

**CITY OF ORONOCO SPECIAL CITY COUNCIL
MEETING W/REPRESENTATIVES
June 13, 2006, 6:30pm**

I. CALL TO ORDER

Mayor Joy Bertsinger called the meeting to order at 6:30PM.

II. ROLL CALL

Present: Joy Bertsinger, Kevin McDermott, Tom Novak, Clerk Nymann, Senator Dave Senjem, County Commissioner Judy Ohly, Representative Randy Demmer, members of the community and media representatives.

III. SET MEETING DATE FOR CIP

Thursday, July 20, 2006 @ 7:00PM

IV. INTRODUCTION OF ATTENDEES

Introduction of attendees.

V. BRIEF HISTORY OF HWY. 52

Mayor Bertsinger gave a brief history of the Hwy. 52 Project going through Oronoco. The state representatives were here so residents and business owners would have an opportunity to sight their process, and frustrations with MnDOT from the onset of this project.

VI. GOOD POINTS OF HIGHWAY

Safety has always been the main goal, and the positive aspect has been that the project was moved up for 4 years.

VII. RESIDENTS CONCERNS ON ROW, PENINSULA, TREES, WETLAND, MITIGATION, AND DREDGE MATERIAL

Susan Bartels (Owner of Amish Furniture Barn)

Susan began stating that she has never been against the upgrades and was grateful that the highway will be safer. Susan made the following points:

- From the onset they heard through the grapevine that their building would be bought by MnDOT.
- They were told their rights, but never received a timeline of the process; all of a sudden their building was condemned by MnDOT. And then, never knew when the date of when they were to be out of their business after condemnation
- No communication from MnDOT on when things would be happening. Such as:
 - Susan came to work one day and the mailboxes were gone;
 - They were not notified about changes in the driveway;

- Utility people (surveyors & contractors) would go onto their property before it was condemned and they wouldn't know who they were or why they were there;
 - All of a sudden the natural gas was turned off
- There were hidden costs that they weren't aware of (LP had to be put in after the natural gas was turned off).
- They wanted to put in a bid on their building that was condemned and they contacted MnDOT several times to make sure they would be contacted when it was put up for sale. However, they were not contacted, and the buyer showed up one day and asked for the keys to the building. (Ruth Olson added that she knew someone that also requested to MnDOT to put a bid on the building, but were never contacted about it).
- The barn that is left there was in and out of the program for quite awhile, and MnDOT adjusted their lines so they wouldn't have to take it, but took the well right next to it, and only gave them \$3,200-\$5,000 for the well. (MnDOT said it was an old well, hence the low amount given for it). It cost several more thousand dollars to replace the well, and now the water is rusty also.
- On their appraisal, the state gave them \$1,500 towards second opinion on appraisal. It has cost her a \$10,000 retainer, plus \$2,500 per day in court.
- They put in a counter offer to MnDOT on their property with the hopes that it could be settled before it went to court, but they received no response from MnDOT on it. This condemnation court process has been going on 1 3/4 years, and is still going on.
- They have had a consistent point of contact with MnDOT; however, that person didn't even know what was going on.
- Significant decrease in business, and lost 7 employees.

In summary, the lack of communication from MnDOT before and during the ROW process, as well as during the construction has been frustrating. It was suggested that the Representatives here tonight may have an influence on issues like these. Also, just because MnDOT has their own set of rules, it doesn't make it right how they treat people.

Ruth Olson (Homeowner on 5th Street NW)

Ruth was offered \$1 per foot from MnDOT. MnDOT didn't show her an appraisal and they told her that's what others were being offered. They told her she could get her own appraisal and MnDOT would pay up to \$1,500 for it, but she said she thought she would save the state that money and settled. Other issues included:

- The TV and Phone were turned off and she wasn't notified.
- They were digging in her yard a couple of times and no one told her about it beforehand, so she didn't know who they were or why they were there.
- There was a telephone line lying in her yard and after 3 phone calls they finally came out and got it buried.
- She has repeatedly asked for a time frame when they will be raising her road by her driveway, but she has had no response from MnDOT on it. Clerk Nymann also brought that issue up at a MOT meeting in May, and was told that Ruth would be contacted. However, she still has not been contacted.

In summary, there was also lack of communication to Ruth on ROW acquisition process and construction. It was suggested that MnDOT should be encouraging homeowners to receive their own appraisals instead of mentioning it in passing, as well as showing appraisals to the landowners.

UPON COMPLETION, THESE MINTUES WILL BE SENT TO THE REPRESENTATIVES

Dick Nelson (Homeowner on Lake Shady)

Dick had a number of concerns.

- He has been trying to collect information from MnDOT through State Statute for public data. He requested all information regarding Hwy 52 and MnDOT a month ago and just received some information yesterday and some this afternoon. Dick thinks that MnDOT has treated Oronoco poorly, and hasn't been fair with the City.
- He has also requested information on Wetland Mitigation between MnDOT and DNR. Dick said that MnDOT had the authority to mitigate elsewhere, but they wanted the sand under the south peninsula, therefore mitigated on site, saving themselves over 1 million dollars.
- On the North peninsula, the trees were pulled out by the roots and there were old septic tanks still on that area, and only a thin layer of soil for that bacteria to go into. Dick and his daughter have had some problems due to airborne bacteria. With the wind blowing in his direction from those sights, that may be the source. Dick asked City Officials if other people are having problems, and if there was any way to contact Olmsted County Public Health about air quality. Judy Ohly will contact Health Department on airborne pollution from this. She will get information to Dick and City Hall from the Health Department.
- When the trees were burned, drain oil and fuel oil were put on the burn piles to burn, which made the air was so thick and foul smelling. (Susan added hot cinders from MnDOT's burn piles fell onto their new furniture for their business when they were unloading it.)
- MnDOT came to the City 2 weeks before burning the trees and offered it to the City. But the City didn't have sufficient time to plan for it because of liability issues. MnDOT had a logger come in to remove trees. And, despite the fact that the City has a Shoreland Ordinance (which MnDOT doesn't have to adhere to), the City was not notified that the trees would be taken until the Open House in April.
- There was an Environmental meeting hosted by Zumbro Watershed Partnership with MnDOT and that was the only time the tree issue was presented to the Public). There were numerous meetings that the representatives here were at with the City and MnDOT, and there were no discussions about the trees. MnDOT had plenty of opportunities to have discussions with the city because this area was issued a mitigation permit over a year ago.
- MnDOT and the City should have the courtesy to let people that live around the lake when these meetings were happening). And to let the people directly being affected be involved in this process. Dick would like to see a letter go out to everyone on the lake and talk about this, and show them what is happening. Kevin McDermott is a part of the mitigation team, and said that not until after the trees were gone, MnDOT offered to allow reps from the city as part of the mitigation team. Two City residents who live on Lake Shady and are foresters are on this mitigation team. MnDOT is shying away from the fir trees along the highway because they couldn't withstand the salt so will put in something hardier that will and survive.
- Questioned the 'normal' water level stated in the mitigation plan. Those 6 inches is ambiguous.
- Numerous cities have had problems with MnDOT. The state has to hold public hearings in St. Paul and know how poorly MnDOT treats people.

Pat Davitt (Homeowner on Lake Shady)

- Pat was involved in initial highway reconstruction discussion and he had asked MnDOT if the City would have a noise wall for a sound barrier and MnDOT said that the City wouldn't need one because of the natural vegetation that was there along the, would provide a natural barrier of the noise. Now, with the vegetation and trees gone, MnDOT says that they still aren't doing anything for noise because the noise bed on the new road will reduce the noise level.
- Pat drives on Hwy 52 on a regular basis, and through this stretch in Oronoco the speeds are uncontrollable. He's read that there was extra money set aside for state patrols, but he hasn't seen the increase in patrols. To drive 55 you are an impediment.

Ken Baker (Homeowner in Oronoco)

- Ken is upset over the city having to pay for the frontage roads and overpasses (but initially MnDOT said there were no costs for frontage roads and overpass). MnDOT put in million dollar overpasses that goes nowhere down on 85th Street.
- The two cul-de-sac roads on the south of 100th Street cost over a million dollars for a few people,
- The project was moved up, costs came from a different pot of money so the City has to pay 10% of overpass. The extension of the west frontage road dropped from MnDOT's project, and the City now faces a \$750,000 to complete it. Project benefits not only the City, but over the 35,000 motorists daily.

Verdell Petty (S & M Salvage & Marine)

- JC's (the only gas station and convenience store) was the heart of the town and they closed it down so early, long before it was demolished, The ROW acquisition didn't go well with JC's either. MnDOT could have waited closer to the road construction.
- MnDOT purchased a little land from S & M, and it went well.
- Business has not done well and they are in the construction zone, but the end product will make it much safer. Getting through this has been difficult. Commented that the City should encourage getting a filling station and convenience store back in town.
- Monica Michenfelder; State reps made the effort to be here, and she came to support the attendance of everyone here.
- Judy Stock from Pine Island; Hope it gets better when they get up to her area..

City Concerns

- With the dredge excavation and possible contaminated soils, only if less than 95% sand, would MnDOT have to test the soils for toxins. However, in previous years, when the City has wanted to dredge the Lake, they have been told that they do have to test the soils in the lake for toxins.
- Wetland Mitigation doesn't have to go through the City because MnDOT is a state agency. MnDOT got an opinion from the Attorney General stating they don't have to follow the City's Ordinances, it doesn't make it right. Their permits go through MnDNR and Corps of Engineers. MnDOT should have communicated with the City and residents beforehand. If they would have involved the City right away, then this wouldn't be happening now.
- The City is not on the DNR cc for wetland mitigation permit. That should be changed to include the City.

- Immediate problems, who addresses those? Jai Kalsy and Kate Bartelt have been able to pull in to the emergency meetings that the City has had. The City has been very pleased with LHS; they do a good job with keeping the City involved. However, the issue here is with MnDOT and Public Relations for them. Communication and notification would've kept the City involved. There's a lot of deception from MnDOT (included on overpass, trees, west frontage road).
- Estimated cost of the extension of the west frontage road is \$750,000. When the City did not initially give their Municipal Consent to the project, a new project scope was proposed by MnDOT moving the interchange further to the north of the City. Although MnDOT could do that, it was not right to bully the City. It was commented that's another reason why they can't be trusted on their comment about the surface of the highway to be quieter.

SUGGESTIONS:

1. Notifications and communications (utilities, permitting, and meetings for residents in middle of construction) are key elements ((Need to have triggers and mechanisms in place to deal with these issues in a design build program))). ROW acquisitions bring guidelines and appraisals specific to property owners so landowners aren't taken advantage of.
2. Rep. Demmer suggested Susan look into the new law that was just enacted that addresses some of the concerns on ROW and relocation costs.
3. Tom Novak; MnDOT could right a major wrong, finish the project with the frontage road. Get what the City was told in the beginning. Work on it together.
4. Another point, the side stepping of City Ordinances and that the state agency doesn't have to follow a shoreland ordinance. City's ordinance patterned off state law. MnDOT took it to attorney general Mike Hatch, and his ruling to MnDOT was that they were well within their right. It was a matter of who had the most money to pursue this issue. Their 'big dog' attitude is very dangerous.
5. Request response from Governor Pawlenty regarding our invitation.
6. Schedule meeting with Lt. Governor Molnau, Commissioner of Transportation to tell the stories heard this evening and to help prevent others from going through what Oronoco has gone through. Sen. Senjem and Rep. Demmer will work on this together. Explanation of why they act the way they do.
7. MnDOT needs better Personal Relations Department.

VIII. ADJOURNMENT

Bertsinger motioned to adjourn at 9:02 PM, McDermott second; All in favor, motion carried.

Respectfully Submitted:


 Joy Bertsinger, Mayor


 Cheryl Nymann, City Clerk / Treasurer