Regular City Council
Meeting Agenda
Monday, April 18, 2005

I. CALL TO ORDER

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

II. ROLL CALL

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

III. APPROVAL OF AGENDA

Deletion: *IX. A. Litter Concern*

Addition: *IV. H. 2. Brushcutter request from Ward*
IV. H. 3. Picnic Tables
IV. G. 6. Brian Breider's request to attend session titled Your role as planning commission member sponsored by GTS

Bertsinger motioned for approval with above additions/deletions, Hall second; all in favor, motion carried.

IV. CITY DEPARTMENT & COMMITTEE REPORTS

A. Olmsted County Sheriff's Office

Actual discussion occurred later in the meeting.

The March reports are on file in the office. Bertsinger thanked Deputy Tom Clayman for stopping in. Deputy Clayman brought up the issue of golf carts, and indicated that there were some people ticketed. He stated that it is illegal to drive golf carts on any city streets. It was indicated that 4 wheelers were coming by fast and they're loud. Clayman indicated those fall under license and registration though.

City can't supersede state law. Canan indicated that the state statute says the city can pass an ordinance to make golf carts have requirements like blinkers and being insured to make it road worthy. This will be tabled until the May meeting.

B. Fire Department

1. New Member Richard Hendrickson
   John introduced Richard, and he came forward to Council table. Bertsinger said that the Council appreciated him stepping up and volunteering **Bertsinger motioned for approval of Richard to the Fire Dept. contingent on successful background check and completion of physical, Keigley second; all in favor, motion carried.**
2. John Mohlke retired after 25 years of service; there will be another retirement in June, and a party will be held at that time for both individuals.
3. Foam has been installed on the fire truck
4. Clerk Nymann is to send another letter to Deep South Trucking about the cable breaking and reimbursement for them about the air dryer not being hooked up. The original letter

was faxed March 7, 2005 and no response has been received from them. Council requested the letter be responded to in 1 week.

5. John had a meeting with the Olmsted County Sheriff's Office (OCSO) and they will be installing a new 800 mega hertz system making the Fire Department and 1st Responder VHF system obsolete. The County will purchase all new radios with grant money for some Cities (Oronoco included); there may be an installation fee though.
6. Cheryl & John discussed brush on Clean Up day and decided it may cause some problems, and John requests that no brush be picked up on Clean Up Day.
7. Olmsted County will be up to put on Meth class on May 4, 2005. John will let the City know the time.
8. Physicals for all members are set for May 16th.
9. The Oronoco Fire Department is hosting fire classes, which Riverland Comm. College comes over to train over 20 area firefighters.
10. John asked Council if June 18th @ 4PM would work for a walk through of the fire station; that will not work with Joy or Jackie. John and Clerk Nymann will get a date worked out. There was a suggestion for a Sunday afternoon.
11. Discussion on the Regional Training Center

C. 1st Responders

1. There were a total of 7 calls (3 in the City, and 4 in the Township)
2. Still working on purchasing coats
3. Gwen also attended the 800 Megahertz meeting.

D. EOC

1. Novak thought that the severe weather alerts could be handled from work or home, without being based at the fire department. **Bertsinger motioned to have Tom Novak and Adam Brase fill in as EOC Co-Directors, Hall second; all in favor, motion carried.** DISCUSSION: Keigley mentioned letting public know about the background on Adam & Tom, and why they were selected. They are/were both meteorologists.

E. Streets & Roads

1. Weight Restriction Signs
   Clerk Nymann explained that Olmsted County put free lettering on the signs for the City. At this point, Voigt stated that the weight limits are being tested on the new roads, and that reducing it to 5 ton weight limit would give more protection on their investment.
2. Response from Dan F. on RWH I Roads & Street Lights
   Bertsinger motioned to revoke the previous motion for the City to take over Riverwood Drive SW, because the City has not received a response from Fitzpatrick about the approval upon conditions set forth by City Engineer Steve Voigt; Hall second; DISCUSSION: Novak stated that Fitzpatrick is now responsible for maintaining Riverwood Drive SW in the interim; **all in favor, motion carried.**
3. 7th St SE
   Clerk Nymann brought forward a concern from Don Clark that the paving should continue to City limits on 7th St SE, because there is a structure there before the end of the City limits. Council determined at an earlier date not to pave to the end of the City Limits because the new development would have heavy truck traffic on it, and their street will eventually hook up to this and extend southward.
4. Council asked Mr. Carl Stolp to step forward at this time. It was explained that Council approved putting rock on the cart path, but couldn't do so until the road weight restrictions were lifted. John Stolp will blade it also. Mr. Stolp asked about the street designation for the cart path and if a reply from MnDOT was received yet. . Bertsinger stated that the City is waiting for a reply from MnDOT on the letter previously sent. Clerk Nymann will forward a copy of the letter to MnDOT from the City attorney to Mr. Stolp.

F. Parks & Trails

1. Parks Survey Results*

15% of Oronoco responded to the survey, with others trickling in. Conveyed in the surveys were 3 points which were 1) Educating public what belongs to the City and what belongs to the County; 2) Develop a trail system; 3) Having park equipment on the west side of the highway. Novak suggested connecting west to east sides of 52 with trails. It was stated that the overpass will be wide enough for walkers/bikes.

2. Parks Committee Review & Requests*

3. Listing of recommendations as follows:

Recommendations

Scale: 1 highest priority, 5 lowest

Riverwood Hills Park

- No Priorities at this time. Will be taken care of by Adam
  Perhaps a trail could be mowed, and to seed with better grass and wildflowers; c

Ball Diamond behind Tilly's

- #1 Level and grade ball field, spray weeds on infield and fence line
- #1 Conduct regular maintenance, including grading (weekly) of the field and mowing
- #2 Replace bases (currently in storage)
- #4 Work on volleyball area
  - Set net
  - Install border around sand
- #4 Monitor condition of benches

Cowden Park

- #3 Conduct regular maintenance, including mulching leaves and taking care of downed trees
- #3 Place picnic tables at the property

Open Lot

- No recommendations at this time

Community Center

- #1 Paint baseball backstop area, swing set, basketball posts
- #3 (with parks committee) Improve swing set area
  - Place edger around swing set
- #4 Perform regular and preventive maintenance on play structure
- #4 Clean up trees
- #2 Perform lawn care and landscaping

Also discussed was the ball diamond and parking, busy street, future vision, and entrance; also was canoeing, home and the dock on the lake on the east side of the highway. Adam stated that he would like permission to submit an RFP and ask about group purchasing agreements. Bertsinger thanked Adam for the time and commitment to putting this together, and suggested that maybe Community Service could help out with some of the projects listed.

4. NWS Flood Monitoring Meeting – Adam & Cheryl attended
Discussed at the meting was an advance warning system on water flow into Oronoco and grants through homeland security & FEMA to purchase flood gauging equipment. There's nothing the City needs to do until this happens. It was brought up that the silting on Lake Shady has contributed to the flood problem around the lake.

G. Planning & Zoning

1. River Park Preliminary Plat*
Joe Lonzo, Jeff Broberg, Steve Jech, and Dan Zemke were present to discuss the preliminary plat.. Jeff read the submittals and responses; and explained that the PUD defines terms and amount of open space and requirements to maintain the open space; shoreland access between LOTS 18 & 19. Jeff also stated that the DNR's definition of what a cluster is was vague and remains undefined. The DNR's lack of a definition to a cluster adds to the confusion. Jeff asked council for approval with the preliminary plat seeking a density under traditional system and stated the DNR could either agree or appeal the decision. Steve Voigt has reviewed this and agrees with Jeff on the clustering concepts; it has low density concept that the City has maintained in other developments; and that the DNR has a strong opinion on this but the Council has the authority to act on it. He does not recommend an adversarial relationship with the DNR, but the lots now fit the community concept. Also discussed was the access to Cedar Woodlands II on the West side of the development (according to the Cedar Woodlands GDP); and that the park on the SE corner of River Park Subdivision bumps into Cedar Woodlands II. It was clarified where Dan Fitzpatrick was seeking access to, and that Dan wants access from the Jech property to his on the southern end. Jech would be losing a lot, and Dan would actually gain a lot. It was determined that Dan needed to provide an access to that property off his own lots in Cedar Woodlands II. Steve reviewed comments on the preliminary plat with the City, and under other comments the city needed to think about, but not necessarily determine at this point. They were, Service of SW lift station, and the cost share of an oversized well. Canan suggests the developer indemnify the City in the event of a legal challenge. Jech stated they would be willing to pay the costs for the city if this happened. **Novak motioned to approved the preliminary plat; DISCUSSION:** It was thought that a meeting should be held with Jech's , McGhie & Betts, the City and the DNR to clarify a cluster system. Clerk Nymann and Jeff Broberg will set this meeting up. **Motion dies for lack of second. Bertsinger motioned to discuss the Preliminary Plat for River Park Subdivision Wed., April 27 at 7:45PM following the P & Z meeting; Hall second; DISCUSSION:** The meeting being set up with DNR will take place before the Special CC Meeting. **All in favor, motion carried.** Bertsinger requested copies of all emails concerning this. It was stated that Council likes the layout on the preliminary plat the way it is, and to not have houses on top of one another. McDermott will sit in on the meeting with the DNR. Discussed then was the fact that maybe the Final Plat process for River Park could be put on an accelerated pace, since they've worked with the City and extended the 60 day rule many times since their application submittal last September.

2. Quit Claim Deeds to Riverwood Hills, I, II, III
Concern on the outlots and that those that are deeded where foot traffic may not be permissible. Unclear as to where outlots in RWH I outlots are, and if they are also included in the deeds. Is surface play acceptable on drainfields, and does the city want full outlots was questioned. The City wants to get specific outlines where the drainfields are. Also discussed that the outlots in RWH I cannot be deeded over to the City if Fitzpatrick already gave them to the Homeowners Association (which is not developed). **Bertsinger motioned to accept RWH II & III Quit Claim Deeds and to ask the developer to get the City a copy of the original mapping with details to verify the**

outlots in Riverwood Hills, Novak second; AYES: Novak, Bertsinger, Hall; NAYES: Keigley, motion carried. Clerk Nymann will send a letter.

3. Summary of Developments*
4. Comprehensive Plan & Future Land use Plan – Set meeting date
   Council will take direction from the Planning and Zoning Commission on this.
5. Brian Breider request to attend Land Use Workshop ($50.00)
   Bertsinger motioned to have Brian attend this workshop, Keigley second; all in favor, motion carried.

H. Community Center

1. Seeking bids for landscaping, door, window on south side,
   Bertsinger briefed Council on the Community Center's committee direction, and projects being considered. Cupboards have been ordered, and should be installed in May. Also, Lance Sorenson should be contacted for possibly putting in the retaining wall and flowers. The committee is looking at putting brick around the columns at the entrance, gutters and the dollars spent on window replacement could be better spent (Larson's and Wayne Brehmer indicated the windows were in good shape considering how old they were).
2. Brush Cutter request from Ward
   Clerk Nymann submitted a request from Ward to purchase a brush cutter/weed eater for the City. With taking on ditches and new parks, the current weed eater isn't durable enough to handle the tougher job. **Hall motioned to purchase the Brush Cutter/Trimmer up to $500; DISCUSSION:** Bertsinger thought it was high price for a brush cutter; **Keigley second; all in favor, motion carried.**
3. Picnic Tables
   There's no policy on the picnic tables. Clerk Nymann can make an application for them and could charge a deposit, and they could be marked for identification (numbers) in some way. **Bertsinger motioned to mark the picnic tables, keep a $50 deposit and return the deposit if no damage is done to them (return within 4 days of use; Hall second; all in favor, motion carried.**

I. Highway 52

1. Condemnation procedure paperwork*
2. Utility Tunnel
   Clerk Nymann sent out map and letter to utility companies for their input and interest in cost sharing, and where to put tunnel. Novak suggested planning on a tunnel for sewer. Steve Voigt indicated it would be difficult to locate the space and grade for sewer placement.

A recess was called for at 9:40PM
Meeting was called back to order at 9:47PM

3. West Frontage Road
   Rick Moen was present on behalf of Pat Hall. He indicated that the west frontage road would not leave much room to the west of the frontage road for building; and having a trail on that road and adequate shouldering. He also asked the City when they would purchase the ROW for the road. Bertsinger and McDermott have had initial discussion with Pat Hall. Currently, Pat stated he is getting .68 to $1.15 per square foot for his land; and Pat wants the City to come to him with a price soon. He is concerned if the city annexes and rezones the whole parcel, his property taxes may increase and was wondering if there was any tax protection available. Discussion on if he donated the land then he wouldn't get assessed; also he could propose to bring in the corridor and he wouldn't get taxed at the new rate until it's developed. The City wants to bring bond

counsel on board and where the money will be coming from before talking numbers with Pat.

4. Letter from SRF for Purchase of Ballfield Land
   Previously motioned to accept.
5. Calling List
   Tabled to next meeting.
6. Bond Counsel w/ Mike Bubany & David Drown & Associates
   a. Capital Improvement Plan
      Bertsinger and Clerk Nymann have a meeting set up with MnDOT on May 20th to discuss bonding for the City's share of the Hwy. 52 reconstruction project, and now would like to bring bond counsel on board. **Bertsinger motioned to work with Mike Bubany of David Drown Associates on bonding the road projects, Keigley second; all in favor, motion carried.**

J. Downtown Oronoco Gold Rush
   Nothing to report

K. Water/Sewer
   1. Set Task Force Meeting Date

L. Lake Shady
   1. Road & Ditch Clean-Up is May 1, 2005 @ 2:00PM
      They will meet at the Community Center

V. PUBLIC FORUM

COUNCILBREAK

VI. OLD BUSINESS

A. Animal House Boarding for stray animals
This was discussed earlier on the agenda. Clerk Nymann reported that Lake Shady Kennels was not interested in submitting a bid. Animal House Boarding submitted a bid package. They stated they have no ability to catch stray animals. They could update an old garage to house strays and would provide this service for a set period of time. The update to the old garage would be necessary because strays would have to be quarantined, the city would be liable for the cost if the animal was unclaimed. They requested the City pay for the upgrade of the building and would charge the City for each animal housed if the animal goes unclaimed. Safehaven and A-1 Animal Pet Control could be contacted also. No decision was made at this time.

B. Shed in ROW (Williamson)
Discuss at May meeting and take photos with camera

C. NNO – Budget / Plan
There is $500 in Special Funds for NNO and Clerk Nymann will handle the arrangements.

D. City Wide Clean Up Day May 21st
All Volunteers will meet at 7:30AM, and the City truck and trailer will be used, with Ward. Charging Appliance $10, tires $2 and no brush…..put these items in the newsletter.

E. Ping Pong table / Projector / Pinball Machine

VII. NEW BUSINESS

A. Ditch debris in closed alley

Deleted from agenda (Ed Murray took care of the situation).

B. Shelley Nakata Litter in back yard / junk cars
Clerk Nymann will send out a letter to Shelley with a copy of the Ordinance, and it will be back on the May agenda.

C. 2nd Meeting per moth, set a date so it's consistent (for big/long issues)
In 2004 there were 4 Emergency Council Meetings, 4 Council Public Hearing, 2 Council Closed Meetings, and 19 Special Meetings, in addition to the 12 Regular Scheduled Meetings; for a total of 41 meetings. There's a lot going on in the City, and meetings are getting late. **Bertsinger motioned to reserve the 1st Monday of the month for Council meetings to handle agenda items, Hall second; DISCUSSION:** There's already a second and 3rd meeting per month, and it would be easier to just reserve one more night a month for Council meetings. **AYES: Bertsinger and Hall; NAYES: Novak and Keigley. Motion failed.**

D. 4th of July
Bertsinger motioned to spend $4,500 on the fireworks, Keigley second; all in favor, motion carried.

VIII. ORDINANCES & RESOLUTIONS

A. Resolution 05-05, Support of SE MN WWI Grant Seeking (passed at previous meeting)

B. Resolution 05-06, Noise Limits During Hwy. 52 Reconstruction (summarized changes)

IX. PETITIONS, REQUESTS, COMMUNICATIONS

A. Litter Concern
Discussion on the litter on cemetery road…there's garbage in the ravine on Dale Wittlief's property. Clerk Nymann will send him a letter with the suggestion he contact Steve Mohlke and the Community Service workers to assist with the clean up.

B. SE MN League of Municipalities Quarterly Spring Meeting-Thur., April 28th, Byron*
Bertsinger motioned to have Jackie, Joy, Kevin and Cheryl attend, Hall second; all in favor, motion carried.

C. Community Systems Workshop
Not applicable to City at this time.

D. Municipal Clerks Week – May 1 ~ May 7
Bertsinger read the proclamation and it will be posted.

E. Letter to Dan Fitzpatrick
Concerns on Riverwood Hills (RWH), and Cedar Woodlands. Shared letter with Brian Breider. Brian Breider stated that there is no homeowners association as of yet, water is billed every quarter (they took out meters), and he's asked for things, but doesn't get a response from Fitzpatrick. It was stated that the homeowners have the right to take Dan to court for breach of development agreement. Also discussed was the fact that the City doesn't own the water and sewer in RWH because the developer owns it until the City has municipal sewer and water.

F. State of the Cities Report from LMC at City Hall (FYI)

G. Local Board of Review letter

H. Orderly Annexation Agreement Signed by Township (FYI)

X. CONSENT AGENDA

A. MEETING MINUTES:

1. March 21, 2005 Regular City Council Meeting Minutes*
2. April 6, 2005 Special City Council Meeting Minutes*
3. April 12, 2005 Special Joint City Council & P & Z Meeting Minutes*

B. BUILDING PERMITS:

1. Fitzpatrick Construction 680 Valley View RD SW New Home*

C. FINANCIALS

1. Budget, Account Summaries, Disbursement*
2. Council Approval Report (Bills to be Paid)

Bertsinger motioned to accept the consent agenda, Hall second; all in favor, motion carried.

X. ADJOURNMENT

Bertsinger motioned to adjourn at 11:25PM, Keigley second; all in favor, motion carried.