City of Oronoco
Regular Council Meeting Minutes
October 16, 2006
7:00pm

I. CALL TO ORDER

Mayor Joy Bertsinger called meeting to order at 7:10PM.

II. ROLL CALL

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

III. APPROVAL OF AGENDA

Additions: V. E. Personnel Committee, Employee Review
V. I. 3. RWH 1 Roads
XII. D. Building Permits for River Park

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

IV. CEDAR WOODLANDS II FINAL PLAT PUBLIC HEARING

Mr. Bill Tointon provided copies of the final plat with the following changes:

- Easement from 10'-45' for storm water drainage. Pond will be maintained by the association. City has easement over it, but not ownership. Lot 2, Block 2, building envelope in the special district and will be clear to potential owners.

Mayor Joy Bertsinger called for Public comment from the public on Cedar Woodlands II Final Plat.

Regular Council Meeting reopened at 7:20PM.

V. CITY DEPARTMENT & COMMITTEE REPORTS

A. OCSO ~ Sgt. Tom Claym0n
1. There is continued step up of enforcement for speeders on Hwy. 52.
2. Passed information on to day crews about keeping an eye on West Center street speeders.
3. Builders need to be aware of copper theft in construction sites.
4. Vendors going door to door need to have peddlers license.

Mayor Joy Bertsinger asked if the were any public questions.

B. FIRE DEPARTMENT ~ John Stolp, Fire Chief
1. There were 2 runs in the Township in the last month.
2. Mr. Stolp is very pleased with the new volunteer firefighters, and explained his concern with short supply of face shields and turn out gear. **Councilor Kevin McDermott motioned to outfit the fire department with needed pieces of equipment, taken out of general fund and special fund; (3 turn out gear and 4 face shields), Councilor Jackie Hall second; all in favor, motion carried**
3. Mr. Stolp introduced a new volunteer firefighter, Adam Schaefer. Mr. Schaefer is aware of the requirements, including training, background check, and commitment to the City for one year as a firefighter otherwise costs of training is reimbursable by him to the City. Mr. Stolp indicated that the next training will be in Elgin after the first of the year. **Mayor Joy Bertsinger motioned to accept Adam Schaefer, contingent on passing requirements. Councilor Scott Keigley second; all in favor, motion carried.**

C. 1st RESPONDERS ~ Gwen Holt, 1st Responder Director
1. Runs: 1Total (1 Township, 0 City)
2. Gwen Holt, 1st Responder Director, introduced Theresa Wolschlager as a new member of the 1st Responders, who is aware of requirements of a background check, training, and the 1 year commitment to the City as a 1st Responder; otherwise she has to reimburse the City for training costs. Ms. Wolschlager can go on runs for observation time. **Councilor Jackie Hall, motioned to accept Ms. Wolschlager contingent on passing requirements, Councilor Kevin McDermott second; all in favor, motion carried.**

D. EOC ~Dennis Blanck
Dennis was not present.

E. Personnel Committee
As decided at budget time, this is a pass/fail review and the Personnel Committee reported that Sandy requested her 2 year review in open session. The Personnel Committee's report stated that Sandy has exceeded her job duties, and recommended 5% raise at this time. A request to change position from Assistant to Deputy Clerk is not recommended. **Councilor Scott Keigley motioned 5% raise ($13.13 per hour), Councilor Jackie Hall second;** DISCUSSION: Ms. Jessen indicated that last years on the median wage on her job description and the average was $15.00/hour, and that last year she would be happy with 5% raise when she was brought more in line with the state average. She is requesting a raise to $13.50. City Clerk Cheryl Nymann reported that the average submitted to the Personnel Committee this year was the averages from the Leagues Salary Survey for a deputy clerk who works 20-30 hours per week, not a full time position; **Councilor Scott Keigley amended his motion to increase the raise to 8% ($13.50 per hour), Councilor Kevin McDermott second; all in favor, motion carried.** Personnel committee will set aside a time to discuss the review in more detail with Ms. Jessen.

F. PLANNING & ZONING
1. Letter from Paul Pendergrass, Planning & Zoning Commission Chair*
   a) Munson/Hall Rezone, P & Z recommend zone from R-1 to B-2
   Discussion on conditional approval based on MN Avenue and whether or not the city can demand that, and no findings of fact, and that this cannot be spot zoned (Pat Hall is owner of the property, and Kevin Munson is the business owner); and a map should've been submitted with this. **Mayor Joy Bertsinger motioned to deny Kevin Munson/Pat Hall zone change based on the absence of a legal description for the property, the fact that the , property appears to need a lot split since the request to rezone does not include the entire parcel of land, , and no designated map was submitted with the property, Councilor Jackie Hall second; all in favor/motion carried.** Clerk Nymann will send out a letter.
   b) Rochester RV Park hasn't submitted final documents to the City Engineer yet. City Clerk Cheryl Nymann will send a letter giving Rochester RV 7 days to submit all information to City Engineer.
   c) P & Z Vacancy
   Received an application today, and has been forwarded on to P & Z committee.
   d) Compensation for $75 per month for P & Z Chair
   Discussion points included 2007 budget already complete, elected Council Members only make $1,000 per year; it's never been a paid position, and not an elected position. No action taken.
   e) City Clerk taking Minutes at P & Z Meeting
   Discussion on other committees' that take their own minutes, as well as most P & Z meeting are tape recorded. No action taken.
2. Cedar Woodlands II*
   a.) Construction Plans
   City Engineer Joe Palen reported that all issues addressed, and recommended approval. **Mayor Joy Bertsinger motioned to accept CW II construction plans, Councilor Jackie Hall second; all in favor, motion carried.**
   b.) Development Agreement

City Attorney Tom Canan will email the changes to Mr. Tointon. City Engineer Joe Palen questioned the buildable area of the development and it affects SAC & WAC. He looked at map with frontage on opposite side is included, and is viable land that could be built on. Mr. Dan Fitzpatrick stated it is a unique situation because the effected lots have frontage on both sides. It benefits the City to include this as buildable area. Council determined that it should be non-buildable. **Mayor Joy Bertsinger motioned to accept the Development Agreement with the modification as discussed by City Attorney Tom Canan, Councilor Tom Novak second; all in favor, motion carried.**

c.) Final Plat

P & Z didn't have an opportunity to approve it, because it wasn't submitted until the day of the last P & Z Meeting. City Engineer Joe Palen protocol was to have approval of all these at the same time. City Attorney Tom Canan stated that he feels it is Bad public policy to go out and start moving dirt prior to approval of the final plat. **Councilor Kevin McDermott motioned to approve final plat contingent on P & Z favorable recommendation on final plat; Councilor Scott Keigley second; all in favor, motion carried.**

Covenants & Easement Document had other items of discussion which were easement declaration, (extension of drainfield), access, language about signs in subdivision(too restrictive), and article 7 included language stating that the stormwater ponds were located on Outlots which was no longer the case. Mr. Fitzpatrick will revise the Covenants to address these concerns.

3. Summary of Applications*
   FYI for Council.

4. Flow Chart for B1, B2, M1, M2 Zoned Districts presented by Councilor Tom Novak and had the following discussion points:
   - Mr. Palen should be included in this chart as well.
   - Cost of building permit should be motioned on for business district at the beginning of the year.
   - City could make determination of whether application is complete or not complete to determine when the 60 day clock starts to run (City Clerk Cheryl Nymann or City Engineer Joe Palen). Include on flow chart for the completeness.
   - Flow chart should be for internal use.
   - If application is incomplete, then send it back and the 60 day clock stops and starts over if complete application is resubmitted.
   - Send the form letter for building permit application,

   Councilor Tom Novak motioned that upon notification in B1, B2, M1, or M2 zones, that the site plan goes to the City Engineer, Councilor Jackie Hall second; DISCUSSION: Fees determined on an annual basis. **AYES: Mayor Joy Bertsinger, Councilor Jackie Hall, Councilor Tom Novak, NAYES: Councilor Kevin McDermott, Councilor Scott Keigley; motion carried**

City Council recessed at 8:40pm
Reconvened at 8:50PM

G. LAKE SHADY ~ Katie Dudley

1. Wetland Mitigation*

Wetland Scientist from engineering firm (Bonestroo) reviewed this as well. They made some suggestion about not having all silky dogwoods. Steve Wiechowsky, with URS has modified the plans. South peninsula now has 10 black walnut and sit in an upland area; reduced silky dogwood to 95, and introduced button bush (41) {smaller} and 61 speckled alder {medium sized shrub}. Northern peninsula 10 black walnut, speckled alder 89, button bush 10. Next step is to be approved at DNR and Corp of Engineer. Jai Kalsy stated that the larger trees were only on the upper areas, not in the water. Internal mitigation sites, providing larger trees could be a survivable issue as well as availability of Nurseries. SW go back to EAW and states smaller single stock has a lot better adaptability to meet hydraulics of the site. Wetland mitigation will be 1' above normal lake level. Also, another reason to go with smaller plants is that they will morphologically adapt to that site. One of the performance criteria includes reviews in 1, 2,

3, 5 and a percent aerial coverage required (50%). Councilor Kevin McDermott spoke to Lance on several different occasions, and he stated that the smaller tree will outgrow the larger diameter in a 3 year time period. City Attorney Tom Canan suggested formal motion approving plan. **Councilor Kevin McDermott motioned to accept mitigation plan after having Bonestroo scientist look at it, and with 2 foresters on the wetland mitigation team also looking at the plan, Councilor Jackie Hall second; (with revisions Steve discussed above).** DISCUSSION Councilor Scott Keigley has problem with the plans being stamped with 'not for construction'. The reason they're not stamped for construction is because they have not been released to the contractor. They just check to make sure permit requirements are being met. Planting won't happen until next spring. **Councilor Kevin McDermott amended his motion for approval after City receive final document, Councilor Jackie Hall second; AYES: Mayor Joy Bertsinger, Councilor Jackie Hall, Councilor Tom Novak, Councilor Kevin McDermott, NAYES: Councilor Scott Keigley; motion carried.**

2. Relocation of Lake Shady Boat Access*
   Olmsted County is not supportive of the current Lake Shady boat access so close to the dam.. Alternate site is 2nd St NW (not improved road, and very lengthy). Discussion points included:
   - DNR & County could possibly be involved in a canoe launch below the dam.
   - It may not be a viable lake for boat access.
   - This has been a County Park for many years, and now all of a sudden the County is not interested.
   - Leave the boat access where it is.
   - The Lake is accessible for canoes at Allis Park.
   - The issue is that the County won't repair it, and doesn't want to have it there. A better location may be in the Oronoco County Park.

   Councilor Kevin McDermott will take this issue back to Lake Shady Committee.

H. PARKS & TRAILS ~ Adam Brase
1. Letter of Support to Relocate Boat Access to Lake Shady
   Received
2. Update on River Park, Park
3. Update on Signage

I. STREETS & ROADS
1. MnDOT State Aid Grant
   The City was not awarded the $500,000 grant for the west frontage road.
2. Upgrading 1st Street NE
   Grace Lutheran Church resurfacing their parking lot this year, and that road needs to be upgraded along theirs; it would've been nice to do it at the same time; however, the City can't afford to do it now.
3. Riverwood Hills Roads
   Dan Fitzpatrick said the street lights were to be staked and the patch hasn't been done yet (waiting on weather). Deed was never given to City Attorney Tom Canan by Ohly Law Office. Tabled to November Meeting. Mr. Steve Farrell will tell homeowners association that if it snows in the meantime, they will have to contact Mr. Fitzpatrick. Information needs to be at City before Council packets go out.

J. WATER & SEWER
1. Educational Meeting in January
   There was previously an educational meeting on how to care for septic systems, and what to put down and not to put down drains. The committee thought that Doug Malchow should be back out to do another class on this. Grant available for 50% of the $200 of Doug Malchow's cost. **Mayor Joy Bertsinger motioned to retain Doug Malchow services for January 23rd meeting to discuss care of septics, Councilor Scott Keigley second; all in favor, motion carried.**

K. COMMUNITY CENTER
1. West Door Replacement*

City Clerk Cheryl Nymann explained the difficulties with Green Door and discussed the electrical, which Maintenance/Groundskeeper Kent Nymann will be doing This is a very limited service. **Councilor Scott Keigley motioned to expend the additional money for the electronic door opener for the west door replacement from the Community Center Special Fund, Councilor Kevin McDermott second; all in favor/motion carried.**

L. DOWNTOWN ORONOCO GOLD RUSH DAYS
Requests for funding from various groups, and will make determination at November's meeting 6:00pm. (Business 5:30PM). Volunteer Dinner went very well. Committee & Council feed at Fisherman's Inn went well.

M. HIGHWAY 52
1. Signage*
Current signage plans show Exit on northbound at interchange, and southbound at the north entrance by overpass. It would cost the City Between $3,322 (D signs) but the 2 freeway signs would be between $20,000-$30,000 for those signs (@ southbound interchange exit), because the contractor has already made the signs and the material there now, would have to be overlaid (A signs). Councilor Kevin McDermott recalled bringing traffic in on the north exit to get into town and then once they're in town, the City can sign the businesses. MnDOT's practice is to prefer to see 1 exit into the City. MnDOT may have problem with calling it an exit, however, because it's an intersection (so can't call it 'Oronoco next 2 exits). It is against MnDOT's policy for multiple exits into a City. If the City wanted a change, the City would have to expend more money Population sign will be identified on Highway 52. Gateway signs are city expenditure and out of the right of way. Discussion on signing 100th Street.
2. Northbound ramp scheduled for completion by Thanksgiving. Overpass and frontage road opened at same time.
3. The media at 1st Street NW will be temporarily opened after the construction season ends, throughout the winter; for northbound traffic to turn into 1st Street. Coming out of 1 Street NW onto Hwy. 52, vehicles can only go southbound.
4. Safety with trucks. Addressed with the drivers, some of the traffic going back through town empty.

VI. PUBLIC FORUM

Mayor Joy Bertsinger called for public comment 3 times.

Short Break called for at 9:45PM
Reconvened at 9:50PM

VII. UNFINISHED BUSINESS

VIII. NEW BUSINESS

A. REGION VI MCFOA MEETING NOV. 17th IN STEWARTVILLE
Mayor Joy Bertsinger motioned to have both City Clerk Cheryl Nymann and Assistant Clerk Sandy Jessen attend, Hall second; all in favor, motion carried.

B. CLERK'S MCFOA BOARD MEETINGS
Discussion on supporting Clerk on 8 hour day at Board Meetings, and whether it was an educational or growth opportunity for City Clerk Cheryl Nymann.. City Clerk Cheryl Nymann explained what is done at the meeting. **Councilor Kevin McDermott motioned to pay 8 hours for Clerk's MCFOA Board Meetings; Councilor Scott Keigley second; AYES: Councilor Kevin McDermott, Councilor Scott Keigley, Councilor Tom Novak; NAYES: Mayor Joy Bertsinger & Councilor Jackie Hall; motion carried.** This should be brought to Council when attending meeting.

C. TILLY'S LIQUOR LICENSE RENEWAL*

No violations, liability on file. **Mayor Joy Bertsinger motioned to approve Tilly's Liquor License renewal, Councilor Scott Keigley second; all in favor, motion carried.**

D. Set special meeting date for CIP with Mike Bubany (October 19th works for him)
Invite all committees, do after election so new members could be present. Discussion on doing 2 days and availability. City Clerk Cheryl Nymann will contact Mike Bubany to have the meeting on December 7th.

E. Mailing List
Resident Mailing list previously given out to those requesting for $10.00 fee. City Attorney Tom Canan agreed that it is public information.

IX. ORDINANCE & RESOLUTIONS

A. ORDINANCE PERTAINING TO RESTRICTION OF CONSTRUCTION OF NEW BUILDINGS IN B-1, B-2, AND M-1 ZONED AREAS*
Councilor Tom Novak reported that this OACC guideline would have helped out the last business district building permit, and it will help filter the organizational aspects for the developer, give uniqueness, a lot of time put into it, and assure City that a builder will put some thought into the building and landscaping. **Councilor Tom Novak motioned to accept the Ordinance pertaining to building guidelines of B1, B2, M1, M2 areas, Councilor Jackie Hall second;** DISCUSSION: It's too restrictive and will deter businesses. There's concern with buildings that are already here. Can have a steel building and still pass. Windows with 25% coverage on front of building. How can an expensive building make it feel like a small town? Technically the first reading is tonight. Discussion on whether a committee is given power and are not elected officials. It will eventually come to City Council, through P & Z recommendation. Recent builders have not had an easy time building in the City. This could have been non-binding guidelines; however, the Ordinance is a binding requirement. How does it fit into the Ordinances bringing it back to Council? (Article 17.02 regarding Site Plans). Going to Planning Commission needs to be made clearer (regular Ordinance process avenue). Bring back for a second reading at the regular November meeting.
Mayor Joy Bertsinger amend to approve as a first reading,, Councilor Tom Novak agreed; and second reading in November; AYES: Mayor Joy Bertsinger, Councilor Jackie Hall, Councilor Tom Novak;NAYE: Councilor Kevin McDermott, Councilor Scott Keigley, motion carried.

X. PETITIONS, REQUESTS, & COMMUNICATIONS

XI. MEETING MINUTES*

A. 9-18-2006 Regular City Council Meeting Minutes*
Mayor Joy Bertsinger had a couple p.3, under Hwy 52 City resident Mr. Dick Nelson denied part of discussion and stated that there was a motion on the table. M. 4. Email instead of letter. Spelling under new business Jim Kern.
Councilor Tom Novak motioned to accept minutes with noted changes; Councilor Jackie Hall second; all in favor, motion carried.

B. 10-3-2006 Special City Council Meeting Minutes*
Mayor Joy Bertsinger motioned to approve minutes, Councilor Jackie Hall second; all in favor, motion carried.

XII. BUILDING PERMITS*

A. Grant Bauman	695 Valley View RD SW	Basement Finish
B. Dale Wiens	640 2nd Avenue SE	Deck
C. Lee Anderson	700 Treetop Lane	Sunroom & Deck

Mayor Joy Bertsinger motioned to approve, Councilor Scott Keigley second, all in favor/motion carried.

D. River Park Subdivision Building Permits

Remind everyone that Clerk's office drafted a letter stating no occupancy until MPCA accepted final inspection of septic system.

XIII. FINANCIALS*

A. Account Summary, Transaction by Detail, Budget, Unpaid Bills, Accounts Receivable
Mayor Joy Bertsinger reminded Council of their obligation to look at bills. **Mayor Joy Bertsinger motioned to approve all except Home Depot invoice Councilor Kevin McDermott second; all in favor, motion carried.**

B. Transfers: $550.00 from WAC & SAC SF to General Fund *(for 1st Water/Sewer Feasibility Study)*
$4,824.18 from General Fund to WAC & SAC SF *(Journey Dev. payment)*
$1,000.00 from General Fund to Special Fund *(DNR Grant Auto Deposit for FD)*
$22,489.50 from Construction SF to Special Fund *(Overlay Project on West Side Streets)*

Mayor Joy Bertsinger motioned to approve the above transfers and $703.55 Special Fund Parks Payment, Councilor Jackie Hall second; all in favor, motion carried.

C. PERA for 2007*
FYI: City share increases to 6.5% and Employee Share increases to 5.5% in 2007

MISC:

SEMLM meeting Monday, October 30th in Winona. Let Cheryl know.

City Attorney Tom Canan & City Clerk Cheryl Nymann need to go over Ordinances

Councilor Scott Keigley, Ordinance and Resolutions should be at the beginning of the meeting so residents have a chance to respond; can be part of Planning & Zoning.

Next meeting with Zumbro Hills Homeowners Association. How much on the property tax information.

XIV. ADJOURNMENT

Councilor Jackie Hall motioned to adjourn at 10:18PM, Councilor Kevin McDermott second; all in favor, motion carried.

Respectfully Submitted:

Joy Bertsinger, Mayor

Cheryl Nymann, City Clerk / Treasurer