

City of Oronoco  
Regular Council Meeting Minutes  
June 19, 2006  
7:00pm

**I. CALL TO ORDER**

Mayor Bertsinger called the meeting to order at 7:05PM.

**II. ROLL CALL**

Present: Jackie Hall, Joy Bertsinger, Kevin McDermott, Scott Keigley, Clerk Nymann, Attorney Canan, Members of the Community, and guests.

**III. APPROVAL OF AGENDA**

ADDITIONS:

**IV. CITY DEPARTMENT & COMMITTEE REPORTS**

**A. OCSO ~ Sgt. Darnell**

1. Email from Sgt. Darnell on Shooting Range\*  
This issue is with the Townships now. The Shooting Range is currently within their legal rights.
2. OCSO has secured an additional 18 hours to patrol for Oronoco traffic zone from the State, to help with speeders. Also has another 24 hours in Hwy. 52 corridor, and encouraged them to be visible in the Oronoco Corridor. As of June 26, 2006 Sgt. Darnell will no longer be the City's representative, instead, Tom Claymon will be moving up into his role and Bill Reiland will move up to Captains position. Council thanked Mark Darnell for his service to the community.

**B. FIRE DEPARTMENT ~ John Stolp**

1. 4 runs this month in the township (mutual aid).
2. Pick up will be lettered this week at Schad Tracy. Relief association paid for bed lining.
3. Membership is down to 14 and their by-laws state that they need 12. John is working with Cheryl to put something in the next newsletter; would like to get an automatic mutual aid agreement going with Pine Island. No response from Pine Island on the previous one submitted. John will sit down with Council Representative Jackie Hall and Pine Island first. Fire rating and taxes could increase with the low volunteer numbers. (ISO rating could increase right now).
4. 800 MHz radios sent back for reprogramming (currently working on VHS). They've been gone 2 months. Jason Whitney hasn't returned calls. County Commissioner chairman Ken Brown will check on them.

**C. 1<sup>st</sup> RESPONDERS ~ Gwen Holt**

1. Runs: Total (6 Township, 1 City)
2. They could use new members also; suggested to have a continual article in every newsletter.
3. Council complimented response teams on the 13<sup>th</sup> when they got called out.

**D. EOC ~Dennis Blanck**

1. Radio in light of the problems with the radio, this has been tabled to the July meeting.

**E. PERSONNEL COMMITTEE**

1. Kent Nymann 1 year Anniversary (June 10<sup>th</sup>)\*  
Kent requested his review to be held in Open session. Review has been positive. Personnel Committee concurs with Supervisor that Kent should receive a 5% wage increase for Kent. **Bertsinger motioned to give Kent a 5% raise (2% COLA, 3% Performance which is .73/hr.) effective June 12, 2006, Hall second; all in favor, motion carried.**

## F. PLANNING & ZONING

### 1. Letter from P & Z Chairman

#### a) Rick Moen Lot Split

P & Z recommended approval with finding of facts: Currently zoned at B2, acreage good, service with individual septic and well shared by all 3 lots. Discussion on access points to MN Avenue.

**Bertsinger motioned to approve the lot split conditioned on approval of access points by Olmsted County, Novak second; DISCUSSION:** Vision of convenience store, would it make more sense to keep the 2 lots together. They both could be sold together though. Rick's goal is to fit what fits the town. P & Z was asked to start addressing individual septic systems. Lawler will look at joined systems on the lot lines. **All in favor, motion carried.**

#### b) Nathan Neitzell Rezoning\*

P & Z recommended approval with finding of facts: R1 makes sense with future land use plan, over 20,000 square feet, other homes in the area. **Bertsinger motioned to approve Resolution 06-14 rezoning from Ag-C to R-1, Novak second; VOICE VOTE: all in favor, motion carried.**

#### c) Nathan Neitzell Lot Split \*

P & Z recommended approval with finding of facts: Each lot would meet the 20,000 square feet. Discussion on whether ROW can be included in setbacks. Historically, ROW has been included. The City's Ordinance is silent on this issue. Septic already designed out and sent to Jason Ottman; also discussion on well. Nathan indicated that if a new well is to be put on the property, then it would be deep enough to service both parcels. P & Z was asked to start addressing wells in lot splits.

**Bertsinger motioned to approve Resolution 06-13 based on the history of including ROW in minimum size calculations, Nathan's taken time to address septic and size of the house, and approval from County on access, Hall second; DISCUSSION:** There is already an entrance cut out to this parcel on the County road. Shed proximity to property line was determined to be a non-issue. **Voice Vote, all in favor, motion carried.**

*Break called for at 8:24 PM.*

*Called back to order t 8:27PM*

#### d) Comprehensive Land Use Plan\*

Postpone for further review of emails that weren't included in Council packets, and to get minutes back from Planning & Zoning. This will be addressed at a meeting on Wednesday the 5<sup>th</sup> of July at 7:00PM. Clerk Nymann will be unable to make it. She will see if Sandy can make it.

### 2. Whittington Acres Final Plat\*

Milestone Development, Matt from GGG will not be here. Kerry Bowen from Milestone introduced himself. City Engineer Joe Palen reported that the Construction Plans and Final Plat are complete.

Discussion items in the development agreement were:

- Increase in WAC & SAC fees and the fact that they are not reimbursable.
- Improvements to CR 118 need to be worked out with the County. It is not a condition of the City, but with the County.
- Jeff Drive NE (segment connect to Welch LN)...extend segment of Jeff Drive NE as shown on construction plans.
- Parkland dedication, typo under J1.
- The developer will dedicate outlot c. And, instead of grading all parkland, modify to a 10,000 sq feet area graded appropriate for park usage.
- Change in address.
- Engineering fees open ended. Suggested they be incorporated into letter of credit, instead of continually going back and forth. A trigger needs to be set for the City to come back and reevaluate it. Anything over \$15,000 needs to be approved by Council.

**Bertsinger motioned to approve development agreement and final plat contingent on Olmsted County permit process on County 118, change on page 2, page 5 J. 1. should read the developer, and should state 10,000 square feet bench of parkland shall be leveled, p 10 state correct address, WAC & SAC fees shows the 23.5% increase, and wording on engineering fees that Canan will work in to the agreement as part of the line of credit, with language being fine tuned by the City, Novak second; all in favor, motion carried.**

3. Summary of Applications\*

**Bertsinger motioned to extend Cedar Woodlands II preliminary plat for another 60 days, Keigley second; all in favor, motion carried.** P & Z may want to change the ordinance to state that the P & Z chairperson can set the public hearing date. Canan noted that findings of facts need to go in the letter to the applicant being notified of approval/denial.

4. Paul Pendergrass

Paul attended the Town Board OPAC meeting and reported that no decision has been made on the feedlot. Township gave 2 year permission on NE part of interchange for a sand pit.

**G. PARKS & TRAILS**

1. Discussion of Riverpark Area

Adam Brase discussed the proposal submitted from Journey Developing. City would provide playground, picnic tables, shelter, etc (\$40,000). For the City Contributions Jech would provide the following:

- Donate 1 guy and equipment to clean up site (*prep site, level, backfill, etc.*)
- Placement of concrete slab as base (18' X 20') for shelter
- Placement of rock and asphalt for the access to the park (*the road*)
- Placement of rock and asphalt for a parking lot (*probably 40' X 60'*)
- Prep and concrete basketball court
- Placement of concrete for horseshoe pits

Also discussed was that Outlot A, was not a feasible location due to the septic systems being located there. Discussion on financing from the City; Adam stated that he thinks it's a good agreement, and there is a sense of urgency so Journey could line up contractors, etc. Also discussed Bertsinger a legal agreement that both parties would sign with a completion date, the City would purchase a gate and Journey would install it at the entrance to the Park, the width of the drive to be 12 feet.

Novak arrived at 7:50 PM

Journey doesn't want to take down trees to put the trail in. It was clarified that the hardwood trees aren't on a blind curve. Kent Nymann added that once the overgrowth (buck thorn) was cleaned out, it would open up the visibility also. Attorney will draw up the agreement. **Bertsinger motioned to enter into an agreement with Journey, with financing as follows: \$12,000 from this years park budget, \$15,000 DOGR days, and \$13,000 from investment fund to pay back over 2 years, and a signed agreement, McDermott second; DISCUSSION:** Gate should remain closed until more development and reviewed annually. Joe can assist with open and closing it during the day and have it closed at night. Novak questioned why not in Outlot A. Playground doesn't belong on a drainfield, and it should remain green space, as well as a drainfield shouldn't be driven on. **AYES: McDermott, Keigley, Bertsinger, Hall, NAYE: Novak; motion carried.** Parks committee and community will work together on installation.

2. Signage

Temporary signage for the trails; Parks are requesting \$200 to install permanent posts and temporary signage. **Bertsinger motioned to approve temporary signage, Hall second; DISCUSSION:** Kent, Fitzpatrick, and emergency personnel could get back there. Signs should state "No UNAUTHORIZED motorized vehicles allowed." **All in favor, motion carried.** Adam will get bids for full signage.

3. New Member-Emily Fletcher

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

**H. STREETS & ROADS**

1. 5<sup>th</sup> St SW\*

This will be discussed at the Capital Improvement Plan (CIP) Plan. City still needs to meet with the property owner (whether property has to be purchased or acquired through an easement). Kevin and the City Engineer will go to speak with Mr. Spading. Carl Stolp offered to go with and discuss this with Mr. Spading. His offer was acknowledged, and encouraged to do on a separate basis.

2. Seal Coat Bids\*

Discussion on whether it should be done now or push it to the CIP plan. The bids are good for 60 days. The County cannot fit it into this years bid; and they don't want their vehicles up here in the construction zone. Council weighed options of doing it this year, or next. Joe Palen recommended the City to go with alternate bid. **Keigley motioned to go with alternate bid with Astech Corp. with money coming out of**

**street improvement fund, McDermott second; DISCUSSION:** If this is done, 5<sup>th</sup> Street probably won't be able to be done this year. The City will do the seal coat now to save the current roads the City has. It was commented, that if the City found \$40,000 for Parks, they need to find money for 5<sup>th</sup> street also. **All in favor, motion carried.**

3. Naming of new road segment that will connect 5<sup>th</sup> St NW with 59<sup>th</sup> Ave NW; tabled until the July meeting.

I. WATER & SEWER

The committee is waiting on bids.

J. COMMUNITY CENTER

Waiting to hear on grant notifications for the doors.

K. DOWNTOWN ORONOCO GOLD RUSH DAYS

1. Gathering Permit\*

Tammy at CO Brown will send Binder. **Bertsinger motioned to approve with change to 4 days Aug 17-20, Hall second; all in favor, motion carried.**

2. Allow food vendors to open up on Thursday. The ordinance has to change from 3 days to 4 days. Combine 1<sup>st</sup> reading and second reading and publish in July. Need to let food vendors know that. Public Hearing notice set for July meeting to change Ordinance.

3. Ask council to move the newsletter up after the 4<sup>th</sup> of July on next meeting for July and inviting citizens of the next DOGR meeting for public info and begin at 5:30PM. Clerk Nymann suggested putting this with the Fire Department and 1<sup>st</sup> Responders request for volunteers. LHS could send out something separately on Hwy. 52 closer to Gold Rush.

L. LAKE SHADY

1. Emails on Dredging (FYI)

M. HIGHWAY 52

1. Request to start early morning construction-LHS

Moved up on the agenda after P & Z. Kate Bartelt was present, and per the 2005 Resolution the City has given the Construction Company permission to work outside Noise Ordinance hours as long as the noise level was reasonable. Discussion on intermittent work beginning at 5a.m. for 6 weeks; the City could request for LHS to give notice to residents within 1000 feet, as well as having it posted on web site also.

**Bertsinger motioned to approve the 5am intermittent construction for the next 6 weeks on the condition that LHS notify residents within 1000 feet of the activity area. Hall second;**

**DISCUSSION:** Questioned why MnDOT was not present at tonight's meeting. **AYES: McDermott, Keigley, Bertsinger, Hall; NAYE: Novak; motion carried.**

2. Jason Lee was present (he submitted letter last month, and council addressed it then) to discuss his concern on the extension of the west frontage road and not having an Improved road along 3<sup>rd</sup> Avenue SW, and 12<sup>th</sup> Street SW. Discussions on CIP will cover this issue also.

3. Summary on meeting w/ Representatives\*

MnDOT has addressed some issues in a reply to an email.

V. PUBLIC FORUM

Rick Moen from Pine Island Telephone Company reviewed the small business grant program. The Pine Island Economic Development Authority has money available in the form of a job development loan program which is available to any and all Pine Island Telephone Company Customers. City of Oronoco could use this as a tool to use should an existing business or new business want to grow or settle here. It is a gap financing program. Any interested parties can contact the Pine Island EDA. EDA has some pamphlet information on this program.

Bertsinger asked for public comment 3 times.

UNFINISHED BUSINESS

A. DOG ISSUE

Bertsinger is working with Pet Companion along with another resident on this issue. However, Council still needs to address dangerous dog ordinance. (Which is a state statute right now)? City has to have a lay officer or panel that the homeowner can do. This will be on the agenda for next month. Clerk Nymann will pull the Ordinance together for next months meeting.

**B. WASTE MANAGEMENT FOR OLMSTED COUNTY**

Moved up on agenda between personnel committee and planning and zoning committee. Olmsted County chair Ken Brown gave a brief overview of the issue. Olmsted County wants to burn more instead of using landfills. They need to guarantee waste stays in Olmsted County. They are recommending to district into 5 districts. Public Hearing on this issue will be June 27<sup>th</sup> at 7PM at the Government Center in Rochester. If residents have issues with the hauler, the county would be the interface. The County would ultimately be the liable party. The City already saves with a single hauler, and inquired if they will receive the cost estimate savings depicted in the business plan. **Bertsinger motioned to go with option 2, Keigley second; all in favor, motion carried.**

**VII. NEW BUSINESS**

**A. ADMIN MN POPULATION & HOUSEHOLD ESTIMATES FOR 2005**

Numbers will be available next month.

**B. PINE ISLAND & ROCHESTER SCHOOL DISTRICT BOUNDARIES**

A meeting has been requested with Rochester and Pine Island School Districts to talk about District lines; Tabled until next month.

**C. 4<sup>th</sup> OF JULY EMAIL & LETTER FROM ATTORNEY GENERAL**

Keigley indicated that he was told that litigation was possible; tabled to end of meeting for closed session.

**D. MN ASSOCIATION OF SMALL CITIES**

Joy has never attended a meeting, and questioned whether City has ever contacted them. If not utilizing them at all, shouldn't go with it. **Keigley motioned to not go with MNAOSC, McDermott second;**

**DISCUSSION:** Questioned if they could assist with infrastructure for the City. **AYES: Hall, McDermott, Keigley, Bertsinger; NAYE: Novak, motion carried.**

**VIII. ORDINANCE & RESOLUTIONS**

**A. ZONING ORDINANCE**

Postponed to the comp plan meeting in July.

**IX. PETITIONS, REQUESTS, & COMMUNICATIONS**

**A. COMPLAINT ON BARKING DOG**

FYI.

**B. LETTER FROM FINLEY ENGINEERING**

From Pine Island Telephone, just informing the City of what they are doing. City doesn't issue permit for this. If there is anything City wants them to do, they will do it.

**X. CONSENT AGENDA**

**A. MEETING MINUTES**

1. 06-05-2006 Special City Council Meeting Minutes

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

2. 05-15-2006 Regular City Council Meeting Minutes

Changes: p. 4 K. Lake Shady Al Koenig attended the Zumbro watershed committee meeting last month; p. 5. under email policy accept not except and add one more bullet concern noted that important emails

were not forwarded to council. **Bertsinger motioned to approve, Hall second; all in favor, motion carried.**

3. 06-13-2006 Special City Council Meeting Minutes  
Change adjournment time (typos to Clerk Nymann), **Bertsinger motioned to approve, McDermott second; all in favor, motion carried.**

**B. BUILDING PERMITS**

- |                          |                        |                       |
|--------------------------|------------------------|-----------------------|
| 1. Ryan Cradick          | 1020 Istas Lane SW     | New Home              |
| 2. John Wiggins          | 1200 Valley View Dr SW | Deck                  |
| 3. Legacy Homes          | 510 Valley View Rd SW  | Deck                  |
| 4. Lee & Kathryn Krueger | 1235 Istas Lane SW     | New Home              |
| 5. Kevin Harms           | 570 Valley View RD SW  | Deck (3 Season Porch) |
| 6. Chris Powell          | 1135 Riverwood Dr SW   | Deck                  |

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

**C. FINANCIALS**

1. Budget, 4M Account, Transactions  
Few questions asked and answered on transactions.
2. Invoice from Olmsted County Property Records
3. Special Funds Checks

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

**XI. CLOSED SESSION**

**Bertsinger motioned to go into closed session at 10:00PM, Hall second all in favor, motion carried.**  
Council reconvened open session at 10:13PM. A letter will be drafted by Attorney Canan and directed to Mr. Nelson that the City's 4<sup>th</sup> of July Celebration will proceed, and will reference the State Fire Marshall approving the site for the display, a spotter to watch for falling burning embers on property line, and the display should be finished by 11PM.

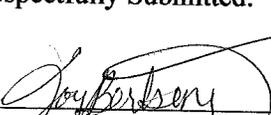
Council brought forth a comment from the Attorney General's letter stating that 'state agencies have no authority to intervene in operation of City Government.

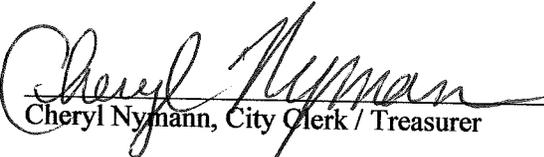
**XII. ADJOURNMENT**

**Hall motioned to adjourn at 10:15PM, McDermott second; all in favor, motion carried.**

**\*\*Please note that Clerk Nymann will be unable to attend the July Regular City Council Meeting.**

Respectfully Submitted:

  
Joy Bertsinger, Mayor

  
Cheryl Nymann, City Clerk / Treasurer