City of Oronoco
Regular Council Meeting Agenda
November 20, 2006
7:00pm

I. CALL TO ORDER

Mayor Joy Bertsinger called the meeting to order at 7:05PM.

II. ROLL CALL

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

III. APPROVAL OF AGENDA

ADDITIONS; VIII. 4-H PROPERTIES MOVE DIRT
VII. A. Dangerous Dog Ordinance
CLOSED SESSION: Security.

DELETIONS: X. D. 11-09-2006 Special City Council Meeting Minutes*

Councilor Jackie Hall motioned to approve agenda with additions and deletions, Councilor Kevin McDermott second; all in favor, motion carried.

The council meeting did not follow the order of the agenda.

V. CITY DEPARTMENT & COMMITTEE REPORTS

A. OCSO ~ Sgt. Tom Claymon
   1. Law enforcement in Oronoco has been quiet.
   2. Speeding complaints on new frontage roads have been identified.
   3. Continue working on Hwy. 52 speeding
   4. Sgt. Claymon would like a copy of the dangerous dog ordinance when it is complete.

B. FIRE DEPARTMENT ~ John Stolp, Fire Chief
   1. Runs: 3 runs (2 township, 1 city)
   2. Fire Department Payroll
      Over by $2,500 on payroll, due to increase in member numbers (keep this in mind at budget time).
   3. Received information and application on operation Round-Up from People's Co-Op.

C. 1st RESPONDERS ~ Gwen Holt, 1st Responder Director
   1. Runs: 4 Total (3 Township, 1 City)
   2. 1st Responders Payroll
      Under budget on payroll.
   3. Amanda Haglund-New Hire
      Amanda has already passed the background check, and will attend training in January. **Mayor Joy Bertsinger motioned to accept Amanda Haglund because background check is complete, and training will be in January, Councilor Jackie Hall second; DISCUSSION:** It was pointed out to Amanda that she can ride along with the 1st Responders as an observer only until training is complete, and that this requires a 1 year commitment on her part, or she has to reimburse the City for training. **All in favor, motion carried.**

4. Purchase Two Pagers
   These would have dual capacity (for fire dept. and 1st responders). These would remain as extras covering both departments. **Mayor Joy Bertsinger motioned to authorize purchase of 2 pagers for $950, Councilor Scott Keigley second; all in favor, motion carried.**
5. Purchase 2nd Defibulator
   Many members of the 1st Responders who live on the west side of the highway, and response time 6 minutes to get to the rig, and that this second defib. would be kept on the west side and that person would go directly to the scene. **Councilor Kevin McDermott motioned to purchase a second defib., Councilor Scott Keigley second; all in favor, motion carried.**
6. Encumber $1,00 for training from this years budget to their special funds
   Mayor Joy Bertsinger recommended to bring this back in January.
7. Applied for $2,500 equipment grant from Ag-Star, however denied
8. Applied for and awarded training grant for next year from SE MN Consortium (max. amt. $900)
   Gwen will provide City Hall with the acceptance letter.
9. City Clerk Cheryl Nymann will develop new application for the 1st Responders and Fire Department new hires.

D. EOC ~ Dennis Blanck, EOC Director
1. River Gauges
   Closest installation is in Pine Island area, however, Dennis has worked closely with the EOC in Pine Island. NWS can tap into those gauges as well; and the EOC would know before NWS sent out the warnings.
2. 800 mHz Radio
   His radio is borrowed from Olmsted County EOC, and they want it back. Dennis would like the City to purchase a radio (which needs to be encrypted) at a cost over $2,000. This will be looked at next year.
3. Trainings
   Dennis gave a review of trainings that he has attended for his position. And, he asked Council to consider increasing his training budget for next year. This will be reviewed at the next budget meeting.

E. ORDINANCES & RESOLUTIONS
1. Second Reading of Ordinance 06- Restricting Construction of New Buildings in B-1, B-2, M-1, & M-2 Zoning Districts.
   Mayor Joy Bertsinger gave overview of the Ordinance, which has changed several times since the original document, and stated this is what residents stated they want to keep the small town look. Other points of discussion included:
   - OACC (Oronoco Architectural Control Committee) should be renamed to OAC.
   - Questioned whether the City needed the OACC, and that P & Z should be taking care of these type of items. Currently, OACC is not a subcommittee of P & Z because there are members outside P & Z that sit on the committee. However, OACC does report to P & Z.
   - These guidelines are a way to curtail potential.
   - These guidelines could drive away or stall potential businesses to Oronoco.
   - Trust that new businesses will not build junk buildings, because this is their livelihood.
   - Point system confusing.
   - Procedures discussed by City Attorney Tom Canan.
   - This should come back for review in 6 months.
   - Allows for metal roofs
   - Windows, Landscaping, Parking Lot points changes
   - Tilly's & Northland would 'pass'
   - Resident's concern on large, metal buildings

   Councilor Tom Novak motioned to approve Ordinance 06-05 which creates and enacts Article No. X of the City of Oronoco Zoning Ordinances concerning Restrictions on Construction of new buildings located in areas zoned B-1, B-2, and M-1 and review of building guidelines by the

Oronoco Architectural Control Committee (OACC), Councilor Jackie Hall second; DISUCSSION: Mayor Joy Bertsinger inserted a friendly amendment to review this after a 6 month period; **AYES: Mayor Joy Bertsinger, Councilor Jackie Hall, Councilor Tom Novak, NAYES: Councilor Scott Keigley, Councilor Kevin McDermott, motion carried.**

2. Resolution 06-26
Resolution to pay reoccurring monthly bills. City Attorney Tom Canan read a portion of the statute regarding City payments. Mayor Joy Bertsinger contacted City Auditor Tom Cummings and he didn't think the credit card was a contract, however in City Attorney Tom Canan's opinion, it is a contract. **Mayor Joy Bertsinger motioned to approve Resolution 06-26 paying gas, electric, phone, payroll taxes and payroll between Council meetings, Councilor Kevin McDermott second; DISCUSSION:** City Clerk Cheryl Nymann should be the only authorized credit card holder. **All in favor, motion carried.**

F. PLANNING & ZONING
1. Planning & Zoning Commission Report (see minutes)
   a) Recommendation to accept Paul Pendergrass resignation
   Mayor Joy Bertsinger motioned to accept Paul Pendergrass resignation, Councilor Tom Novak second; DISCUSSION: John Hoxmier will chair the December P & Z meeting, and a new chair will be determined at the January meeting. **All in favor, motion carried.**
   b) Recommendation to accept Carol Olson and Carl Reiss as new P & Z Members
   Mayor Joy Bertsinger motioned to accept Carol Olson and Carl Riess as new P & Z members, Councilor Jackie Hall second; all in favor, motion carried.
   c) Recommendation to approve Cedar Woodlands II Final Plat
   P & Z recommended approval on the CW II Final Plat.
   d) Elk Farm
   Councilor Tom Novak reported that the investment company is marketing this site on their web site (www.towerinvestments.com) as a biotech development. City Hall is waiting to hear back from Abraham Algadi, Pine Island City Administrator for a meeting date.
2. Flow Chart for OACC Guidelines
City Clerk Cheryl Nymann pointed out on the flow chart that the 60 day rule begins at the point the application is received at City Hall, and then, the City has 15 days to determine whether or not the application is complete. This change will be made.
3. Summary of Applications
Whittington Acres Development Agreement and final plat have not been recorded, as well as Milestone Development having an accounts receivable amount of $ $6,509.76 with the City. **Mayor Joy Bertsinger motioned to have City Attorney Tom Canan draft a letter to Milestone Development with the above concerns, Councilor Scott Keigley second; all in favor, motion carried.**
4. River Park Subdivision
MPCA has not given approval on final inspection for the septic in this subdivision. MPCA has not given the City any updates on the process. City Engineer Joe Palen will follow up on the City's behalf to the MPCA. **Mayor Joy Bertsinger motioned to issue no further building permits for River Park Subdivision until the city receives a letter from the MPCA on their approval of the septic in this Subdivision, Councilor Jackie Hall second; DISCUSSION:** City Clerk Cheryl Nymann will send a notice to Jechs on this. **All in favor, motion carried.**

G. LAKE SHADY ~ Katie Dudley, Lake Shady Committee Chair
1. Elevation on Wetland Mitigation – Richard Nelson
Mr. Nelson was not present for this. He has a concern that the level of the ground at the mitigation site is too low. He should contact the wetland mitigation team, either Katie Dudley or Councilor Kevin McDermott with the concern.
2. Report from Katie Dudley

a) They had a good turn out for highway clean up, 9 people turned out.
b) Waiting to hear from trails and waterways on public boat access to Lake Shady.
c) Entering a contest sponsored by Zumbro Watershed Partnership.
d) Considering an ice rink on Lake Shady, and hosting an event on it.

H. PARKS & TRAILS ~ Adam Brase, Parks & Trails Committee Chair
1. Lighting in River Park Park
Councilor Kevin McDermott is working on the lighting for this Park.
2. Park Signage Bill-Over Budget
The estimated didn't include tax on the project, and that was the cost overrun. **Mayor Joy Bertsinger motioned to spend and additional $95 out of Parks Special Fund for the signs, Councilor Jackie Hall second; all in favor, motion carried.**
3. Report from Adam Brase
a) Leveling and seeding will be necessary for River Park next Spring.
b) River Park was also included in the Park Signage.
c) Parks Committee received a round up grant for $2,000. They have a partnership with a nursery and purchased 80 trees that are no less than 5' tall, and some shrubs to be put in at Memorial Park and Riverwood Hills Park next Spring. They will be looking for volunteers to install the trees; and an auger will be needed to dig the holes.
d) Presented Council with a plaque for sponsoring women's softball team.

I. STREETS & ROADS
1. Riverwood Hills Roads discussion points included:
- Riverwood Hills deeds were received today.
- City Attorney Tom Canan stated that the title is good, on the private drive and the homeowner association has easement rights.
- City Engineer Joe Palen stated that, typically, it's good to have a wider right of way, the visual inspection looked fine.
- Mayor Joy Bertsinger called on Brian Breider and he said that the street lights weren't in yet.
- John Stolp added that his equipment is at risk if the City just takes the private roads in and not Riverwood Hills.
- Formal letter needed from Mr. Dan Fitzpatrick requesting City to take over roads

Mayor Joy Bertsinger motioned to have City Clerk Cheryl Nymann record the deeds in anticipation of formally taking them in, Councilor Kevin McDermott second; all in favor, motion carried.

Break called for at 9;03 pm.
Reconvened at 9:11pm.

J. WATER & SEWER
1. 2nd Study Area Report
Gopher Septic Study Areas not sent to City Hall. Clarification that a municipal system is not being looked at. This area of study is up by the City Garage. Committee looking to see how a shared septic or well would work, and costs associated wit it. Costs for the each study was $1,100 each (of which $550 in grants was received for each study). Olmsted County does not currently require compliance check on systems at the point of sale. It was noted that no grants are available for a municipal sewer project. Discussion on possible sites for shared systems.

K. COMMUNITY CENTER
1. Shop Project Report
Mayor Joy Bertsinger asked for update on the project and noted STS meals should also be a part of it, and reminded Kent that the steps in the Shop need to be completed by the end of December. Comments from other departments included it's nice to have it organized.

L. DOWNTOWN ORONOCO GOLD RUSH DAYS

1. Disbursements to Area Organizations

Oronoco Parks	**$16,000**
Oronoco Fire Department	**$ 9,000**
City Events (Clean up Day, NNO, 4th of July)	**$ 7,000**
Oronoco Presbyterian Church	**$ 6,000**
Grace Lutheran Church	**$ 6,000**
Oronoco Community Center	**$ 5,000**
Oronoco VFW	**$ 3,500**
Cemetery Association	**$ 2,500**
PI Area Home Services	**$ 2,000**
Camp Companion	**$ 1,000**
1st Responders	**$ 1,000**
Oronoco Seniors	**$ 500**
Lake Shady Committee	**$ 500**
PI High School Trip Club	**$ 500**

Total 2006 DOGR, Inc. Disbursements: **$60,500**

Banners were not considered this year, and will be discussed at another time.

M. HIGHWAY 52

1. Tillly's Access
   Tilly's had difficulties receiving temporary signs from the Hwy. 52 project; however, now they are up. Mayor Joy Bertsinger asked whether the City wants to do anything with this access. Councilor Scott Keigley discussed the timing of tearing out that access. The city had no input as to when the intersection was taken out. Also discussed was the fact that construction workers need to follow the same rules as residents, and not pull through the barricades to access hwy. 52 at this point.
2. Lighting on 12/112
   Referring to email from Olmsted County, they don't install lights in township. However, discussed was the light at the intersection of 75th Street (County 14) and 18th Avenue. City Clerk Cheryl Nymann will send a letter to township to see if they will be installing lights at the intersection of 3rd Avenue SW and County 12, and at the intersection of County 112 and MN Avenue S.
3. John Stolp Request
   John described the big hole left in front of Oronoco Antiques, and requested the construction company get a load of rock and fill the hole. And, to move the barricades back so cleaning out the snow in front of this business can be accomplished. John and Councilor Kevin McDermott will speak to Kate Bartelt and Doyle Honstad on these issues.
4. West Frontage Road
   Mayor Joy Bertsinger asked if Council wanted to do anything about the west frontage road. This is deferred to the CIP meeting, no other suggestions given.

VI. PUBLIC FORUM

Katie Dudley:
Katie questioned the tax exempt status of the City. Donations are tax exempt for federal income taxes, but the City is not exempt from state sales tax. She also added that at the Leadership Committee meeting, MnDOT's justification for taking away the access to Tilly's was that the southbound ramp is too close to it.

Gerald Stolp:
Address change is complete with the City and County; Mr. Stolp needs to check with the post office now. Also, Mr. Stolp asked what can be done about the trucks that are jake breaking when the speed limit goes down to 20 mph by his home. Mayor Joy Bertsinger will speak to Mike Sheehan, County Engineer about this.

VII. UNFINISHED BUSINESS

A. DANGEROUS DOG ORDINANCE
Tabled until January meeting. City Clerk Cheryl Nymann will bring back a sample to this meeting.

VIII. NEW BUSINESS

A. CITY ENGINEER RATE INCREASE FOR 2007
City Engineer Joe Palen stated that the variation in pay for project manager rates is linked to the number of years of experience. Tabled until the 1st meeting of the new year.

B. 2007 IRS TAX MILEAGE RATE
Tabled until the 1st meeting in January

C. CARRY OVER OF ASST. CLERK'S VACATION TIME
Personnel policy states that up to a week of time can be approved by Council from one year to the next. Councilor Scott Keigley and Mayor Joy Bertsinger will be having a meeting with Assistant Clerk Sandy Jessen for her review, and will speak to her about this. **Mayor Joy Bertsinger motioned to have Assistant Clerk Sandy Jessen use the vacation by January 1st, Councilor Scott Keigley second; all in favor, motion carried.**

D. EMAILS
Discussed earlier, there is concern on emails being sent, and cc'd to council members even if they're not intended for a response. This could be crossing the line of an open meeting law violation. If questions from Council, these items need to wait until a meeting (unless an emergency meeting is called for). Discussion on where to have items posted for public to see (referring to Friday updates). City Clerk Cheryl Nymann will create a spot on the web site for Friday Updates (public information only) to be posted.

E. CITY HALL
City Clerk Cheryl Nymann is on vacation from Dec. 8-17, and Assistant Clerk Sandy Jessen asked for the 8th off as well, for a meeting. The office would need to be closed. **Mayor Joy Bertsinger motioned to close the office on Friday, December 8th reminded Council that the office really needs to remain open, Councilor Scott Keigley second; all in favor, motion carried.**

F. SCHOOL DISTRICT BOUNDARIES
City Clerk Cheryl Nymann will put in the upcoming newsletter the contact information for Olmsted County for citizens that are unsure which school district they are registered to vote in.

G. 4-H PROPERTIES MOVE DIRT
4-H Properties approached City Hall about moving over 9,000 cubic yards of dirt on their property, and she needs to know how to proceed, since the City does not issue grading permits. This has been referred to the City Engineer who will prepare a letter for the next P & Z meeting, which 4-H Properties will attend.

IX. PETITIONS, REQUESTS, & COMMUNICATIONS

A. FYI: CEDAR WOODLANDS II EAW

B. LETTER TO MR. DAN FITZPATRICK ON HIS ACCOUNTS PAYABLE
Mr. Fitzpatrick's bill remains unpaid. **Mayor Joy Bertsinger motioned to deny any futher building permits for any of Mr. Fitzpatrik's subdivisions, with the exception of the one in the office (because that came in before tonight's meeting) until the bill is paid in full, Councilor Scott Keigley second; DISCUSSION:** Dan has had a previous history of unpaid bills. **AYES: Councilor Jackie Hall, Councilor Kevin McDermott, Councilor Scott Keigley, Mayor Joy Bertsinger, NAYES: Councilor Tom Novak.**

C. LETTER FROM HOEHNE BROS. SLEEPY VALLEY
FYI

D. UPDATE ON ORDINANCE VIOLATION LETTERS THAT WERE SENT OUT
FYI

X. MEETING MINUTES*

A. 9-6-2006 Special City Council Meeting Minutes
Mayor Joy Bertsinger motioned to approve, Councilor Jackie Hall second; all in favor, motion carried.

B. 9-11-2006 Special City Council Meeting Minutes
Mayor Joy Bertsinger changes on p. 2, 7th bullet, Meilander was the developer and wanted to initially be annexed in, and specify Scott Steffens. **Mayor Joy Bertsinger motioned to approve with noted change, Councilor Kevin McDermott second; all in favor, motion carried.**

C. 10-16-2006 Regular City Council Meeting Minutes
Mayor Joy Bertsinger motioned to approve with City Attorney Tom Canan changes, Councilor Jackie Hall second; all in favor, motion carried.

D. 11-09-2006 Special City Council Meeting Minutes
Mayor Joy Bertsinger motioned to approve, Councilor Scott Keigley second; all in favor, motion carried.

E. 11-17-2006 Special City Council Meeting Minutes

XI. BUILDING PERMITS

A. Castlewood Homes Inc. 1175 Alona Lane SW New Home

Mayor Joy Bertsinger motioned to approve, Councilor Scott Keigley second; all in favor, motion carried.
NOTE: this was already signed off on by 2 Council members before restrictions on building permits.

XII. FINANCIALS

A. Account Summary, Transaction by Detail, Budget, Unpaid Bills, Accounts Receivable
Mayor Joy Bertsinger motioned to pay unpaid bills, Councilor Scott Keigley second; all in favor, motion carried.

B. Transfers: $550.00 from Refundable WAC & SAC to General Fund
Mayor Joy Bertsinger motioned to transfer $550 from WAC & SAC to General Fund for Water & Sewer 2nd Study, Councilor Jackie Hall second; all in favor, motion carried.

C. Special Funds Payments: $2,918.23 Parks & Trails Special Funds (Pea Gravel)
$3,530.48 Parks & Trails Special Fund (Park Signs)
Mayor Joy Bertsinger motioned to approve these payments, Councilor Jackie Hall second; all in favor, motion carried.

C. 2007 Budget
A reminder to change payroll for Fire Department, and increase EOC Training. This meeting is on December 4th. City Clerk Cheryl Nymann will be unable to attend, Assistant Clerk Sandy Jessen will be filling in.

Mayor Joy Bertsinger closed the Regular Council Meeting for security issues at 10:13PM.

Mayor Joy Bertsinger reopened the Regular Council Meeting at 10:36PM.
A summary of the closed meeting is that Council handled password protection issue, keys for office, office log book for after hours entry into City Hall, mayor access to password, and authorization for Rekeying the Shop and City Hall after the 1st of the year.

Additional Item of Discussion"
Councilor Tom Novak had a concern on closed meeting information being released to the public. On November 6th a letter was written to Oronoco residents by Richard Nelson, stating the theft that occurred in the Clerk's Office and not enough was being done to facilitate the investigation. City Hall has not received any updates on the report filed. He stated, that obviously information was released to Mr. Nelson, and that no accusations were being made, but it looks bad for a couple of people. City Attorney Tom Canan stated that items discussed in closed meetings, need to stay in closed meetings, and that active law enforcement investigations are considered private).

XIII. ADJOURNMENT
Mayor Joy Bertsinger motioned to adjourn at 10:45 PM, Councilor Scott Keigley second; all in favor, motion carried.

Respectfully Submitted:

Joy Bertsinger, Mayor

Cheryl Nymann, City Clerk / Treasurer