

**CITY OF ORONOCO
REGULAR CITY COUNCIL
MEETING MINUTES
November 15, 2004**

I. CALL TO ORDER

The meeting was called to order at 7:02PM by Acting Mayor, Scott Keigley.

II. ROLL CALL

Present: Joy Bertsinger, Scott Keigley, Kevin McDermott, Dick Nelson, Clerk Nymann, Attorney Canan, members of the Community.

1. Bertsinger motioned to appoint Jackie Hall to the Council because she had the highest number of votes, to fill the vacant Council seat, Keigley second; all in favor, motion carried.

2. Clerk Nymann swore in Jackie Hall as Council member; she then joined the Council table.

III. APPROVAL OF AGENDA (Additions/Deletions)

ADDITIONS: II. 1. Adding elected Council seat with most votes to fill vacant Council seat

II. 2. Affidavit of Candidacy for Jacqueline Hall

VII. E. Office Equipment

VII. F. 8. Petition for Rezoning

VII. G. 6. Street Light on 2nd Ave. NW

VII. G. 7. Office

X. E. MnDOT Enhancement Funds

DELETIONS: IX. A. Ord. 04-10 Req. for review of Proposed Final Plats

Keigley motioned to approve agenda with above noted additions and deletions, Nelson second; all in favor, motion carried.

IV. MEETING MINUTES*

1. 10-18-04 Regular City Council Meeting

2. 10-19-04 Special City Council Meeting

3. 11/8/04 Special City Council Meeting

Change 4:1 To 4:1; pg. 2. orderly annexation time should be 7:00 not 8:00.

Clerk Nymann made above changes which Bertsinger emailed to her. **Keigley motioned to approve above meeting minutes with noted changes; Nelson second; all in favor, motion carried.**

VI. FINANCES (I'm still working on 1 & 2 and will have them ready on Monday)

1. Financial Reports (Budget, US Bank Report, Special Funds)

2. Bills {A/P Check Register Report}

3. Unpaid Bills {Council Approval Report}

Keigley motioned to approve the bills, McDermott second; all in favor, motion carried.

4. Finalize 2005 Budget* {Budget on Asyst, and Budget on Excel ~ needs to be looked at and compared ~ may want to consider a special meeting to discuss and finalize budget, must be done before December 15th} **A special meeting will be held on Dec. 1st at 7:30PM.**

VII. BUILDING PERMITS*

- | | | | |
|----|-----------------|---------------------------|-----------------|
| 1. | Norm Autry | 640 MN Ave. S | Triplex Remodel |
| 2. | Todd Hughes | 605 Valley View RD SW | New Home |
| 3. | Brian Crowson | 1320 Valley View DR SW | New Home |
| 4. | Rick Keller | 465 Sunny View LN SW | New Home |
| 5. | City of Oronoco | 115 2 nd St NW | Awning |

Keigley motioned to approve building permits, Nelson second; all in favor, motion carried.

VII. CITY DEPARTMENT & COMMITTEE REPORTS

A. Olmsted County Sheriff's Dept.

1. October Reports

B. Fire Department – John Stolp

C. 1st Responders – Sue Klassen

1. New Member Christina Klassen

Keigley motioned to approve Christina Klassen, pending background check, Hall second; all in favor, motion carried.

D. EOC – Dennis Blanck

E. Community Center – Ward Field

1. IEA Report on Asbestos in Tiles – Aaron Hess

Aaron Hess and Pat Weir from IEA were present from IEA and presented a report on tiles from the Community Center which was tested samples for asbestos. He stated that the state regulates anything over 1%; Community Centers tiles had 5% asbestos in it, the glue didn't have asbestos. Questions from Council were: *(IEA Answers in italic)*

- a. Can you reglue any tiles? *Tiles can be reglued as long as the tiles are not breaking.*
b. Can you overlay tiles? *Not recommended because eventually old tiles will give away.*

If carpet is put over hot tiles there's potential for problems in the future and cost is usually doubled for abatement.

c. Are there grants available? *There are OSHA safety grants. City applies, and the agency makes determination from various org. (government, private, schools, etc.) and will match up to \$10,000. After approval, work would need to be completed within 120 days.*

Council can choose to do nothing as long as the tiles stay in tact, but if they start to come apart and crack, and delaminate, the area will need to be encapsulated and repaired.

Kent Nymann, Director of Building & Grounds from Plainview Schools, was present and stated that Plainview Schools has dealt with IEA in the past. He said that IEA deals with all the state regulations regarding removal, disposal, and air monitoring; and are a good agency to do business with. He also informed Council that the window that will be replaced in City Hall office should be checked for asbestos. He recommended following the correct course of action in abatement of the tiles. The fines could be astronomical if not correctly abated. He also stated that there are Health & Safety Grants available. Clerk Nymann will get information on grants available.

2. Office Equipment

Nelson stated that he thinks the office should be redone to increase efficiency and flow; Clerk Nymann has an estimate of the cost. **Nelson motioned to redo the office equipment (desks) and take it out of the Special Funds from DOGR, Keigley second; DISCUSSION: Bertsinger thought the office should wait for another month; and wait to see if the windows are asbestos laced. AYES: Nelson, Keigley, McDermott NAYES: Bertsinger, Hall. Motion carried.**

F. Planning & Zoning – Charlie Fried

1. Request to vacate Street (Set Public Hearing)
The Public Hearing will be December 1st @ 6:30PM.
 2. Summary of Developments
Clerk Nymann summarized current developments.
 3. Riverwood Hills IV Final Plat
Bill is working on deeding outlots over to the City, keeping the easement to the sewers. In the development agreement, p. 4. escrow, there shouldn't be anything about connection costs. **Nelson motioned to approve the Riverwood Hills IV Final Plat, Keigley second and made a friendly amendment of the approval contingent on satisfactory roadway name changes; all in favor, motion carried.**
 4. Riverwood Hills IV Development Agreement
There should be an easement to use the property. Canan will work with Bill Tointon on the transfer of ownership. **Keigley motioned to approve RWH IV Development Agreement with the above addition, Nelson second; all in favor, motion carried.**
 5. River Oaks EAW* (Responses from the following agencies)
 - a. Charlie Fried
Charlie submitted a letter with concerns regarding the following points: The GDP doesn't follow the City's Land Use Plan. There is a small dump site along the river on NE corner in the gully not on the map. Plat has to match Interim Residential Ordinance.
- The Council jumped in the agenda down to G. 1, 2, and 3.*
- b. MN DNR
Jeff Broberg from McGhie & Betts was present. DNR has the most substantial comments about the EAW concerning shorelands. The City currently doesn't have a shoreland Ordinance. Jeff went over responses to the questions posed by the DNR; including there would be no intensive clearing of sites, Parkland in outlot B and other open spaces is an extremely large area with 35 acres dedicated to the City, the EAW did not apply transition river standards. Jeff's comments to Charlie Fried about his comments were that Interim Residential is how the land was annexed as, the GDP was approved (contingent on EAW approval), the other dump site in the NE corner was that it was considered a promiscuous dump and will be cleaned up as development proceeds; and that the MPCA has two (2) 30 page reports on the large dump site, and it's adequately covered, with no additional work needed on it, the developers won't disturb it.
 - c. MN MPCA
A letter was received, but no comments were given.
 - d. City Engineer, Steve Voigt
Jeff Broberg commented that the permits are governed by state statutes, the plans don't need further discussion in the EAW process, but can be discussed in the plat process, dust control will be minimized, and the cost of future installations will be assessed at that time... Mike summarized by stating that at this time, he is asking Council for a negative declaration, which states an EIS is not needed.

Questions which arose: Charlie Fried asked what the difference is in an urban vs. transitional river. Canan asked about intensive clearing, that it's not allowed in shoreland district, and clarification is needed on how this is controlled. It was stated that it would be spelled out in the covenants, and police powers would help enforce it. At this point, Canan stated that the City has to determine if enough information has been brought forward in the EAW to give a negative declaration. Clerk Nymann stated that the Council has 30 days from the 10th of November to make their declaration. Also discussed was the floodway boundary and that most homes were set back enough. An option along the waters edge would be to have an outlot instead of an easement for a trail. **Keigley motioned to have Clerk Nymann draft a letter to the DNR asking for definitions on urban vs. transitional river; asking about tree cutting in the flood plain, and form of determination, and to get a copy of the shoreland and bluffland ordinances, Jackie Hall second; DISCUSSION:** Clerk Nymann will determine a deadline for DNR response. **All in favor, motion carried.**

Steve Jech stated that they will do everything to save the tree lines, because they are an asset to the property, and it will be addressed through the covenants, and it is their every intent to leave the tree line where it's at. Steve Voigt doesn't see any reason to go forward with an EIS, everything has been covered. He does not recommend an EIS, all of the above questions can go through the plat process. **Bertsinger motioned to continue the EAW discussion at the December 1st Special City Council Meeting at 7:45PM, Keigley second, all in favor, motion carried.**

6. River Oaks Preliminary Plat (partially discussed above)
7. Whittington Acres Development Agreement (no new information)
8. Petition for Rezoning (Set Public Hearing Date)
Needs to go to Planning & Zoning then to Council. Canan wanted to make sure this was appropriate, and not be referred to as spot zoning.

G. Streets & Roads

1. Weight Limits on Roads – Larry Stolp
Trucks on the back road (2nd Ave. NE) going in and out of town, Larry is concerned about the road breaking up. Steve Voigt stated that the strength of the roads is unknown, but it's better to error on the side of safety in limiting weight on the roads. Keigley motioned to table weight limit signs until Clerk Nymann can talk to Larry about what tonnage the road & which roads should be classified, McDermott second; all in favor, motion carried.
2. Speed Limit Signs on West Center (they are all faded)
Speed limit signs are faded. **Bertsinger motioned to replace speed limit signs on West Center Street, Keigley second; all in favor, motion carried.** Clerk Nymann will contact County.
3. Striping on West Center Street
The County knows the specs for placing lines, and the most convenient will be the County to stripe center line for no passing zones. **Keigley motioned to have the County do the no passing lane striping on West Center street, McDermott second; DISCUSSION:** Clerk Nymann was instructed to get an estimate, and if it did not exceed \$1,000 for the ½ mile of road, then go ahead with the striping; **all in favor, motion carried.**

Keigley called for a brief recess at 8:10PM

The meeting was called back to order at 8:17PM

Dale Ragan was present, and spoke next about Hwy. 52, and then the Council went back up to F.5.b.

3. Cart Path – Been Graded, no gravel put down
Council asked how bad all the paving equipment could have damaged his driveway. Council indicated that Dwaine and Mark would have to contact the paving company and take it up with them. Clerk Nymann is to contact Rochester Sand & Gravel for them to provide the rock for repair of their road.
4. Stolp's Cove
Clerk Nymann was contacted by Vince Fangman, and he wants to get together with a Council member to discuss Stolp's Cove road to get something in writing that it's a City street. Scott Keigley will meet with Vince.
5. Street Light on 2nd Ave NW
Dick Nelson stated that there was a street light down at the end of west center street (by Jackie Hall's house), and that he use to pay for it, but no longer does. He said that it is a very dark corner and there needs to be a light there. **Nelson motioned to have the City put up and pay for a street light at the intersection of West Center Street and 2nd Ave. NW; Keigley second; all in favor, motion carried.** Clerk Nymann will contact the electric company.
6. Post Office concerns with roads
Nelson stated that he's had meeting with Dave at the Post Office and there is a list of problem areas with mailboxes and new paving; the mailboxes are in the city's property ROW, and they need to be fixed. Nelson will speak to Dave more about this.

H. Highway 52

1. Municipal Consent on Final Layout
Dale Ragan and Ken Moen were present to discuss the City's Rights with the Hwy. 52 project. Ken Moen has been involved with acquisition and helped protect property owners along the Hwy. 52 corridor project. Mr. Moen stated there are legal and political options available to the City. Canan stated that it was important to get Mr. Moen's perspective. **Nelson motioned to set a meeting date with just Hwy. 52 on the agenda, Keigley second; DISCUSSION: the meeting will be Tuesday, December 2nd @ 7:30PM; all in favor, motion carried. Keigley motioned to table the Hwy. 52 municipal consent decision until Dec. 2nd.**

I. Downtown Oronoco Gold Rush

1. Distributions as follows:
 - a. 4th of July Fireworks \$5,000
 - b. 4th of July Pyrotech/music \$ 800
 - c. Clean-Up \$2,000
 - d. National Night Out \$ 500
 - e. DOGR Computer Equip. \$1,000
 - f. Grace Lutheran Church \$4,750
 - g. Oronoco VFW \$2,000
 - h. Oronoco Senior Citizens \$2,750
 - i. Cemetery \$3,000
 - j. Presbyterian Church \$4,000
 - k. PI Early Childhood \$ 200
 - l. Oronoco Fire Department \$8,000
 - m. Oronoco 1st Responders \$8,000
 - n. Oronoco Comm. Center \$8,000

TOTAL \$50,000

J. Caryl Cowden Park

1. Plaque In for Caryl
Clerk Nymann displayed the plaque for him.
2. Sign at Park – Dick Nelson
Nelson working on this.

K. Water/Sewer

There's a folder in City Hall, all info for it should be passed on to this folder.

VIII. PETITIONS, REQUESTS, COMMUNICATIONS

IX. ORDINANCES & RESOLUTIONS

- A. Ordinance #04-10 Requirements for review of Proposed final plats* (DELETE)

X. OLD BUSINESS

- A. MN DNR Enhancement Grant Program

Originally Bertsinger and VanSickle went to this meeting, but the City does not have a plan in place. Suggested having a parks committee to get a plan in motion. **Keigley motioned to take no action for this Grant program at this time, and to have a good plan ready for the next opportunity; Bertsinger second; all in favor, motion carried.**

- B. People's Co-Op Franchise Agreement

Canan stated there are 2 issues left. The first issue being the relocation request in which if the City has no control over relocation of lines (from a 3rd party), the language requiring the City to pay for the relocation should be dropped. The second issue being attorney fees. It should be stated the attorney fees are for the development of the franchise agreement, and capped at \$500, same as Pine Island Telephone.

- C. FYI: Documentation of Town Hall Ownership

- D. Fitzpatrick Fees

- E. MnDOT Enhancement Funds

Bertsinger attended this meeting, and reported that there only seems to be 4 other cities looking at these funds. It's a cost share of 80/20 with a minimum of \$200,00 expenditure. This does not cover engineering fees, right of way acquisition costs, or developer fees. It is due in by February 3rd. Requirements include a public hearing and citizen input. The Funds are available every 2 years. Pedestrian and bike trails are big items, as well as acquisition of scenic and historic sites. McDermott suggested the City wait for 2 years when the Hwy. 52 project will be done, and then see what is needed.

XI. NEW BUSINESS

None

XII. PUBLIC FORUM

No one present.

XIII. ADJOURNMENT

Hall motioned to adjourn at 11:30PM, Keigley second; all in favor, motion carried.

Respectfully Submitted:


Scott Keigley, Acting Mayor


Cheryl Nymann, Clerk/Treasurer