

**Regular City Council
Meeting Agenda
Monday, December 19th, 2005
7:00PM**

I. CALL TO ORDER

Mayor Joy Bertsinger called the meeting to order at 7:01PM.

II. ROLL CALL

Present: Joy Bertsinger, Jackie Hall, Scott Keigley, Kevin McDermott, Tom Novak, Clerk Nymann, Attorney Canan, and members of the community.

III. APPROVAL OF AGENDA

ADDITIONS: VII. H. Annexation by Pine Island

VII. I. Mail Delivery to New Developments

VII. J. Pine Island Lion's Club

Bertsinger motioned to approve with above additions, McDermott second. All in favor, motion carried.

IV. CITY DEPARTMENT & COMMITTEE REPORTS

A. Olmsted County Sheriff's Department

No officer present; no reports. Concern of hours given to city. Clerk Nymann will verify that they are here 20 hours per week.

B. Fire Department ~ John Stolp

1. RUNS: 3 City, 3 Township

2. BOOTS: When Council toured fire dept. they thought it was ok to get new boots. They will be purchased from Fire Safety, USA. Boots for \$69 @ 12 pair (\$828 in turn out gear).

Bertsinger motioned for the fire department to purchase 12 pr. Boots for fire department members, Keigley second. All in favor, motion carried.

3. Pick Up Truck

John reported that at the last meeting, Council gave the go ahead to work with Rochester Ford instead of Riverfront; and then Ford beat Riverfront by \$342. Truck comes to \$25,178. Brush guard, tilt and cruise a package deal. Relief association agreed to kick in \$1,000. Fund Balance is \$18,000 and another \$4,000 in 2006. The fire department agreed to go with it, but the 1st responders need to vote on it yet. A citizen complained about getting a new one, and Council inquired as to whether they checked into a used vehicle. John said that Rochester had a 1999 (same vehicle) \$18,500 with 172,000 miles on it-as is no warranty.

They prefer a new one, to get the warranty. Could go off road with this, storm watch, sandbagging during flood, personnel carrier; mutual aid need just men. This is a "Plain Jane" It will need to have lettering done on it, have a light bar but need extra lights. Rather go to trucking America to put brush guard on it. Keigley was also approached, and asked what the benefit is of having a 1 ton. John said that if the 1983 mini pumper goes down, the back of the truck has enough room to put a skid unit on it. They try to avoid the blazer, because it's not

reliable. If could get a used one with a decent warranty, they would, but cannot. Keigley said he has no doubt that the need is definitely there. It was stated that taxes are not being increased to purchase this vehicle. Novak stated a new vehicle needed, but they should do a little looking around in the Twin Cities area. It was clarified the new one was a gas engine. Should the city look at going to a diesel? John would like to look at going with a diesel, but the cost increase was an issue. Bertsinger stated that, since it is not an immediate need, and need to talk to 1st responders, they should come back to January meeting and have 1st responders feedback; and maybe have Scott help you search, since he's in that business. Novak asked if the truck would be available for other City business. Stolp said it was specific for 1st responders and fire department. They may be placing on west side of the highway, during the reconstruction project. Don't want to entertain the notion of city using it. Not a bad price with the new one. Bertsinger said she appreciates the leg work he's done on it, knows it takes a lot of time to do this. Novak asked if it can it be usable as a dual response? John replied that the plain truck would be outfitted so it can serve both emergency departments.

4. PAY INCREASE: On November 10th, the fire department members discussed that they would like to increase the pay from \$5 to \$7 per call. Also Stolp and Asst Chief currently don't get paid for regular business meetings, and they would like to have that. Elections were held last month, John will remain as Chief, Delbert Holt as Asst. Chief, and Sue Klassen as Secretary (remains the same). They would like to split up the duties to other officers, and to pay other officers \$100/yr. to help break up responsibilities. They are over budget this year on salaries, and would like to see their salaries increased to \$4,000 in the budget. Duties, not worked out. John needs to break down what each will do. These would all be by-law changes that would have to be approved. Figures based on calls, difficult to budget for. McDermott stated that he didn't think the increases were out of line, been at \$5 for a long time, and understands that it is a justified increase. A necessity and they do an excellent job. Keigley agrees. Bertsinger asked what does council thought about 3 officers at \$100 each. (Secretary, Captain, Training Officer; just \$300 extra needed). **Bertsinger motioned to approve the following by-law changes, that the Captain, Secretary, and Training Office get paid \$100 per year, chief and asst. chief paid for regular meetings, and that the pay increase to \$7 per call/per meetings/per hour after 1st hour, Keigley second; all in favor, motion carried.** Clerk Nymann stated this will also change the Ordinance. **Bertsinger motioned to include this change in a public hearing to be set at another time, McDermott second; all in favor, motion carried.**
5. 800 MHz: New Radio system; extra pay and charges. Both working together to get this a state item budget, go into the bonding budget, and be paid for on the state level. There is no current documentation saying that the city will be responsible. Bertsinger suggested that John speak to their state association and have them take a stand on this also.

C. 1st Responders ~ Mary Lubahn

1. Calls: 1 call in Oct; . Nov. 7 township/2 city
2. Take back to Gwen about the 800 MHz. and could help answer her questions as far as costs being on a state level.
3. Salaries,
Looking at bringing pay up to \$7 also. **Bertsinger motioned to increase from \$5 to \$7 per hour JB withdrew motion.** Mary also requested the Directors pay increase to \$500, and asst. director increase up to \$300 requested from Mary Lubahn **McDermott motioned to increase the 1st responder salaries as follows: Director \$500/yr., Asst Director \$300/yr., and meetings to \$7, Bertsinger second; all in favor, motion carried.**
4. Mary said that the Today show called her house to interview Jerry about Melissa Gribggs (carbon monoxide poisoning incident from last year). Talked to her on Friday morning, and Jerry was called, they came out today and interviewed and shot film of Jerry of what happened

and talked about carbon monoxide poisoning. It was a great plug for City of Oronoco. She said it went very well, and that John and Jerry represented the City very well.

D. EOC ~ Dennis Blanck

Dennis would like to schedule a meeting time now (2nd Thursday of January, otherwise the 4th meeting of every month). Council meets on the 12th of Jan. at 6:30pm with Dennis, at fire hall. Novak asked if there will be a mock emergency. Bertsinger stated that it will be a discussion for clarification of duties during an emergency. Just the officers will be present.

E. Parks & Trails

Meetings will resume in January.

F. Planning & Zoning ~ Paul Pendergrass

1. Meetings.

P & Z will be moving their meetings to the 1st Wednesday of the month, beginning January 4th at 6:30PM. This will be their annual meeting.

2. Wittlief Annexation Request

They requested a 5 acre parcel to the already annexed property. If left out of the annexed property, there is a concern of access to the property, and there may be a problem of it becoming landlocked. It is still part of Wittliefs' property, and only way it could be accessed if property to the east would have something to do with it. The annexation squares the property line off. The County wants limited access to their roads. P & Z Committee is recommending for it to be annexed. They have the same engineer that provided plats before. Bertsinger asked if the City can extend city services in the future. It is over the ridge and grinder pumps are necessary, but that would be the developers' expense. This piece was not included in the future land use plan because SEH said it wasn't developable. The stated intent is that the property owner wants to square off the property. Neighbors that were previously opposed to this development aren't here tonight because they aren't within 350' of that parcel. McDermott questioned why it was denied with the original annexation. The whole annexation was initially denied because this piece was not included in future land use plan, and was going to put only 1 home on it, and it didn't fit with interim development. They came back with a different request that excluded this corner piece. Keigley stated that it should just be denied. Canan asked whether the City will be able to provide services to this area with thresholds? Bertsinger has concerns they will develop only that property, and that development will start on that corner property. **Novak motioned to approve annexation, as long as their plans show it can be serviced in a logical way to this parcel; DISCUSSION:** Paul Pendergrass questioned that this should be in the preliminary plat. Canan said you can't link an annexation to the plat process. Hall stated that developers can tell you anything, and then they're gone. **Motion DIED for lack of a second.** Novak suggested to revisit what SEH and SEE said about that 5 acres. Nymann said the 60 day rule will expire before the end of the month, and would need to be extended. Developer and engineers should be present describing how it would be serviced to the city. City engineer will be contacted to attend this also. **Bertsinger motioned to send a letter extend another 60 days, and request attendance at the January council meeting, Hall second; AYES: Bertsinger, Hall, McDermott, Novak; NAYES: Keigley.**

3. Gerald Stolp Request

Gerald asked for extension, and will come forward when he's ready to continue. Council would like a letter from Gerald with that request.

4. Paul Pendergrass Request to rezone

Other property adjacent to his property is zoned B-1. The use of his property is changing to make caramels to sell commercially; not selling on premises right away. Canan stated that Council needs to think about trucks delivering, parking issues, sales on site? If it changes to commercial and if it gets sold, it remains commercial. Property kitty corner is Rollie Anderson, across street is antique store, and north is the telephone company, and to the west is the city garage. And parcel to the south is under request for B-1 right now too. Novak stated

that from P & Z standpoint, anything along main street seems reasonable to change to B-1. It met the vision of P & Z. It was questioned why this is looked at differently than Anderson's request for rezoning (that denied because it was requested to rezone to B-2). And R-2 was denied because there was no other R-2 in the area. Clearly meets vision of P & Z. **Novak motioned to accept the Pendergrass rezoning to B-1, with the finding of facts as follows: 1. It fits with a clear vision of the P & Z Committee; 2. Properties adjacent to the property are also zoned B-1; and, 3. Future use of property will be the same, McDermott second; DISCUSSION:** There is a concern that Paul could leave, and anybody could put something in there. Ordinances spell out what is allowed in B-1. However, Novak stated that P & Z is currently working on changing the uses, and clearly define a historical district. There was no opposition to the zone change at the Public Hearing. If P & Z changed the definition of B-1, they could keep what's there, but couldn't be increased (or added on). **All in favor, motion carried.**

5. Bennett Zone Change

P & Z recommend approval with contingency that Council adopts a rental ordinance. Their application was submitted under the assumption that they could run as business as long as business manager residence of. Allow a shop keeper to live above store, and it would be a permitted use. That was never clarified to planning and zoning. P & Z envisioned that this area is to be rezoned to B-1. It was questioned whether they realize that they can't rent to 2 different people in those conditions. This raises the issue of how vague the ordinance is.

Keigley motioned to table this until clarification is received on it's intended use; Bertsinger second; all in favor, motion carried. Bertsinger motioned to send letter to Bennett stating change to B1 would still not allow an apartment dwelling, and apartment not intended. He needs to explain what he is doing with it. Nothing on paper that says it was a rental. This should be put back on January agenda.

6. Rental Ordinance

This has good language, and the city needs to look at it. Bertsinger and Canan gave Clerk Nymann their suggested changes. Discussion of Deleting A, defining disorderly conduct, fire codes, fees, and appropriate reference to Ordinances. It would be helpful to have a couple other samples of rental ordinances. Canan gave Clerk Nymann the statutory reference as 566.18 repealed 504.b.001sd12;

7. Terms

Rick Mattson may be staying until March, and Paul agreed to fill the remainder of his term. The committee is still looking for members. Clerk Nymann will post this.

8. Oronoco Architectural Control Committee

Novak reported that the 1st meeting was held on the 6th of December, and there were 5 gentlemen present. They are forming a vision of design in the city, and are focusing on commercial and high residential areas (not R-1). Tom is chairing the Committee and Adam Braise is developing guidelines. They are also looking at soliciting developers to develop large parcel areas in the city, which is why the lot splitting ordinance needs to be finalized. Should the City go out and start soliciting business? And, should the City add well considerations (sharing) to the Ordinance? This will be put with other public hearing notices in January. Guidelines are expected to be put out by next month.

G. Streets & Roads

1. Clerk Nymann contacted Gopher One, and has located on a map except for People's Co-Op. McDermott said that power lines are all overhead going west on 5th street, no underground. Carl Stolp stated they dropped off a pole on the corner. McDermott stated that if they put the pole there, then if necessary they will move it, but they need to get the 3 phase down there to get Jech's well going. Carl wants to make sure this keeps going. Bertsinger assured him that it would.
2. Plowing

Keigley asked if the cul-de-sacs could get cleared by 7am so the buses can get through. Rochester buses won't go in if not plowed. Larry stated that they go around once first, and then are cleaned the next day.

H. Community Center

Clerk Nymann contacted the committee members, and the meeting will probably be on the 13th of January, however it is not confirmed yet.

I. Downtown Oronoco Gold Rush

Canan will look at the ordinance to get gathering permit for ordinance, and charge for that. This is for residents if they will be renting property, sublease lot, park cars. This will help pay for cost of traffic control, porta potties, and garbage. Then, DOGR could control the hours of the event, and then residents would have to abide by the set hours of the event. This is a result of safety concerns during the set up day on Thursday prior to DOGR. They would like to have it for their January meeting.

J. Lake Shady

Nothing to report.

K. Highway 52

1. 12/1/05 Executive Team Meeting

MnDOT is now looking at resurfacing Hwy. 52 after project is completed, and who would inspect it.

2. The curve south of Tilly's will be done with a T intersection. Bertsinger asked if Council preferred it to be a curve as it is now, or if it should be a T intersection. It was discussed and Council preferred the T intersection because it would slow people down.

3. Meetings with emergency personnel and informational meetings will begin in January. Novak requested a monthly a summary so it can be put on the city's website.

L. Water & Sewer

1. Committee met and reviewed next step, sent out letters to remaining system lost owners who have not responded to the initial request. There will be another speaker to come out and discuss inspection and required inspection. Jpeg map sent out on water sewer parcel information. The collected surveys will give the committee information on the situation the town is. Keigley stated that he never received the second letter from the hot list. That's because Scott is on a shared system, and the information has already been received.

V. PUBLIC FORUM

Larry Stolp asked about whether the city is following up the annexation that Pine Island is doing. Bertsinger stated that it is on the agenda under new business.

Bertsinger called for public forum 3 times.

9pm break.

COUNCILBREAK

9:10 pm resume

VI. OLD BUSINES

A. Rochester Juvenile Hockey Association*

B. Payments & Financial Statements received for all 3 quarters of 2005. After the letter was sent, city received letter and check for 1st & 2nd quarters.

C. Tilly's Liquor License

Insurance Documentation received, nothing from OCSO. **Bertsinger motioned to issue permit based on insurance documentation received and no reports from OCSO on violations, McDermott second. All in favor, motion carried.**

- C. Policy & Dog Kennel* (I put a rough draft in your packets, along with current ordinance)
 Kent caught a dog on Friday, and its same owner reviolated on Tuesday. He paid to license the animal. It was a Golden lab and very strong. Asked Kent to get collapsible kennel, and to get it put up. Went through operating procedures. ADD 1. Ask to give description of violation. (running loose/barking). 2. Violations, should know about, not upon request. 3. Animal ordinance, not dog ordinance. Someplace note if vicious, dangerous, rabid animal direct it to the OCSO.
 5. Brought to council instead of city attorney. Problems with neighbor dispute instead of city attorney. What if it OCSO was an immediate need. Can city clerk call mayor? Still rely on OCSO can respond to issuing a ticket because it is a violation of the ordinance. Does not need to be published. W/E mayor/council...whoever gets called? Animal control area, charge for euthanizing to the city. Notifications over a set period of time. Bring back in January to the meeting.
- D. 2006 Budget*
Truth in taxation Meeting
Citizens concerns.
 Few changes because of fire department and 1st responder increase in salaries.
COLA INCREASE: Bertsinger was under the impression that COLA increases were to be given at the same time as reviews. Clerk Nymann stated that it was in the September meeting minutes that COLA was a 2% raise, and a 3% performance review raise. **Bertsinger motioned not to give a 'given' 2% raise at the beginning of the year, instead include it at the time of review; Keigley second; DISCUSSION:** McDermott asked what the motion was. Nymann went to get the minutes book and read the minutes about the motion for COLA increase. What was the intention? McDermott doesn't want to take back what was approved. Bertsinger stated what Scott meant was that to do it at the time of their annual review / raise on their anniversary dates. **AYES: Bertsinger, Hall, Keigley; NAYES: Novak, McDermott.** Nymann had the budget on a spreadsheet; and Council decided to reduce Parks a bit to balance the budget. **Keigley motioned to approve budget with changes, Hall second; all in favor, motion carried. Bertsinger motioned to approve resolution 05-16 tax levy payable 2006 at \$290,000, McDermott second; VOICE VOTE: AYES: Bertsinger, Hall, McDermott, Novak, Keigley.**

VII. NEW BUSINESS

- A. 2005 Council / Mayor Salaries
 Bertsinger pointed out that she attended over 100 meetings and didn't charge for them. **Bertsinger motioned to pay the Council salaries (\$9,525), Keigley second; all in favor, motion carried.**
- B. Gambling Premise Permit for Rochester Juvenile Hockey Assn. at Tilly's
 Bertsinger had concerns because they are consistently late and the city should charge interest and late fees on their payments. Canan suggested if they are not making timely payments, to inform them that future approval may be denied. **McDermott motioned to approve the permit and send a letter reminding them that payments are due on a quarterly basis, and late payments may influence future renewals, Bertsinger second; all in favor, motion carried.**
- C. Audit w/ Tom Cummings
Bertsinger motioned to continue with Cummings, Keigley second. All in favor, motion carried.
- D. Olmsted County Prosecution Services Agreement
Bertsinger motioned to approve, Hall second. All in favor, motion carried.
- E. January & February 2006 Council Meetings (Regular Council Meetings on the 3rd Monday of the month fall on Holidays, and need to be changed).

Bertsinger motioned to have 3rd Tuesday of the month in January & February, Keigley second; DISCUSSION Clerk Nymann will be unable to attend. It was questioned whether it was an option could be moved to a different night. **All in favor, motion carried.**

F. Purchase of an Internet Router* - Tom Novak

- ✓ Purchased from Best Buy, for \$75 with \$30 rebate; set up in office.
- ✓ Service throughout the building, now.
- ✓ Office items on a separate line.
- ✓ Wireless internet here now.
- ✓ Cannot get into the City's 2 pc's.
- ✓ Make sure security is in place.

Hall motioned to reimburse Novak for device purchased, and to use funds from BSOP, Bertsinger second; all in favor, motion carried. Clerk Nymann will call pitel for options on upgrading speed of internet.

G. Set Up New Account at MBIA for Overpass Project

Bertsinger motioned to set up account, McDermott second; all in favor, motion carried.

H. Annexation by Pine Island

Novak has information on it. They have discussed it at P & Z. The City needs to address this issue. And the best option is to go up and touch base with PI City Officials, to see what their plans are for the future. Novak called and spoke to Abraham Algadi and the City Administrator. And, they aren't anywhere near annexing property. They may have been petitioned, but stated they think there are issues providing services out there. Is it in their future land use plan? PI mentioned that if they do annex and provide services, they may talk to the city about their needs for future city services. They will be discussing this at their next meeting (which is tomorrow night). Tom is not planning on attending the meeting tomorrow night, but lines of communication need to remain open. Keigley questioned what the City's input would mean to the city of PI. Just like south of Oronoco in future land use plan, where Rochester will come up to meet Oronoco.

I. Mail Delivery to New Residents in Developments

Clerk Nymann had a meeting with Tim at the Post Office. Jon O'Reilly has been contacted to put in a temporary box. The developers have been sent a letter stating that they need to submit a plan, and set up a meeting with Tim to discuss mail delivery. Currently, Tim will not deliver mail until the developments are 50% occupied; and does not want to travel down roads less than 1.2 miles long. Midthun's mailbox on 1st St NW is obstructing DOGR items. It was questioned why City Hall is involved in this. Clerk Nymann stated that she has taken numerous calls from homeowners and developers on this issue.

J. Pine Island Lion's Club

Bertsinger said she was contacted by leader in Pine Island and they want to set something up in Oronoco. Clerk Nymann will put something out in the newsletter. May be some individuals interested in the city. Years ago the Lions club met here.

VIII. ORDINANCES & RESOLUTIONS

A. Set Public Hearing Date for Addition to P & Z Ordinance

Zoning Ordinances, Park Ordinance, Addendum to Ordinance, FD Ordinance, Animal Control Ord. **Bertsinger motioned to table the setting of these Public Hearing dates until the next meeting, Keigley second. All in favor, motion carried.**

IX. PETITIONS, REQUESTS, COMMUNICATIONS

- A. FYI: Letter from Canan with Opinion Letter to MnDOT on Loan Agreement
- B. FYI: Coverage Changes with LMC
- C. FYI: IRS Mileage Rates for 2006 (Set at 44.5 ~ 80% is .356/mile)

X. CONSENT AGENDA

- A. MEETING MINUTES *(Please see corrections requests at end of minutes)*
 - 1. 11-21-05 Regular City Council Meeting Minutes
 - 2. 11-29-05 Special City Council Meeting Minutes

Novak had corrected spelling of names of OACC member names, Fabrcisio, Amarin, Edvenson (James) Bertsinger **motioned to accept with noted changes, Novak second. All in favor, motion carried.**
- B. BUILDING PERMITS:*

1. Russ Young (Legacy Homes)	510 Valley View Rd SW	New Home
2. Randy Reynolds (Baker Construction)	620 Valley View Rd SW	New Home
3. J-Con	325 5 th St SE	Well House

Bertsinger motioned to approve, McDermott second; DISUCSSION: Does Steve Voigt need to review the well house? (No) **All in favor, motion carried.**
- C. FINANCIALS
 - 1. Paid/Unpaid Bills

Bertsinger motioned to pay bills, but pull SEE bill; Keigley second; all in favor, motion carried. Keigley motioned to contact Steve Voight with questions on Invoice 2359 & 2368. Bertsinger second; all in favor, motion carried.
 - 2. Financial Statements (Budget, 4M, Special Funds)

Keigley is curious about building across from Pat Halls; the lights are extremely bright (Big halogens). It is distracting for drivers. There should be some type of shielding (direct it down). Would this be addressed in the street light ordinance?

X. ADJOURNMENT

Keigley motioned to adjourn at 10:30PM, McDermott second. All in favor, motion carried.

Respectfully Submitted:


 Joy Bertsinger, Mayor

 Cheryl Nymann, Clerk/Treasurer