

**CITY OF ORONOCO
REGULAR CITY COUNCIL
MEETING MINUTES
December 20, 2004**

I. CALL TO ORDER

Acting Mayor Scott Keigley called the meeting to order at 7:02PM.

II. ROLL CALL

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

III. APPROVAL OF AGENDA (Additions/Deletions)

ADDITIONS: VI. J. Payment of \$4,080 to Briggs & Morgan for Bond Services

VIII. C. Mark Evers Concern

I. 1. Preliminary Report from Univ. of MN

X. C. 2005 Liquor License for Tilly's Tavern

XI. D. Possible Pollution on City Property

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

IV. MEETING MINUTES

A. 11-15-04 Regular CC Meeting

Change X. E. to state that the cost share was 80/20 with a minimum of \$200,000 expense.

B. 12-01-04 Special CC Meeting

C. 12-02-04 Special CC Meeting

Keigley motioned to approve meeting minutes with above noted change, Hall second; all in favor, motion carried.

V. BUILDING PERMITS

None

VI. FINANCES

A. Unpaid Bills

Clerk Nymann stated that correspondence from LIAA indicated if an annual payment was made for hosting service, 1 month would be free. Also, Council approval reports dated 11/24, and

12/10 have already been paid, and the report dated 12/20 would be like their 'addition to bills' seen in the old system. **Bertsinger motioned to pay LIAA annual fee for hosting, Keigley second; all in favor, motion carried.**

- B. Financial Reports (US Bank Report, Budget)
Keigley motioned to approve the bills and financial reports, McDermott second; all in favor, motion carried.
- C. Pay Larson Windows \$2,131.00 – Special Funds Community Center
Keigley motioned to pay Larson Windows from SF Comm. Center, Nelson second; all in favor, motion carried.
- E. Pay \$8,236.00 to Fire Relief Association
Keigley motioned to take \$8,236.00 from the General Fund, and write a check to the Fire Relief Association for the fire relief association, Nelson second; all in favor, motion carried.
- F. Pay SEE for Street Paving - \$524.25 Construction Special Funds
Keigley motioned to pay SEE from the Cons. Special Funds Acct., Nelson second; all in favor, motion carried.
- G. Pay Estimate #4 to Rochester Sand & Gravel for Street Paving \$19,737.07
Keigley motioned to pay Rochester Sand & Gravel from Special Construction Fund, Hall second; all in favor, motion carried.
- H. Auction Receipt
Keigley motioned to have the auction receipt money deposited into CC maintenance fund; McDermott second; all in favor, motion carried.
- I. Audit
Keigley motioned to have Cummings to the City's audit; Nelson second, all in favor, motion carried.
- J. Payment of \$4,080 to Briggs & Morgan for Bond Services
Keigley motioned to pay Briggs & Morgan from Construction Special Fund, Hall second; all in favor, motion carried.

VII. BUILDING PERMITS

None

VIII. CITY DEPARTMENT & COMMITTEE REPORTS

- A. **Olmsted County Sheriff's Dept.**
 - 1. November Reports
 - 2. Nelson stated that Sgt. Darnell contacted him about 15 MN Ave. N., and wanted to make sure Council knew violation was there (this is discussed later under Ordinance violation).
- B. **Fire Department – John Stolp**
 - 1. John talked to Ed Murray about setting up a burn site up at the cemetery for leaves and branches, and the fire department could do burns every so often. Ed is checking with the cemetery board.
 - 2. John questioned the money that would be left over from their regular budget, and if could be encumbered.

3. Gold Rush donated \$8,000 and the relief association would be willing to donate \$4,000 to purchase foam equipment. Council questioned why foam equipment needed to be purchased. John explained that there is a lengthy process involved to get drums out; if a 20 gallon drum was purchased and mounted on the top of the truck, it would be set up to a metering device right on the truck, and it could keep track of how much was used (for billing purposes). John and Clerk Nymann will get together and look at costs.
4. John distributed flyers for the current membership drive, Clerk Nymann is helping with the mailing of them. They want to focus on the new developments for membership; the fire department is anticipating being down to 12 firefighters this spring.
5. John asked Council if he ok.'s burning permits, if Cheryl can issue the permits and leave the yellow copies at fire hall. It would be more convenient for the residents to have City Hall issue the permits. **Keigley motioned to have Clerk Nymann issue burning permits and work the details out with John, McDermott second; all in favor, motion carried.**
6. John reported that they had a call today, and had a problem with the pump on the main truck; the discharge was not producing. He asked Council to have Clareys do a pump test for \$250 and take it out of the special fund. **Keigley motioned to spend up to \$300 to have the pump tested, and take it out of the regular fire department repair and maintenance fund; Hall second; all in favor, motion carried.**

C. 1st Responders – Sue Klassen
Nothing to Report

D. EOC – Dennis Blanck
Nothing to Report

E. Community Center – Ward Field

1. 4 Wheeler and Accessories
Nelson had an estimate for the 4 wheeler and accessories. The 4 wheeler and accessories include the blade frame, chains, lawn care package, for \$6,258.34 which includes the trade in for the old gator – of \$1,500. He stated that the snow blower is a 2 stage walk behind and not real convenient to take down to the bridge all the time. Bertsinger stated the equipment was excessive, there a blade on the front of the truck, and there's a snowblower. Nelson said the blade on the 4 wheeler would work nice for today (1"-5") and that the snowblower was used for larger amounts of snow. **Nelson motioned to buy the accessory package for the 4 wheeler for \$1,558.34 (which is actually \$858.34 because \$5,400 has already been approved to purchase the 4 wheeler), Keigley second; DISCUSSION:** Bertsinger asked if Council had specifically chosen the 4-wheeler, Nelson said it's already been approved. The accessory package has a 2' receiver for hauling other equipment. **The extra \$858.34 can be taken out of CC Special Fund; all in favor, motion carried.**

F. Planning & Zoning – Charlie Fried

1. River Oaks Subdivision Preliminary Plat (60 day extension deadline is Jan. 8, 2005)
Jeff Broberg, representing Steve Jech and McGhie & Betts, was present and stated that an extension from the 120 days final plat process would be needed. Clerk Nymann stated she had a lengthy discussion with LMC and they stated there could only be an additional 60 day extension beyond the 120 days if both parties agreed to it. Jeff presented a picture of how the project looks. He just received comments back from the DNR and he would like

another meeting with them. He explained (and showed on the picture) that he thought PUD standards would be met with deed restrictions and covenants on lots, providing an aquatic management easement to the DNR and added walking areas where it would be difficult to walk along the bluffland. Voigt stated there are some issues that need to be looked at and agreed to meet with the DNR. Bertsinger asked if there was a determination about whether the River was transitional. Yes it is. Canan provided Council with a copy of Olmsted Counties' Ordinance focusing on Rivers & Streams. **Keigley motioned to send this Ordinance to Planning & Zoning for discussion at their meeting on Wed., Dec. 22nd; Hall second; all in favor, motion carried. McDermott motioned to have Clerk Nymann send a letter of agreement to Jech and McGhie & Betts extending the Preliminary Plat another 60 days, Nelson second; DISCUSSION:** For the record, Jeff Broberg stated that he is in agreement with the 60 day extension beyond the 120 days for the Preliminary Plat. **McDermott amended his motion to add that the 60 day extension because there will be another meeting with the DNR to discuss PUD requirements; all in favor, motion carried.** The map with the aquatic easement will remain at City Hall, Jeff will have another made. Jeff will contact the DNR and he'll relay possible meeting days/times to Clerk Nymann and she will organize the meeting and contact others with day/time of the meeting.

2. Nominate Brian Breider -2005 to 2009 Planning & Zoning Commission
Planning and Zoning have nominated him for approval by Council. **Nelson motioned to appoint Brian Breider to the Planning & Zoning Commission for the term of 2005-2009; McDermott second; all in favor, motion carried.** Clerk Nymann will forward Brian a copy of the Zoning Ordinances.
3. Final Plat Process
Canan stated that points to be added to the Ordinance are what cannot be done. It's implied, but it should be stated precisely that work cannot be done until permits have been acquired. Also, change City Administrator to City Clerk. Canan will word the language and consequences. He asked if there should be input from the city engineer on this. Steve Voigt thought the City should look at other Cities ordinance concerning this. It was determined that Steve and Clerk Nymann will sort out the ordinances (she will put over listserv) and bring the info back to the next Council meeting.
4. P & Z Commission By Laws
Charlie stated that specific names have been taken out, and meetings date have been changed to have the comiitttee determine when and where. It was amended to say possible and reasonable Robert's Rules of Order. And the Old by laws stated documentation was kept in home of secretary, and was amended to state that minutes and information was kept with the assistance of the City Clerk. **Nelson motioned to approve the Planning & Zoning Bylaws, Bertsinger second; DISCUSSION:** Recommendation by Canan were:
III. 9. Should state Council, not Commission. VIII. Don't take out 'Judgements'. Charlie thought these recommendations were fine. **Nelson made a friendly amendment to note Canan's changes; all in favor, motion carried.**
5. Orderly Annexation
Steve Voigt and Clerk Nymann developed the Description, and map of the land use map with city boundaries (GIS made the map for Cheryl). The title of the description as 'Annexation Boundary Description' and should contain additional language indicating 'minus city limits'. **Bertsinger motioned to approve Resolution 04-21 which approves the Orderly Annexation Agreement between the City of Oronoco and Oronoco Township including the agreement, map and legal description; VOICE VOTE:**

AYES: McDermott, Nelson, Bertsinger, Hall, Keigley; unanimous approval, motion carried.

*Keigley called for a short recess at 8:25PM
Keigley called the meeting back to order at 8:37PM.*

G. Streets & Roads

1. Stolps Cove Plowing
Clerk Nymann stated she received a call and the snow wasn't being plowed to the end of the road.
2. 6th LN NW Plowing
Bertsinger received email from resident that stated the snow was about 5' out from the mailboxes, and that USPS requested homeowners to clear out mailboxes.
3. 2nd Ave Plowing
Nelson stated that he would take care of 2nd Ave. NW in front of his house to the N end of 2nd Ave. N where it dead ends. Nelson stated that paving was never completed off end of West Center because Larry never prepared it.
Also Cul-de-sacs weren't getting completely plowed. **Keigley motioned to have Clerk Nymann talk to Larry about plowing: 1. plowing needs to be within 1' of mailboxes, 2. the entire cul-de-sacs need to be plowed, 3. plow to the end of Stolp's Cove road, and 4. need to plow end of west center street (off of 2nd Ave. N.), Bertsinger second; all in favor, motion carried.**
4. Weight limit on roads
Clerk Nymann spoke to Larry and he is looking at putting a no-semi sign on the road. **Keigley motioned to have Larry put a no semi sign on 2nd Ave. NE, Hall second; all in favor, motion carried.**
5. Request from McGhie & Betts, take over roads in Riverwood Hills I
Nelson motioned to accept Riverwood Hills Dr SW; motion withdrawn. Nelson motioned to have City Engineer, Steve Voigt inspect Riverwood Hills Drive SW before the City accepts the road, Keigley second; all in favor, motion carried.

H. Highway 52

1. Letter
FYI for Council. This letter has the change to it. Keigley and Bertsinger have a meeting with MnDOT this Wed. morning from 9:30-11:00 at MnDOT. Bertsinger spoke to Senator Senjem. She wanted to know if the City has any further discussion? Nelson stated that the City shouldn't back down. Clerk Nymann will get the cost estimates sheet and City limits map for their meeting on Wednesday. If they think there is a need for a special meeting, they will contact Cheryl.
2. Appraisal for Right of way of City Property
Canan stated that the city can have it's own appraiser. Nelson stated that Northland Buidlers were in last week and they are buying 3 acres from Pat Hall on the east side of the highway south of Pat's and wants to put up a building there. They will be requesting to rezone from Ag to Commercial.

I. Water / Sewer

1. Clerk Nymann just received a copy of Bob Patton's preliminary Cost of Public Services by Bob Patton. Bertsinger explained that in 2001/2002 the City got a grant for a pilot project which gave projections on the cost of annexations. It provides 3 scenarios. It's a document that has worthwhile information for planning processes. This is tabled until the next meeting.

J. Caryl Cowden Park

Nelson reported the sign should be put up in the Spring.

K. Downtown Oronoco Gold Rush

No meeting this month. Looking for two new members to sit on the committee.

IX. PETITIONS, REQUESTS, COMMUNICATIONS

A. 15 MN Ave, zoning violation, single family dwelling

The rezoning Public Hearing will be in January. Clerk Nymann will contact Sgt. Darnell and tell him about the Public Hearing, and would like to have OCSO continue monitoring this dwelling for criminal activity. Discussion of what Rochester's Ordinances do about continuous problem rentals.

B. Bump in Driveway from paving – Jeanne Wittlief

Nelson looked at and there isn't any difference that any other driveway that were brought to the Councils attention (Campbell's Klennerts, Michenfelders); and they all paid to have their driveway tied into the street. This was tabled until all Council could look at . It was restated that homeowners were responsible for tie ins to the street.

C. Concern from Mark Evers (Sink Hole)

City Engineer, Steve Voigt stated that the City could dig down to the bedrock, plug and fill the sink hole, with excavation possibly being done under the road; and that is a really expensive process. The depression to the south of the sink hole is solid, not a sink hole. Voigt recommended measuring the sink hole and monitor the change to see how much settlement occurs. He stated monitoring it every other month for now to see if a pattern is established.

X. ORDINANCES & RESOLUTIONS

Clerk Nymann and Vicki from Tom's Office got together and went through the City Ordinance Book to make sure everything was correct and up to date. The following (A, B, C, D) needed motions to change and move to the right area of the Ordinance Book. Also, Canan stated that Ord. 132 was only a summary of burning, (the original burning ordinance cannot be located). It was determined that Clerk Nymann will consult with Fire Chief John Stolp about this Ordinance and how it relates to burning permits. Ord. 140 about the Civil Defense Ordinance and refers to the Olmsted County agreement from 1975, but that agreement is not available. Clerk Nymann will forward this on to the EOC director.

- A. Ordinance 203.00 renumbered to Ordinance 157.00
- B. Ordinance 217.00 renumbered to Ordinance 192.00
- C. Ordinance 218.00 renumbered to Ordinance 215.00

Bertsinger motioned to renumber the above Ordinances (A, B, C), Keigley second; all in favor, motion carried.

- D. Repeal Ordinance 152 and 155 which regulated the Liquor Store
Bertsinger motioned to repeal Ord. 152, Hall second; all in favor, motion carried.
- C. Ordinance violation on Corner of 2nd St & MN Ave
Letter & copy of litter ordinance were sent; it was cleaned up over the weekend.
- D. Ordinance from Olmsted County – Adult Book Store
FYI

XI. OLD BUSINESS

- A. Fitzpatrick's Fees
FYI, Letter was sent out on the 14th
- B. People's Co-Op Franchise Agreement* (Letter from Tom Canan)
Nelson motioned to accept the Franchise Agreement with People's Co-Op, McDermott second; all in favor, motion carried. Canan stated that it was O.K. for McDermott to vote on this issue as he would not directly profit from the decision.
- C. Parcel of land on 2nd Ave NW
Clerk Nymann stated that the City accepted that parcel (description in office); but there was never a resolution recorded to that effect. **Keigley motioned to pass Resoolution 04-22 which the City accepts the parcel on land off 2nd Ave. NW from property owners, as roadway was dedicated through it, Bertsinger second; AYES: Bertsinger, McDermott, Keigley; Hall and Nelson did not vote because they live on 2nd Ave. NW**
- D. IEA Cost Estimate
Keigley motioned to pay the \$462.92 to IEA for the office window glazing being tested for asbestos, McDermott second; all in favor, motion carried. Clerk Nymann will have Larson's get the estimate for abatement on the windows, they are laced with asbestos. It would cost \$9,810 to abate the Community Center Tiles in Council Chambers, Hallway, and threshold. Council determined to put this in CC file and have committee look at for grants that may be available.

XII. NEW BUSINESS

- A. January & February Council Meetings need to be Changed (they land on holidays)
Meetings landing on holidays have previously been held on Tuesdays. Clerk Nymann indicated she wouldn't be able to attend on Tuesdays, but Sandy could come in and take minutes. Council determined that those meetings meetings will be held on Wednesdays. Council meetings for January and February will be the 19th and 23rd respectively.
- B. Prosecutions Service Agreement with Olmsted County
Keigley motioned to approve prosecution service agreement with Olmsted county, McDermott second; all in favor, motion carried.
- C. 200 Liquor License for Tilly's Tavern
Keigley motioned to approve Tilly's Tavern Liquor License for 2005, McDermott second; all in favor, motion carried.
- D. Shop – contamination from chemicals
Nelson stated that it has been brought to his attention that when the Shop and land were purchased, the previous owners had dumped chemicals into the ground, and that the City needs to find out if the area is contaminated. Canan said that borings and testings could be done. An Antique store was located there. Discussion about contacting insurance carrier and work at their

direction. Voigt stated that they will probably contact MPCA, and they would also be involved. **Keigley motioned to have Clerk Nymann contact the MPCA and take their direction, and have the City's water tested at the Shop and the City Hall, McDermott second; all in favor, motion carried.**

- E. Steve Voigt stated that he has the final voucher from Rochester Sand & Gravel and recommended releasing retainage. Steve said roads were inspected and there were some minor drop offs, everything else looks fine. **Keigley motioned to have Voigt sign final voucher from RS & G, Nelson second; all in favor, motion carried.**

XIII. PUBLIC FORUM

Nobody came forward

XIV. ADJOURNMENT

Keigley motioned to adjourn at 9:50PM, Hall second; all in favor, motion carried.

Respectfully Submitted:



Scott Keigley, Acting Mayor



Cheryl Nymann, Clerk/Treasurer