

**CITY OF ORONOCO
REGULAR CITY COUNCIL
MEETING MINUTES
October 18, 2004**

I. CALL TO ORDER

The meeting was called to order by Mayor Jason Ottman at 7:05PM.

II. ROLL CALL

Present: Mayor Jason Ottman, Joy Bertsinger, Scott Keigley, Kevin McDermott, Dick Nelson, Clerk Nymann, Attorney Canan, and members of the community.

III. APPROVAL OF AGENDA (Additions/Deletions)

Clerk Nymann noted one **addition** to the agenda: **VII. H. 4. Letter from Jai Kalsy**

IV. MEETING MINUTES*

- A. September 13, 2004 Public Hearing Meeting Minutes
Bertsinger motioned to approve, Keigley second; all in favor, motion carried.
- B. September 20, 2004 Special City Council Meeting Minutes
P. 6. J. 1. third line down, **change 'Don Clark' to Don Baker**; P. 6. K. last sentence, **change 'tat' to that**; p.8. XIII. A. first sentence, **change 'they' to Dan Moulton. Motion to approve with noted changed by Bertsinger, second by Nelson; all in favor, motion carried.**
DISCUSSION: Attorney Canan asked about the letter regarding the franchise agreement he sent to Ken Moen from People's Co-Op. He has not received a response back from him. Clerk Nymann will contact Ken.
- C. September 27, 2004 Special City Council Meeting Minutes
Bertsinger motioned to approve, Ottman second; all in favor, motion carried.
- D. October 14th Special City Council Meeting Minutes
The fourth sentence in the beginning paragraph should read '**...Background costs (which included community center rental based on 2 meeting per month) of \$1,200 annually were discussed...**' **Ottman motioned to approve minutes with above noted change, Keigley second; all in favor, motion carried.**

VI. FINANCES

- A. Transfer and pay \$184,011.00 to Rochester Sand & Gravel from Street & Road Improvement Special Fund to General fund for Pay Estimate #3. **Ottman motioned to transfer and pay this bill, Keigley second; all in favor, motion carried.**
- B. Pay \$7,685.20 to Rochester Sand & Gravel for 2nd St NW from fund balance. (for paving of 2nd St NW) **Ottman motioned to pay from fund balance, Keigley second; all in favor, motion carried. DISCUSSION:** Bertsinger asked the Council if they knew of the minimum fee of \$700 that Rochester Sand & Gravel was charging residents for matching existing paved

letter to the property owner to have him apply to rezone or vacate the property, Ottman second; **DISCUSSION:** There should be a deadline to start the application process, the zoning ordinance and a zoning map should be included with the letter (Clerk Nymann will get a map for Attorney Canan). The compliance date is set at November 30, 2004. **All in favor, motion carried.**

B. Fire Department – John Stolp

John reported that the brush was burnt up at Caryl Cowden Park, and the fire departments old pull tabs were burn with it.

C. 1st Responders – Sue Klassen

Sue Klassen was unable to attend, Drew Hewitt was present.

1. There were 12 calls, 2 in the City, 2 on Hwy 52, and 8 in the Township.
2. The 1st responders would like to rename the special 'reg' fund to team building special fund. This money was previously raised through chili feeds and spaghetti dinners. **Nelson motioned to change the fund name to team building fund, McDermott second; all in favor, motion carried. DISCUSSION:** Prior approval from Council would be necessary for spending the Special Funds. **Bertsinger motioned to have 1st Responders withdraw \$100 from the Team Building Special Fund;** Dennis Blanck objected to seeking approval before every team building event when Council only meets once per month. **Bertsinger withdrew her motion and motioned to withdraw \$770.87 out of the Team Building Special fund and place it into the General Fund; Keigley second; all in favor, motion carried. Bertsinger motioned to amend the 2004 budget and add to the 2005 budget, a line item of FOOD to the 1st Responder general fund allowing an expense of \$400 this year, and encumber the remaining amount for next year, Keigley second; all in favor, motion carried.**
3. Drew stated that there were 3 new members finishing training; they are Sean Culver, Kane Dolan, and Christine Klassen. Discussion from Council was that new members need to be approved by Council before attending classes, pass background check, and they must make a one year commitment. It was noted these conditions were part of the fire department new member approval process, but nothing has been adopted like this for 1st responders. Drew will get information to Clerk Nymann to conduct background checks.

D. EOC – Dennis Blanck

Dennis informed Council that the City will be receiving a bill for \$500 from Olmsted County for the man hours and sand from the flood. He stated the cost of this could be put on the homeowners insurance; also that Olmsted County EOC and the Government are being involved to monitor the flood control of the 2 rivers coming into Lake Shady. He wanted direction from Council on when they should sand bag again, or if it should be the homeowner's responsibility. Council agreed that being part of a small town community, is coming together if help is needed, and not to charge the homeowner or their insurance company. Dennis also informed Council that there have been a lot of man hours involved after the flood, with paperwork and phone calls, and suggested that the City begin to budget for emergencies, and at least 2 weeks away from work for the EOC director to wrap up the emergency.

E. Community Center – Ward Field

1. Furnace for Shop – Bid
Keigley motioned to purchase the furnace from First Supply for \$266.25, and to take it out of Community Center; Ottman second; all in favor, motion carried.

2. Zone Pumps for Community Center
Have been installed by Ward, and are working.
3. IEA (Institute of Environmental Assessment) Preliminary Report
Clerk Nymann informed Council that IEA was out last week and took samples from the hallway, upstairs, Council chambers, and under carpet to be tested for asbestos. IEA will have a report for the Council at their next regular meeting.
4. Special Exception for lease agrm't of Comm. Center
Paul Howe would like to lease the Community Center for a puppy class. But, the lease agreement states that no pets are allowed in the Community Center. At approval of Council, he had a trial class last Wednesday, moved the Council chairs out and closed the curtain. He swept up after himself. Canan wondered if dog feet with claws would scratch the tile floors; Paul stated that there has not been any previous damage from the puppies. Keigley stated that this would bring in more revenues to the Community Center, Paul is a member of the community and that he thought the exception should be allowed and a review could be made after the first 2 sessions. **Keigley motioned for a special exception to the Community Center lease agreement to allow Paul Howe to have a puppy class, and to review it in 8 weeks; Bertsinger second; all in favor, motion carried.**
5. Seniors Concerns
Bertsinger met with a committee for the senior citizens and is bringing forth their concerns for the Council to consider. The sinks are too unusable (too low), and shelves in the kitchen are too high. They don't like the looks of the cabinets and would like to see them refinished, and they don't know why the book shelves are there (they'd like to go through them and clean it out).

F. Planning & Zoning – Charlie Fried

1. Riverwood Hills IV Final Plat ~ Set Public Hearing Date
Bertsinger motioned to set a Public Hearing for RWH IV Final Plat for November 8, 2004 at 6:30PM, Keigley second; all in favor, motion carried.
2. RWH IV Development Agreement
Page 4, #4, Bertsinger thought connection fees weren't suppose to be in there. Bill said they will omit that 'for connections' portion. Discussion of Parkland dedication to all developments for Fitzpatrick-whether playground equipment and walking areas would be put. To be discussed later.
3. Letter from Charlie Fried – Mark Kuehn request for zoning change
Discussed letter which stated P & Z denied the request to rezone because of the opposition of other neighborhood residents, the single family nature of the neighborhood, and the long standing nature of the city's R-1 designation. **Bertsinger motioned to accept and approve P & Z recommendation to deny the zone change, Keigley second; all in favor, motion carried.**
4. Letter from Charlie Fried – River Oaks Subdivision Preliminary Plat
The letter stated that P & Z unanimously voted to grant the plat a conditional approval. The conditions are that commission approval depends on the successful completion of the EAW process and on resolution of public access to the Zumbro River upstream from Outlot B, noting that the City's long-range land use plan currently designates that river frontage as Parks.
5. EAW River Oaks Subdivision
The EAW is ongoing and the last day for written comments is November 10th. The City cannot act on the plat or issue any permits until the EAW process is complete, but they can discuss it. Bertsinger wants Council to designate a path along the river bank. It was stated that this area is subject to flooding with changing topography, the City would have

a liability concern also, and values would be taken away from the lots. Canan stated that the City could post 'enter at your own risk' signs. As soon as the City made improvements, they would be liable. Currently, there is dirt being moved around on the property. City Engineer, Steve Voigt stated that his interpretation was that they shouldn't be moving any dirt around, there are erosion control concerns, and questioned whether best management practices were being done. Clerk Nymann called the Environmental Quality Board earlier in the week, and they stated that the City cannot issue any permits. Since the City does not issue grading permits, then the Developer would be doing everything at his own risk. Voigt said that this problem could be alleviated if the Council would address the proper process for EAW's, grading & construction plans in its Ordinance. And that whenever a GDP comes in for more than 80 acres, the EAW process should begin immediately. There is also dirt and mud being tracked out onto the pavement. **Nelson volunteered to contact Jech Excavating to discuss this with them. McDermott motioned to have Dick contact Jech's about the above concerns, Ottman second; all in favor, motion carried.** McDermott had already reviewed the EAW, the remainder of the Council had not. **The EAW is tabled until the November 15th meeting**

6. Motion to have attorney Canan draw up final agreement for Orderly Annexation to represent both township and city.
Council & Township's last meeting was an open discussion and now it will be going to the Town Board, and come back to the City in November. **McDermott motioned to have Canan draw up final agreement for Orderly Annexation, and that he represent both township and City, Nelson second; all in favor, motion carried.**
7. Summary of Projects
Clerk Nymann prepared a spreadsheet with a summary indicating the different developments in progress, timelines for all developments, number of lots and number of building permits out. She stated it would be easy to update on the spreadsheet, and that Council will have monthly updates on it.
8. Letter from City Engineer SEE – Steve Voigt
Voigt's letter centered on the Final Construction Plans and there should be a proper sequence in the final plans phase. Council would like to submit it to P & Z at their next meeting, because they should be involved in this process also. Canan and Steve discussed some issues. Canan will draft an Ordinance and email it to Cheryl. **Ottman motioned to pass the drafted Ordinance on the Planning & Zoning Commission for their review, McDermott second; all in favor, motion carried.**

G. Streets & Roads

1. Paving Project – Letter from John & Olive Campbell
The Campbell's are upset because of the hump at their driveway and steep grade from the paving project. Voigt reminded Council that early on in the project, the City made the decision that the paving project would only entail main line paving, and that all connections were up to the individual homeowners, but SEE will look at this driveway. **Ottman motioned to have the Clerk send a letter to the Campbell's and tell them SEE will be reviewing their concern, McDermott second; all in favor, motion carried.**

A short recess was called at 9:00PM

The meeting was called back to order at 9:10PM

Keigley motioned to move up on the agenda, items in which people were waiting to discuss, McDermott second; all in favor, motion carried.

2. Larry Stolp
Street Curves

Larry was concerned about rock being kicked up onto the pavement on various corners in the City. He suggested putting posts close enough together with reflectors on them on the corners. The County does the signs, but they don't give estimates. Larry will work with Cheryl and Roger at the County Sign Shop to get an idea of what it would cost to place the posts.

Plowing

Larry wanted to know if the City has accepted any new streets. The City hasn't accepted any streets yet. Fitzpatrick plans to complete RWH I next week. Cheryl will send him a letter when this is done. Larry also wanted to know if Ward would be using the City truck to plow Stolp's Cove and 2nd Ave NW. **Keigley motioned to have Larry add these 2 streets maintained by Stolp Construction, and if he has problems with his rigs in those small areas, it would be discussed then; McDermott second; all in favor, motion carried. DISCUSSION:** Just a reminder to Larry of the steep bank on the curve on 2nd Ave. NW.

X. **OLD BUSINESS**

A. Moulton -Sign Ordinance

Mr. Krause and Bill Engelking were present. Canan sent a letter to Attorney Moulton with the Council's decision that this sign wasn't a non-conforming sign. Mr. Moulton contacted the City and requested to be heard before the Council at another meeting to revisit the issue. Council asked if there were new facts that they didn't have in July. There were not. Discussed were sign permits, percentage of sign loss, and the pictures. Council made no motions.

B. Aileen Christensen Driveway

Clerk Nymann received a concern from Aileen Christensen about the deep indentations in her driveway after the flood, thinking the rigs brought out from the fire department wrecked her driveway. She asked John Stolp and Dennis about this. The only trucks out were the mini pumper and blazer, and that the County dump truck that brought sand in, backed in all the way, so it didn't need to turn around anywhere. **Ottman motioned to have Clerk Nymann send a letter to Aileen that the City trucks and the County would not have been responsible for the damage to her driveway, Keigley second; all in favor, motion carried.**

B. Dan Fitzpatrick WAC & SAC Fees

Parkland Dedication

Dan Fitzpatrick and Bill Tointon were present. Council questioned whether all the outlots in Riverwood Hills connected together (the majority of them will). It wasn't clear whether the City has the right to enter on Outlots to create active recreational areas and open space areas. (Dan still owns them now). The residents don't know where they are. Bill suggested having his surveyors mark the edges of the drain fields in the outlots, dedicated an easement. Bill will also forward a GDP with Riverwood Hills on it, so outlots can be clearly seen.

Development Agreements

Page 6, #2, it's always stated that the City shouldn't require transportation studies. But the usage of 3rd Ave should be looked at to see if it could handle an increase in traffic. Bill stated that it would when the threshold meets 1,500 trips/day. Dan informed Council that the knob (which caused a site problem) on 3rd Ave SE was cut down today.

Page 6, #3, Earlier discussions were that there wouldn't be a time limit. Bill Tointon said it would be taken out. And that WAC & funds could be used anywhere in the City. The determination of how WAC & SAC fees were determined was recapped, along with the lift station. **Bertsinger motioned to set up separate fund for lift station, Keigley second; all in favor, motion carried.** Bill T. answered the email from Steve Voigt. The big issue was the roadway, they use the County's standard 7 Ton roadway. Dan stated they have deeper rock base, but has same strength. Also discussed was GDP lot numbers, and if it goes up or down the fees will change accordingly. But the end will be \$260,000. **Clerk Nymann will keep track of lots per year on a spreadsheet for end of year reports.**

It was also noted that other Development Agreements need to be changed (Whittington Acres), and that this one should be at the next regular meeting. Council could use McGhie & Betts development agreement as a guide. Recaps: Clerk Nymann will work with Dan to get the bottom line on figures owed/credited; Council accepts amended agreements, development agreements viewed by Canan and they seemed to be in order. **Bertsinger motioned to accept the development agreements for Riverwood Hills I, II, III and Cedar Woodlands using the \$2,750 WAC & SAC Fees, and above noted changes, Ottman second; all in favor, motion carried.** **DISCUSSION:** Resolution for easement on Outlots, (Bill will get the technical info to Clerk Nymann, and she will plug into a resolution).

XII. PUBLIC FORUM

Dwaine and Mark Stolp were present. The City is still waiting on MnDOT for their actions, which they are trying to prove that 5th St SW (cart path) is a City Street. Dwaine said that the blacktoppers were running their heavy equipment through his private property; Mark approached a driver and the boss came out and said that Larry Stolp showed them the short cut through their property. The Stolp's were wondering if the city can put on gravel and regarded. **Bertsinger motioned to put gravel and grade at the end of 5th St SW because the blacktop equipment damaged it, Ottman second; all in favor, motion carried.** Dwaine stated that no appraiser has been around yet, and just wanted to keep Council informed; also, a reminder that MnDOT is land locking them. Council told the Stolp's that they will be contacted when the City hears from MnDOT on the status of the Cart Path.

Continuation of regular agenda, everyone has spoken that had business with the Council.....

H. Highway 52

1. Letter from Jai
Joy wants to know if this letter should be answered, which deals with Hwy. 52, and the Cart Path. The Cart Path is on a private abstract, and there's no dedication or easement. Also in the letter were costs associated to the frontage roads, and latest traffic studies for 12th St SW.
2. Special Meeting with area State and County Representatives, Tue., Oct. 19 @ 6PM.
All Council is going to the meeting. Council needs to get their points out and try to figure out how to get MnDOT to move money around. They want to know how MnDOT can help the City.
3. Letter from Randy Demmer to District 6 Engineer
Letter to MnDOT from State Representative Randy Demmer with his support to work on getting the West frontage road in Oronoco in the same place as was originally proposed.
4. Transportation enhancements funding application information packet
Bertsinger stated that there is extreme competition for these funds, and are difficult to get. **Ottman motioned to table this until the Nov. meeting; Keigley second; all in favor, motion carried.**

5. **Downtown Oronoco Gold Rush**
The Committee reported that they received requests for funding at tonight's meeting, and they will make decisions on the disbursements at the next regular DOGR meeting on November 15th

6. **Caryl Cowden Park**
 - a. Motion to authorize Township to put Town Hall, located at Caryl Cowden Park, up for bids. **Ottman motioned for Oronoco Township put the Town Hall located at Caryl Cowden Park up for sale, Keigley second; all in favor, motion carried.**
 - b. Recognition for Caryl Cowden Park @ VFW on Sunday, Oct. 24, 2004 @ 10:00am
Full Council will try to make this.
 - c. Sign of designation for Park
Nelson stated he would like to see a board with routed name of Park placed at the park, (2X12 w/ name routed into the board) **Ottman motioned the City buys materials for the sign and take money out of the Caryl Cowden Park Special Fund, Keigley second; all in favor, motion carried.**

7. **Water/Sewer**

VIII. PETITIONS, REQUESTS, COMMUNICATIONS

- A. Southeastern Minnesota League of Municipalities Meeting, Oct. 28, 2004
Bertsinger will be attending.
- B. Olmsted County Board of Commissioners Small Cities Meeting @ Oronoco Community Center on October 19th at 7:00PM (Oronoco is hosting this event)
FYI

IX. ORDINANCES & RESOLUTIONS

- A. Ordinance 04-06 2nd Reading
Ottman Summarized it as Mayor receiving \$1,500/year, with 4 paid meetings per month (\$25/mtg); Council receiving \$1,200/year with 4 paid meeting per month (\$25/mtg); effective January 1, 2005. **Keigley motioned to approve second reading and publish, Ottman second; all in favor, motion carried.**
- B. Ordinance Report from Attorney Canan and Clerk Nymann
Clerk Nymann 7 Attorney Canan spent a couple of hours and merged/synthesized them together, and that it was a very helpful session.

X. OLD BUSINESS

(A, B, C, were earlier in the agenda)

- D. Golfing on City Property
Previously discussed in another meeting. Nelson informed Council that this has become a problem with neighbors, as well as damage to City property. There have been broken windows at Schad Tracy and on a vehicle there. Discussion of the sign of 'no golfing on city property, and possible ordinance on it. The City will see if the sign has the desired effect.

XI. NEW BUSINESS

A. Hiring Clerk Assistant – Applicant A & B

Keigley stated that he and Clerk Nymann interviewed 7 applicants, and 2 have been brought to Council for their selection. Scott stated that either applicant would be a good choice to fill the position and applicant A has had business experience, financial experience, computer experience and that her children are older. McDermott asked Clerk Nymann if she had anything to contribute. Clerk Nymann reported that there were 15 applicants and no applicant requested veteran's preference. She stated that Candidate A had 65 points to get to the interview, and Candidate B had 40 points to get to the interview. There were positive and negatives to both candidates, and either would do a good job as an assistant. **McDermott motioned to offer Candidate A \$9.00 per hour as Clerk Assistant, and core hours/details will be worked out with Clerk Nymann, Ottman second; all in favor, motion carried. DISCUSSION:** The core hours will be in the morning (9-1, or 8-12) because that's when the most traffic comes into the office, and she should start ASAP. All contingent on background check.

B. Mayor

This will be Mayor Ottman's ^{past} regular meeting. He will be moving out of town at the end of the month. He appreciates all the hard work from the Council during his term as Mayor. **Bertsinger motioned to accept Ottman's resignation effective October 27th, Keigley second; all in favor, motion carried. DISCUSSION:** Acting Mayor Keigley will assume the Mayor's position until the end of the year (2004).

XIII. ADJOURNMENT

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

Respectfully Submitted:

Jason Ottman, Mayor



Cheryl Nymann, Clerk/Treasurer