

**CITY OF ORONOCO**  
**(Unapproved) REGULAR MEETING MINUTES**  
**May 17, 2004**  
**7:00 PM**

**I. CALL TO ORDER**

Mayor Jason Ottman called the meeting to order at 7:00PM.

**II. ROLL CALL**

Present: Mayor Jason Ottman, Joy Bertsinger, Scott Keigley, Dick Nelson, Clerk Nymann, Attorney Tom Canan, and members of the Community

**III. APPROVAL OF AGENDA (Additions/Deletions)**

Additions to agenda: IX. B. Ordinance concerning Conditional Use Permits  
X. H. Drew Hewitt  
XI. F. Riverwood Hills Conditional Use Permits  
XI. G. Legal Matter

**Bertsinger motioned to approve agenda with above noted additions, Ottman second; all in favor, motion carried.**

**IV. MEETING MINUTES**

A. 4-19-04 Regular Council Meeting Minutes

**Ottman motioned to approve, Bertsinger second; all in favor, motion carried.**

B. 5-5-04 Oronoco Orderly Annexation Meeting Minutes

**Ottman motioned to approve, Bertsinger second; all in favor, motion carried.**

**V. FINANCES**

A. Acceptance of the Financial Reports

Clerk Nymann indicated transfers needed:

Capital Outlay Mower: \$3,124.00 from Gen Fund to Investment Fund (*Final Payment*)

Capital Outlay Vehicles: \$5,504.00 from Gen Fund to Investment Fund (*Final Payment*)

Capital Outlay Playground Equip: \$2,000 from Gen Fund to Special Playground Fund

Capital Outlay, Fire Dept.: \$3,000 Gen Fund Truck Replacement to Spec Fund New Rig

Capital Outlay, 1<sup>st</sup> Resp: \$1,000 Gen Fund New Rig to Spec Fund New Rig

The Emergency Operations Center payment of \$4,007.00 will be billed for its pymt.

**Bertsinger motioned to approve financial reports with deletion of EOC transfer, Ottman second; all in favor, motion carried.**

B. Approval of Bills

There were no Unpaid Bills, they are all in addition to the Bills

- C. Addition to the Bills  
**Ottman motioned to approve addition to bills, Keigley second; all in favor, motion carried.**
- D. General & Special Funds Account  
**Ottman motioned to approve general account (budget), Bertsinger second; all in favor motion carried. Clerk Nymann noted that Special Funds Account information will be available at a later date.**

**VI. BUILDING PERMITS \***

- A. Russ Meier 990 Cedar Pt. LN SE New Home
- B. Nate Jones 860 Valley View Rd SW Deck
- C. Mark Kuehn Tilly's Bath House/office
- D. Drew Hewitt 10 9<sup>th</sup> Ave NW Storage Shed
- E. James Satriano 220 1<sup>st</sup> Ave NE New Home

**Bertsinger motioned to approve items A-D, and pull E; DISCUSSION:** County called City Hall to request verification of building permits because there wasn't any signatures on them; these came in when Clerk Nymann was out for medical purposes. Clerk Nymann will contact the County to get copies of the diagrams. E. Bertsinger reported that the water lines will be going from one home to another, and crossing over an alley. Nelson stated that the same alley has a variance for another landowners septic. It was determined that the owner needs to apply for a variance to run the water over the alley, or apply to vacate the alley. Clerk Nymann will contact the homeowner and CC the letter to Ryan Kraft and Richard Alweis, Olm. County Wells/Septic Dept. **Ottman second; all in favor, motion carried.**

**VII. REPORT OF OFFICES, BOARDS & COMMITTEES**

- A. Olmsted County Sheriff's Department  
Sgt. Mark Darnell had nothing to report.
  - 1. Violation Report  
Clerk Nymann pointed out the citation issued to Mr. Webb for the Ordinance violation. Attorney Canan stated that for future reference, it would be beneficial if the violation report contained makes, models, and colors of vehicles.
- B. Fire Department – Dennis Blanck
  - 1. Fire Truck  
The new Fire Truck arrived last week, and the old tanker will be taken away in the near future.
  - 2. Paging System  
Dennis reported that \$4,960 was the cost for a repeater station, and could be split between the fire department and first responders. The repeater station would allow emergency personnel to receive their calls when in buildings in Oronoco; which they currently do not. The budget will be checked for this item.
  - 3. EOC- DENNIS BLANCK  
Dennis stated that he would like to buy the anemometers for the emergency vehicles at a cost of \$71.00 each (for 7 of them); considerably less than what was originally budgeted for at a cost of \$300 ea. With the savings, Dennis would like a new EOC radio because the old one does not work, and he cannot get out on the sky warn radio. The new EOC radio is a Motorola EX600 costing \$1,100 and available from Whitewater Wireless.

**Bertsinger motioned to have the EOC purchase the annometers and new radio and to use the money from the special funds for it; Ottman second; all in favor, motion carried.**

C. First Responders – Delbert Holt

1. File of facts to be kept at City Hall  
Nelson would like a file of facts on emergencies responded to in City Limits for Highway 52 kept in the City Hall Office, so it would be easily available for Council members.
2. There were a total of 3 calls in the Township.

D. Streets & Roads

1. Set meeting to open bids  
May 27, 2004 @ 6pm before the Highway 52 Meeting.
2. Streets, surveyor needed?  
This will be discussed at next Thur. meeting

E. Community Center

1. HAVA Grant Submittal Update  
Clerk Nymann reported that the HAVA Grant was completely submitted and notification of the awards will be on June 1, 2004.
2. Shop Heater  
Nelson reported that the Shop heater was cracked and taken away at Clean-Up, and we will be looking for a new one. He said that Ward was talking to people at the Community College about some that they work on for their classes.
3. Zumbro Watershed Group  
Bertsinger said this group is currently meeting at Sandy Point and that they would have such a positive impact on Lake Shady. She asked Council to consider waiving the rental fee so they could meet here. **Bertsinger motioned to allow Zumbro Watershed Group meet at the Oronoco Community Center at no charge; Keigley second; all in favor, motion carried.** Bertsinger will notify the group.

F. Planning & Zoning

Charlie Fried was present to report from the Planning and Zoning Commission. Charlie addressed 3 items in his report:

A. Annual Report

- 1) The Zoning Map needs to be updated
- 2) Ordinances need to be enforcement
- 3) An orderly annexation agreement needs to be in place
- 4) The Interim Residential Ordinance needs to be looked at (Lot sizes)
- 5) There is no City water and the commission is concerned with urban sprawl
- 6) City Sewer and Water need to be addressed.

B. General Development Plan on the Clark/Tiedeman Property

Charlie stated that the Clark's needs to have feedback from the Council on the GDP; there are a number of people invested in this project, and P & Z comments are:

- 1) Property would be a fine addition to the city & planning for it should continue.
- 2) Plan conforms to the Interim Residential Zoning requirements.
- 3) Opportunity to add significant river front parkland to the City.
- 4) City should explore options to preserve additional river frontage for trails.

C. Whittington Acres

At the most recent Special Planning and Zoning Meeting, The P & Z Commission motioned to recommend approval of the preliminary plat with the following modifications:

- 1) Establish a 25 mph speed limit on County Road 118 within the City limits and add appropriate signage to insure driver awareness.
- 2) To encourage Olmsted County highway department to quickly improve surface and grade of County Road 118.
- 3) To insure that WAC and SAC fees are adequately covered in the dev. agrm't.

1. Whittington Acres

A. Letter from Shirley Fite

After the public hearing she decided that she did not want the buffer. They don't want a walking trail behind their property which would give public access to their property. Geoff from GGG indicated that he is open to what the Council wants. Therefore, Lots 8, 9, and 10 will have its' property lines going all the way back.

B. Preliminary Plat

The parkland dedication needed to be looked at. There will be a walking area to the Park between Lots 4 & 5; and access road for maintenance vehicle is 20' wide gravel. There was discussion on the knoll on County 118. Mike Sheehan, from the County will work on this with the developer. And this can also be addressed in the development plan. Clerk Nymann indicated that there has been a 60 day extension on the Preliminary Plat which takes it to July 4, 2004. And the developer agreed to improve Kami Court and County 118.

C. Letter from Olmsted County GIS

Clerk Nymann presented letter from the GIS department with their recommendations for Address and Roadway related issues. She will forward Geoff a copy of this.

**Dick Nelson motioned to accept the Preliminary Plat with out the buffer; Friendly Amendment to the motion made by Keigley, that acceptance pending on the State's approval on the annexation, Ottman second; all in favor, motion carried.**

3. Letter from Don Clark

Don submitted a letter to the Council to get a response on their thoughts on the GDP that has been submitted. Dan Zemke, of McGhie and Betts and Developer Steve Jech were also present to answer questions. Dan stated that the new GDP ties together with Cedar Woodlands via a trail. Comments were that this GDP and development was a well thought out plan and would make a great addition to the City. Questions were raised on the impact this development would have on traffic on Highway 52 and the City needs to look at the citizen's best interest regarding the traffic. Nelson stated that Council needed to give an indication to Clark, and that the City can approve the concept and how it fits into the neighboring properties and roads. It was noted that the moratorium ended on May 5<sup>th</sup>. Again noted that there needs to be discussion with the County and Highway 52, with possible phase in method for impact on traffic. **Nelson motioned to accept the GDP for the Clark/Tiedeman property contingent on annexation approval.**

**DISCUSSION:** Charlie Fried suggested that both annexation and preliminary plat be submitted at the same time, and that there should be an EAW in the works because it's more than 60 acres. **Ottman second; AYES: Nelson, Ottman; NAYES: Bertsinger,**

**Keigley.** Bertsinger stated that she walked the property and it is nice, with a beautiful park and that she would like to see an amendment to have talks with Highway 52 and the County. . **Motion failed because of the 2-2 tie vote.** It was stated that the GDP is not a requirement, and that a petition for annexation could be filed without GDP approval.

4. Olmsted County Letter Re: Don Clark GDP\* ALSO: (Letter from Olm. Cty. GIS)  
Discussed earlier about County 118
  5. Moratorium on Annexations expired 5-9-04  
Previously brought up
  6. Horse Issue with Allen's  
Nelson stated that the Allen's' have horses not permitted on their property. Their application was previously denied because there was a moratorium on horses. It was stated that they encroach upon others people property when they are ridden. And, they have dogs running loose all the time. **Nelson motioned to have the City Attorney address the horse issue with the Allen's, Bertsinger second; all in favor, motion carried.**
- G. Downtown Oronoco Gold Rush  
Nothing to Report
- H. Sewer  
Nothing to Report
- I. Coon Grove Site  
Nothing to Report
- J. Hwy 52- Mike Sheehan  
Mike Sheehan was present update Council on the upcoming interchange and overpass at Highway 52. He introduced Project Staff from MnDOT. Jai Kalsy, Design Build Project Coordinator for District 6 was present to give the update. The Letting is to take place in November of 2005, and Construction is to begin in early 2006. Discussed Critical milestones and the 2 Phases of right-of-way acquisitions. MnDOT said they were working on moving up Phase II which concerns the east frontage road. Also, currently, there will not be a west frontage road South of Mom's Antiques, the current south bound lane will become the frontage road and continue west on 12<sup>th</sup> St SW and then south on 3<sup>rd</sup> Ave SW down to 112. Bertsinger asked if there were any interim measures MnDOT could do. It was stated that it wasn't just the individuals coming onto 52, but also the speed limit and heights of lanes on 52, which makes it hard for people to judge the oncoming traffic. Nelson stated that the state hasn't taken responsibility to enforce the speed limit laws that are on the books. Ottman asked why the speed limit couldn't be kept at 55 through Oronoco. Speed limit change has to come through Legislature. These intersections will become more dangerous when there will be motor homes pulling out onto 52 once the RV Park is in place at Tilly's. Mike Sheehan asked Council how people could be encouraged to use County 12 to Hwy 63 to get into Rochester. Bertsinger stated that public awareness for this issue can be published in the City's next newsletter and on the Web site. Also, MnDOT would like an individual(s) who would act as a liaison for this project. **Ottman motioned to have Joy Bertsinger be the liaison for the City with MnDOT, Nelson second; all in favor, motion carried.**

Ottman called on Laurie Long and she wanted to discuss City Sewer and Water. She stated that a neighbor has a septic problem and cannot sell because of the sewer. And, she stated that something needs to be done about historic downtown Oronoco residents. She urged Council to consider alternatives for these residents and come up with a resolution whether it be water for the city, or community septic. It was stated that they are residents NOW and the Council is suppose to help the people. It was suggested that the City Sewer Water and Sewer Committee should be meeting again.

**Due to lack of a quorum, a recess was held at 9:02 PM.  
Meeting reconvened at 9:17 PM**

Keigley wanted it noted that there is a public forum at the end of the agenda, and that is when the previous matter should have been discussed.

#### **VIII. PETITIONS, REQUESTS & COMMUNICATIONS**

- A. Doris Mulholland on call for extra help.  
Clerk Nymann is getting caught up on work from her absence, but could use some help in the office during extra busy times, such as the newsletter. **Ottman motioned to authorize Cheryl to call Doris for extra help in the office up to 10 hours per month; Bertsinger second; all in favor, motion carried.**
  
- B. News Release from MN DOT  
MnDOT will be installing flashing lights on the stop signs at Highway 52 intersection at Co. Rd. 12 and 18. Bertsinger submitted a letter stating that she appreciates the recent efforts of MnDOT, but it is still not enough. Suggestions from Bertsinger included warning motorists traveling north/south on Hwy 52 that there is a dangerous intersection ahead, lowering the speed limit to 55, and early construction of an east frontage road with the Hwy. 52 construction.

#### **IX. ORDINANCES & RESOLUTIONS**

- A. Public Health Ordinance # 04-04  
Attorney Canan gave a brief summary stating that subdivision 2 & 3 were added and it is similar to Rochester's Ordinance. This should take care of the 'junk yards' situations which occur. **Bertsinger motioned to approve Ordinance 04-04 which amends and reenacts Ord. #131 prohibiting unlawful deposit of litter and accumulation of garbage in open spaces on real property, Nelson second; all in favor, motion carried.** DISCUSSION: Clerk Nymann will publish the ordinance once, and it is effective immediately.
  
- B. Ordinance 04-05  
Attorney Canan stated that this will do away with the Special Use and Special Exception permits and called now 'Conditional Use permit'. Section 15.06 (1 & 2) should state that the appeal from denial will be on a 2/3 vote of the Board of Adjustment; and that the effective date will be June 21, 2004. **Bertsinger motioned to pass on to the P & Z Commisstion & Board of Appeals Ordinance 04-05 which replaces special use and special exception permits with a conditional use permit, with above noted changes for their review.**

Copies of these Ordinances will be forwarded for review to P & Z Commission and Board of Adj.

## X. OLD BUSINESS

At this time, Ottman moved E. up to begin Old Business.

### E. Onyx Contract

Karen Watson was present to discuss the contract with Onyx for another 3 year term.

The Council was viewing the previous contract and noted that the rates and dates needed to be changed. Some concerns were brought up to Karen about residents problems with billing and getting the right receptacles. Canan clarified that it was a 3 year exclusive term with Onyx. The City stated that Onyx has worked well with them at DOGR and during Clean-Up, and that they don't want a number of different garbage trucks on City roads. Karen clarified that the company's name has changed, not management or people. Canan also stated that there should be 60 day notice for severability. **Ottman motioned to accept the contract with the adjustment to prices, Nelson second; all in favor, motion carried.**

### A. Vacant Council Position

Three applicants submitted letters of interest to fill the vacant Council seat:

- 1 Kevin McDermott
- 2 Ronnie Phelps
- 3 Jackie Hall

Brian Breider was in the audience and stated that he also submitted a letter. Brian will get a copy to Clerk Nymann. Council directed Clerk Nymann to contact the interested applicants to be present at the Special Council Meeting on Thur., May 27, 2004 at 6:00PM and a selection will be made then. Clerk Nymann indicated that Council appoints the Council Member on a majority vote, and in the case of a tie, the Mayor has the authority to appoint an individual to the vacant seat.

### B. Capping Well on City Property

Ottman stated he had been contacted by the County again about the well. But, it is difficult to find. Ottman will talk to Don Schmidt because he use to own the property.

### C. Tilly's RV Park

Clerk Nymann needs to send out a letter about traffic, and security.

### D. Pond in Riverwood Hills

Clerk Nymann will send a letter asking intentions.

### F. Erosion in Riverwood Hills

Nelson stated he had a meeting with Dan Fitzpatrick and he is aware of the problems and soon as it dries up it will be taken care of. Also discussed at this meeting was the matter of street lighting.

Bertsinger stated that the erosion on E Center was bad and that the DNR, Dave Copeland and the County will be doing discussion on that issue. Clerk Nymann will check with Mike about a letter on this issue.

### G. P.I. Telephone Franchise Agreement

Bertsinger talked to Rick Keahne about the contract, but nothing has been submitted to the City. Clerk Nymann will contact PI Telephone about this.

- H. Drew Hewitt  
Nelson stated that the condition of the yard has deteriorated and that there are junk cars and tires in the yard. Clerk Nymann will send a letter about the problem.

Tom Canan stated that his secretary has now completed the Ordinances in Electronic form.

## XI. NEW BUSINESS

- A. Educational Course for Ward Field  
Ward was present to discuss the continuing education requirements needed for his power limited technicians certification. There is a class at the Red Wing Campus at a cost of \$160.00 in June. **Keigley motioned to have Ward attend the continuing Education class, Ottman second; all in favor, motion carried.** Clerk Nymann asked Council to consider putting education account for maintenance in next year's budget.
- B. People's Coop Power-Jasik Subdivision  
Ottman stated that there were new lines up to Krause's and that he will talk to Rick Wellik about it for Jasiks Subdivision.
- C. 2003 Population & Household estimates  
State Demographer came in with the April 1, 2003 population at 888. If Council wants to challenge, it must be done in writing before June 10, 2004. Clerk Nymann is to bring the figure to the May 27<sup>th</sup> meeting.
- D. AFLAC  
Ottman stated that a rep from AFLAC was at City Hall to discuss disability and accidental insurance, and that if anyone on Council is interested in it there will be a meeting Tuesday, the 25<sup>th</sup> of May at 11:30am at City Hall.
- E. Maintenance position to Full Time  
Nelson thought it was now time for this position to go to full time. Ward has been identifying and addressing problems and he certainly could fill the time in. Keigley wanted to know what the hours would be for him. Bertsinger asked about the winter; and it may be that during the winter it could go back down to 32 hours a week. Bertsinger gave a preliminary figure around \$3,500 for the remainder of the year. Council could work the adjustment of hours for next year into the budget. **Keigley motioned to have the maintenance position go to fulltime, Ottman second; friendly amendment made for the personnel committee to adjust the core hours and change the policy book; all in favor, motion carried. DISCUSSION: effective May 31, 2004.**
- F. Riverwood Hills Development Assessment Attorneys Fees  
Council wants to set up a meeting to discuss issues with Dan, including the letter regarding his development fees. Council directed Clerk Nymann to send Dan a letter with dates he would be available for a meeting. It was noted that Keigley will be gone June 7-11 and Canan will be gone June 21-25.

G. Legal Matter

Canan received a letter from attorney Bill Ryan which regarded problems with the title on property which the City sued about size of a billboard which was located south of mom's antiques on the west side of Hwy 52. **Bertsinger motioned to authorize Canan to represent the City on this matter; Ottman second; all in favor, motion carried.**

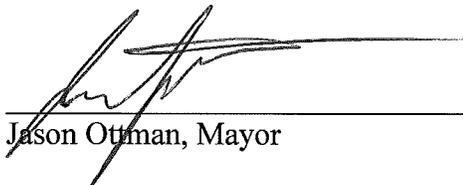
**XIII. PUBLIC FORUM**

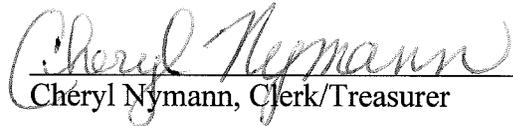
Mary Burnett came forward and questioned what is going on with the Stolp's Cove road. The City stated it acknowledged letters from homeowners on this. The City needs to set guidelines for accepting private roads, so it's uniform. Council will review this at their meeting on June 21<sup>st</sup>.

**XIV. ADJOURNMENT**

**Ottman motioned to adjourn at 10:10PM, Bertsinger second; all in favor, motion carried.**

Respectfully Submitted:

  
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Jason Ottman, Mayor

  
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Cheryl Nymann, Clerk/Treasurer