

**SPECIAL CITY COUNCIL
MEETING MINUTES
JULY 12, 2004 ~ 7:00pm**

1. CALL TO ORDER

The meeting was called to order by Acting Mayor Scott Keigley at 6:55PM.

2. ROLL CALL

Present: Joy Bertsinger, Scott Keigley, Kevin McDermott, Dick Nelson, Clerk Nymann

Absent: Mayor Jason Ottman

3. BOND SALE FOR STREETS & ROADS ~ Mike Bubany

Mike Bubany was present and discussed the changes to the Cash Flow page. Uses of Funds changed quite a bit. There is \$25,000 in the contingency area that covers overruns. The largest impact is seen in the sale of the bonds. Instead of the bonds being sold locally, they should be sold competitively; and the term is up to 15 years now. Mike also went through and discussed the underwriters discount, fiscal fee, capitalized interest, cash up front, call option, and rating of bonds. Mike suggested not rating them. He asked Council and City Engineer, Steve Voight if the \$25,000 contingency was comfortable for the City. Thus far, there haven't been a lot of problems. Nelson stated that there are some problems with money already being used with extensions of roads and an alley being paved that wasn't approved by Council. Steve Voight stated that there were several roads much wider than originally planned. Council asked Steve to send the City the total cost to-date and estimated over-runs due to wider streets, and paving extensions. Steve stated that he will be out of the office until next week, but he will have his staff work on that. **Keigley read resolution 04-12 which is a resolution providing for competitive negotiated sale of bonds. Keigley motioned to accept Resolution 04-12 Nelson second; DISCUSSION: Bertsinger said that she will support the sale of the bonds because the City needs to pay their bills, and pointed out that it doesn't mean that she supports the project. VOICE VOTE: AYES: Bertsinger, McDermott, Nelson, Keigley NAYES: None ABSENT: Ottman.** Council thanked Mike for his hard work on this project. Mike will return at the August 16th meeting with the bond sale.

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Discussion continued about streets and roads. Steve Voight stated that the west side of 52 is pretty accurate with the estimates, but the other side has had so many unknowns. Council was upset that there was authorization on city streets not being on paving map that should have, and unauthorized paving extensions of roads and an alley that cost the City additional money. It was brought up that there was no Council action on the pre-paving list of roads. Bertsinger stated several times that there should have been council meeting to go over street by street what needed to be done. Steve stated that the

Engineer usually does a study, assessment, and then makes their recommendations. That this was the first time that a City has give them a list. McDermott stated that this was a good educational experience for the Council and now the city needs to move forward and iron out the issues at hand. The following streets were discussed:

1st Place SW (Stolp's Cove)

The residents provided documentation that in 1943 1<sup>st</sup> PL SW was dedicated as public street. Since it was dedicated before the City was incorporated (1967), Council questioned whether it was a City street. **Nelson motioned to have Attorney Canan give the City his opinion, Keigley second; all in favor, motion carried.**

*Clerk Nymann thanked Mary Burnett for her presence at the presentation of HAVA Grant in Plainview Friday evening. Mary complimented Council and Clerk Nymann on her representation of the City at this presentation with the Secretary of State.*

Joyce Berg

Joyce presented documentation that the approach to his home stated Public Street also and that it should be looked at also. Council decided this will also be presented to the City Attorney for his opinion.

2<sup>nd</sup> Ave. NW

Nelson stated that its' already been shaped and should be paved.

1<sup>st</sup> St NW

Clerk Nymann stated there was a landowner on 1<sup>st</sup> St NW that was concerned about the shouldering of the road, and that there were previous problems with the side of the road washing out, plugging his culvert, and flooding his basement. Now, with the new rock on the shoulder, he fears this will be happening again with a heavy rainfall. Steve Voight will go out to look at and give his opinion.

Steve reported that the 1<sup>st</sup> layer is done on streets, with a few exceptions. And the 2<sup>nd</sup> layer will be put down after Gold Rush. And that with the streets that are in questions, the Council should consider paving with 1 lift instead of 2, to fit it all in the budget; and then look at those roads again in another year. **Bertsinger motioned to get bid estimates for paving on 1<sup>st</sup> PL SW, extension off 2<sup>nd</sup> Ave. NE to City limits, and 1<sup>st</sup> Ave SW , Keigley second; DISCUSSION:** There should not be any further roads not in the bid, and bond sheet paved without the Council approval. The overlay by the Lutheran Church will not happen. West Center street to Halls has not been paved yet. Council was asked to keep the turn around for Stolp's in mind, way at the end. **All in favor, motion carried.** Keigley stated that this was good direction until Monday nights meeting.

*A short recess was called at 8:18 PM.*

*Council Reconvened at 8:25PM.*

#### **4. PUBLIC HEARING ~ Olson Request for Alley Vacation**

No opposition to closing of alley presented. **Nelson motioned to approve Olson's alley vacation request, McDermott second; DISCUSSION:** Clerk Nymann stated this need to be in the form of a resolution and the City should keep the easement. This alley goes through the orchard. **Nelson made a friendly amendment to his motion to retain a 20' easement through the alley, and to put this in the form of Resolution 04-12, all in favor, motion carried.** This Public Hearing was closed at 8:25PM.

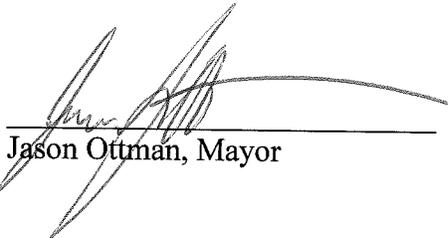
## 5. PUBLIC HEARING ~ Whittington Acres Final Plat

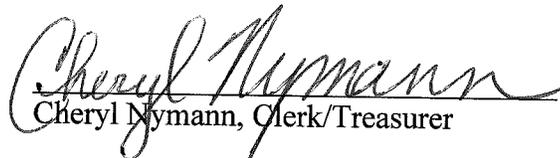
The Public hearing for Whittington Acres Final Plat opened at 8:27PM. Geoffrey Griffin from GGG, and Ken Wittlief were present. Clerk Nymann reported that she received a letter from Bill & George Mohlke stating their dissatisfaction with this development; from Pine Island Telephone asking for more additional utility easements; and from Olmsted County GIS Division. The GIS (addressing) unit at Olmsted County spoke to Clerk Nymann about this. This development has spawned a roadway name change and address change. East Center Street will turn into Center Street Northeast to the end of the recently annexed area. Geoffrey stated that the developer will pay for the roadway name changes and address change; and it should be in the development agreement. Geoffrey has been working with City Attorney Canan with the development agreement; and has met with Steve Voight to determine the \$30/linear foot fees. Geoffrey also stated that he has been working with the County on the knoll on the hill. GGG surveyed it, but has run into a problem, to take the knoll out and to have it at the correct grade, there needs to be a portion of land bought from George Mohlke. But, the Mohlkes won't sell them anything. GGG would be willing to pay for the acquisition of the property needed, but the Mohlkes won't budge. Geoffrey stated that Tom Canan has been very helpful with the development agreement. Bertsinger mentioned that on page 6, #2 should be taken out. **Keigley motioned to sent the development agreement with the change from Bertsinger, and Final Plat to City Attorney Tom Canan for his opinion, Nelson second; all in favor, motion carried.**

## 6. ADJOURNMENT

**Bertsinger motioned to adjourn at 8:38PM, Nelson second; all in favor, motion carried.**

Respectfully Submitted:

  
Jason Ottman, Mayor

  
Cheryl Nymann, Clerk/Treasurer

**Special City Council  
Meeting Minutes  
Wednesday, July 7, 2004**

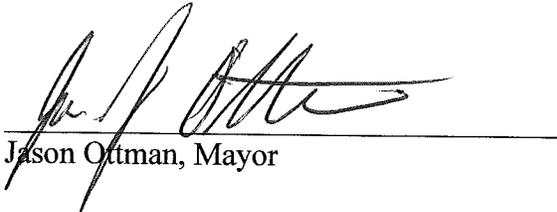
*This special meeting was called to discuss ban on building permits for Dan Fitzpatrick Developments.*

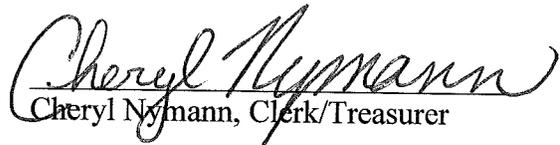
**The meeting was called to order by Mayor Jason Ottman at 5:55PM.**

**Present: Joy Bertsinger, Dick Nelson, Jason Ottman, Clerk Nymann  
Absent: Scott Keigley, Kevin McDermott**

Building permits for Fitzpatrick's Developments have not been issued due to lack of payment for WAC & SAC fees and Engineer Fees. According to state statutes and Tom Canan, city attorney, the city is not making tangible steps toward city water and sewer, therefore, there shouldn't be WAC & SAC charges for new developments. **Nelson motioned to lift the ban for 30 days, in which time there will be a meeting to discuss the fees, Bertsinger second; DISCUSSION:** The time limit is a good idea. **All in favor, motion carried.** It was agreed by Council that everyone needs to be included in these discussions; City attorney, Dan F., Bill Tointon, and Council. Also discussed that Council needs to hear from the public involved in these developments, and to also look at what the interim ordinance says. **Bertsinger motioned to adjourn at 6:05PM, Ottman second; all in favor, motion carried.**

Respectfully Submitted:

  
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Jason Ottman, Mayor

  
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Cheryl Nymann, Clerk/Treasurer