was per home owner, or per vendor. Bertsinger replied that it was per home owner (1 fee).

GEROGETTE DOLAN (105 1ST AVE NE)

Georgette stated that she has gone to many craft shows, and doesn't understand this safety issue. Having private property people have parking available before everyone is here would be a benefit, as it would be one less car, truck driving around and setting up. People who attend the event don't differentiate who the vendors are, it all contributes to Oronoco and the donations, costs have gone up for everybody. Bertsinger replied by stating the concern is when private homeowners' vendors open up for shopping before OCSO (Olmsted County Sheriff's Office) is here. Georgette asked what the punishment would be if they sell before, and how would it be enforced. Also, property owners feel more like following the rules if they don't have to pay a fee; and, to protect tax dollars city has to pay for this event and let them set up, but not sell. She stated that she is not in agreement with the $25 fee. Everything is already a benefit to the Committee. Bertsinger stated that it can also be a hindrance. Bertsinger clarified that the city doesn't pay garbage or porta potty. The $25 gathering permit fee would go to the city, not DOGR, and would cover the cost of having someone sit on north and south ends of town to make sure only homeowners get in. Also, there was a need to accommodate people to set up in the day light; also steady increase in homeowners renting out to vendors. There are young kids setting flags, and it's been increasingly dangerous with all the traffic in town on Thursday. Thursday is the food vendors set up day, and adding vendor set up has made it very congested and unsafe. Treating the people set up on DOGR and homeowner spots would be done fairly and at the same time.

DENNIS BLANCK, JR. (135 1st Street NE)

Dennis stated that there are a number of land owners parking cars on their property, and asked where would everyone park if they didn't park on private property. Bertsinger stated that this can't distinguish between homeowners renting to vendors, and parking cars. Dennis stated that he thought the $25 is a kick in the butt to homeowners. It is a hassle for them to get to work on Thursday and Friday. The event is expanding, and fees can expand; today it's $25 next year or years down the road it will jump to $75 or $100. Bertsinger replied that the city has to justify fees, because it's a city permit. Dennis said the $25 fee an inconvenience, and most people would probably pay it, but that doesn't make it right. He also asked about the one way traffic on the bridge. Bertsinger replied that OCSO made that decision with one way direction. Also, the interchange on 12/112 is scheduled to be open before DOGR this year. And that DOGR is looking at this gathering permit to limit the hours. Dennis restated that the $25 is not that big of a deal, but it's a jab to the citizens of the city.

RICH WILLIAMSON (240Minnesota Avenue S).

Rich stated that he feels they do a service in parking cars. The restrictions on the second part of the ordinance doesn't apply to parking, and doesn't see the need to charge. His suggestion was to put a period after profit and ending it there on page 8. He said the homeowner assumes liability and asked if they will have to show a profit sheet.

JUDY BROWN (425 Minnesota Avenue N)
Judy stated that she has vendors and parks cars on her property. Vendors come in from out of state, set up, and put flaps down until Friday morning. She will shut her yard down if charged $25 gathering permit fee. Also, she pays taxes and can do anything she can do anything on her land, and that the City is causing their own problems.

DON BROWN (425 Minnesota Avenue N)
Don asked if they were to not park cars, what would the city do. Also, it's the principal of the thing; the city telling the homeowner what they can and can't do.

SHARON GRAVES (1st Street NE)
She stated that her objections lye with not being able to set up items outside, as she does throughout the year. She has 2 vendors, they come in, set up, and they cover it up until the event opens on Friday. She questioned the city requiring tax numbers even for parking cars; the compliance form with vendors require tax information. It was stated that the gathering permit would not be a financial permit; just through the City. Sharon stated that DOGR created their problems by setting up hours and having vendors come in on Thursday night. Bertsinger stated that there are big trucks coming through setting up on private property. Sharon stated that you can't stop people from coming into town; this isn't Iraq. Instead, she suggested to control it, put rules down, enforce it, and put set up back to Friday morning. It's too dangerous setting up in the dark. And, that it's a tough issue, but if you let them come in early, you can't set them all up in time before it gets dark. Sharon asked what the fine would be. Bertsinger stated that parking cars would not require a tax number; and the fine would be considered a misdemeanor which has a penalty of up to 90 days in jail and up to a $1,000 fine. Sharon asked about enforcement of the other ordinances; there's always dogs running around. Bertsinger stated that the City tries to enforce the ordinance.

ELEANOR FORNEY (Minnesota Avenue N)
Eleanor stated they use a 4 wheeler or lawn mower to haul things around for items she sells on her lawn. They should not to have a $25 permit. Bertsinger clarified that a haulers permit is different ($5.00) than the gathering permit $25. She also questioned Mrs. Siems' grandson that sells little stuff on a table, and asked if there would be a charge for that too. Bertsinger stated that the City allows variances. Judy Brown asked if they would be shutting down rummage sales on private property during DOGR also.

CURT BURT (20 4th Street NE)
Curt stated that this ordinance is not going to solve problems, and that the $25 not an issue now, but costs will go up in the future. Also, the people on DOGR committee aren't real familiar with the committee. The DOGR committee has bottleneck with traffic. Never had a problem turning traffic down previously. And, the City should be setting the show, and OCSO should be taking our orders. City will loose money, and people won't come. He helps people out when DOGR screws up double booking lots. The garbage hauling bids don't have to be with Onyx; also referring to the toilets, he suggested getting bids on it. Curt also suggested that the one way streets should stop this year. Bertsinger stated that DOGR issue is the one ways. Curt stated that it doesn't make sense to have people come into town and set up in the dark. He's seen it so

many times because they are tired and setting up in the dark; vendors get grumpy. Bertsinger stated that one ways aren't enforced until after vendors are set up. Curt replied that the one ways make it tough for dealers coming in late. He suggested to let vendors come in and set up at 4pm on Thursday. And, make it clear that they can't sell. He doesn't like controls being put on his property. Hall stated the reason they moved to 7pm vs. 4pm or 5pm on Thursday night was out of consideration for residents coming home from work at that time.

BONNIE RAGAN (1110 Minnesota Avenue S)
She asked whether DOGR would be going into the outlying areas in the City with this Ordinance other than the downtown area. Also, she doesn't lease space to anyone that isn't inside her shop year round. She asked if she would have to tell them that they have to come back at 7pm at night to bring stuff from the inside to outside. Also, she asked how they would regulate it. Bertsinger stated that those are the questions and comments that need to be looked at. Bonnie said there are other issues the city needs to look at; such as how far out from downtown will DOGR go to enforce the Ordinance.

RICHARD WILLIAMSON
After listening to what's going on, he's concerned about the sales tax, and it would put him right out of business. Bertsinger stated the city does nothing with sales tax; vendor set up with DOGR and need to have a tax form; however, this permit is city generated. It's 2 separate issues. He suggested to clarify the language; such as parking cars for a profit (not a fee). He also asked if it would be a issue if the city decides homeowners are making a profit or not.

NEAL VERMEESCH (240 1st Avenue NE)
Neal asked how they could charge a fee for someone who does not have vendors in any city ROW (right of way); that they pay their own taxes on. Neal has already paid a fee for blacktop. So, he asked how the city could charge a permit fee for his property that he's already paid taxes on.

CURT BURT
Curt asked if there were any stipulations on the gathering permit, and what it looked like. Clerk Nymann stated that she has them on file in the office, and he could stop in at any time

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LAURIE LONG (120 2nd St NW)
Laurie stated that she pays for all the maintenance on her city right of way that abuts her yard. So, she asked what the $25 is for; it's not going to do anything. Homeowners take care of the yard in the ROW that DOGR rents out.

SHARON GRAVES
Sharon asked that if this is not going to be decided on tonight, who and how will citizens be notified when the decision will be made. Bertsinger stated that it will be on the next City Council Agenda on the 21st of February. They could also call City Hall. If Council feels they have enough information, they can decide on it.

Bertsinger called for any other comments on this Ordinance.

5 minute break at 8:30PM.

Meeting called back to order at 8:40Pm. Bertsinger asked that as a courtesy to others, to please turn cell phones off. She also asked to have comments be kept to themselves until their time to speak at the microphone.

2006-03 An ordinance creating Article XIV, Chapter 100 of the Oronoco Planning & Zoning Ordinances regulation construction and maintenance of septic systems within the City. There is a state law stating septic system must be pumped every 3 years, and septic is inspected, and working. Bertsinger called for public comment on this Ordinance.

DANNY ONDLER (135 1st Ave NW)
Danny stated that his concern with this Ordinance is not so much about having it readily maintained; and added that he thought they were putting an ordinance on top of county and state requirements and thought that it was redundant (having a law on top of a law). He also asked about the enforcement of this Ordinance.

DAVE KEMPHER (45 4th Street)
Dave asked how tanks are inspected. Bertsinger stated that the pumper businesses have on their license that they inspect the tank when they pump the septics.

PETE DOLAN (120 1st Street NE)
Pete stated that their tanks are buried deep with a 4" pipe, and asked how they would be inspected.

PAUL PENDERGERASS (105 Minnesota Avenue N)
Paul stated that being on P & Z (Planning & Zoning) Committee, he asked why Council has taken it upon themselves to bring this Ordinance forth, and why hasn't it gone to P & Z before their input on the ordinance; since it's an addition to the Planning & Zoning Ordinances. He also questioned if this ordinance will raise fees for maintaining their septic systems. Bertsinger stated that this was brought up to the City attorney and did not see the reply. She will check with him.

JAMES EDVENSON (1315 Shady Oak Lane SW)
James asked that as a city, are we opening up ourselves for liabilities for people that have unsafe systems. And would it be responsible for local government then to enforce and be liable for that?

JOHN KERN
John asked if the plan of council was to discontinue individual services or hook up with a regular system like the city of Rochester has. Novak stated that the City hasn't made that decision yet. Also, that septic systems may be contaminating ground water, and make sure septics are regularly maintained. And that more information is needed on everybody's septic system. And this ordinance is a step in that process There's an inherent problem, and they shouldn't be left unattended or ignored. John said that the City needed to be a little more frank about it.

Dennis Manning Olmsted County Planning Well/Septic Division

There are current Rules & Regulations the City of Oronoco has had problems with in the older part of town. There are water and health issues, and trying to get a handle on it. Every jurisdiction has to have one. Cities have own ability to do also. If County has one, then they had to get in line with the state program. In septic, they are more restrictive than the state. Older septic systems are permitted, but need to be compliant. At the State level, there is a disclosure required when selling the property. Compliance checks necessary if Denny can access information at County for details to answers. Giving idea where the city is going. The County does enforcement and permitting of septics. There isn't any mandatory regular maintenance of tanks right now. The newer systems need to remain being maintained. The older systems are failing from the treatment aspect. 4 foot separation on county level. Unless the County tets a complaint or there's an eminent threat, the County doesn't know which systems are failing. if system is failing, the county won't allow you to put in a tank to a nonconforming drainfield. If it's just a pipe in between, that would be fixable. Ordinance doesn't have to do with construction, but a maintenance level. New state rules are coming down. Shared wells came first, and cluster septic systems in surrounding subdivisions. Terry Lee Water coordinator with Olmsted County sits on this committee. Also, there's grant money out there that can assist some of these changes. Trying to address older parts of town first. Bertsinger stated that sometime there will be an educational meeting on septics, and that the intent of this Ordinance is to keep systems maintained. She asked if there were any more specific questions about the ordinance.

DANNY ONDLER

Danny asked if this will cost the pumper more. Because they're mandated, will the pumpers have more hurdles to jump through? It was stated that this ordinance is already mandated by the state, so it shouldn't cost more. Inspection pipes. Danny asked Dennis Manning if he feels this ordinance will improve water quality in Oronoco. Dennis replied with yes, especially with the shallower wells. Danny asked Dennis if he will be forced to do enforcement. Dennis said that as long as everything is fine now, and systems are functioning, they're shouldn't be any problems. Bertsinger stated that this Ordinance is simply enforcing the mandates that are already out there. Bertsinger called for any other comments on this Ordinance.

113.00 Amending the **Oronoco Code of Ordinances** increasing pay for the fire chief to $500 per year, assistant chief to $300 per year, meetings and trainings at $7 and adding annual salary of $100 for Secretary, Captain, and Training Officer THERE WERE NO QUESTIONS OR COMMENTS.

114.00 Amending the **Oronoco Code of Ordinances** adding pay for Director at $500 per year, Assistant Director at $500 per year, and $7 for meetings and runs. THERE WERE NO QUESTIONS OR COMMENTS.

230.0 An addition to the **Oronoco Code of Ordinances** concerning regulations in City Parks; such as setting hours, what can and cannot be done in Parks.

CURT BURT (20 1st Street NE)
Curt asked if this Ordinance will include Oronoco Park. No it will not, it is a County Park. Curt also asked about the number, in the mailing it was 220, and now it's 230. Clerk Nymann indicated that it was changed to be consecutive with the Code of Ordinances.

2006-04 Amending and reenacting Ordinance 17.02 AND 17.03 of the City of Oronoco Zoning Ordinances concerning enforcement of zoning ordinances and penalties. Novak stated that the penalty could be up to a $1,000 fine for somebody not showing that they had their septics pumped. Tom said before this, 2006-03 was developed because 3 letters were sent out regarding information on their septics, and people didn't respond. Bertsinger stated that the current ordinance doesn't spell out zoning ordinance penalties.

JOHN KERN
If ordinance is to make sure health of community is good, then 2006-03 makes sense, but 2006-04 makes 2006-03 vindictive to make sure we're doing the right thing. He asked what the penalties would be for ordinance violations. Now, there's a $1,000 fine. P & Z said how is this happening, and why should you do it that way. Oronoco is growing, and see that they don't have money to pay for items and they moved here, and now you want to blow them away because now there will be all these expenses. Doesn't think council is doing it the right way. Agrees with the pumping ordinance, but don't agree with breaking an ordinance. (he asked Tom if he was that weather man) The right reasons are not being looked at correctly. Not doing things for the right reason. Bertsinger stated that this ordinance is already existing, it's just being amended to give it a penalty. Curt asked why hasn't the City been going around town enforcing the ordinances it currently has.

DENNIS MANNING
Dennis stated that the fine is a misdemeanor regulated by state, and it could be waived for compliance.

RICHARD WILLIAMSON (240 Minnesota Avenue S)
He wanted clarification on changes to ordinance, and asked what the purpose of this ordinance was. There are zoning violations all over the city, and asked why those weren't being enforced. It was stated that this Ordinance will allow OCSO to go out and fine the homeowner, and give them consequences. If you break the law, this is what your penalty is. So, everyone in violation of ordinance. Rich asked if the City will be going out and fining residents. Bertsinger stated that City Hall receives a complaint, and then council will decide if it needs to go further, or fined.

SHIRLEY VERMEESH (240 1st Avenue NE)
She stated that she has lived in her house for many years. Everything has gone downhill, and people don't care about their property any more (cars and garbage in yards). She said this ordinance should be enforced.

2006-05 Amending 02-06 of the City of Oronoco Zoning Ordinances, the **Oronoco Subdivision Ordinance**, and the Oronoco Code of Ordinances providing a fee schedule for the administration of such Ordinances. Bertsinger stated that these are already existing fees. The City has looked at the current fees, and theyneed to correspond with the cost of services provided.

RICH WILLIAMSON (240 Minnesota Avenue S)
Rich questioned the gathering permit fee. Bertsinger stated the gathering permit fee has always been charged for, and is available at City Hall.

LEE FORSTIE (40 4th Street NE)
Board of adjustment Ordinance states appeal listing fee for an appeal doesn't make sense because appeals go to district court, or change ordinance to have appeals come to city council. (Look into with city attorney).

DENNIS MANNING
Building Permit Fee should be a zoning permit fee. Clerk Nymann clarified that the value of the project is what determines the fee for the permit.

Bertsinger would like to now close the public hearing and asked if there were any further comments on the ordinances presented tonight.

CURT BURT
Curt asked if the changes in ordinances will be publicized before approved.

LEE FORSTIE
Lee stated that the appeal for zoning ordinances specifying annual review is out of date. Started out with board of review needs to be revisited. General regulations, and amendment sections; he would like to bring these through the planning commission. Bertsinger stated that Tom and Jackie are Council reps on P & Z and they are trying to address this and they would value your input on that. Bertsinger stated that Council is trying to put everything together for a start, but know that there are more that need attention.

Bertsinger motioned to close the Public Hearing at 9:22PM, Hall second; all in favor, motion carried.

Respectfully Submitted:

Joy Bertsinger, Mayor

Cheryl Nymann, City Clerk/Treasurer