

City of Oronoco
Regular Council Meeting Minutes
July 17, 2006
7:00pm

I. CALL TO ORDER

Mayor Joy Bertsinger called the meeting to order at 7:00PM.

II. ROLL CALL

Present: Joy Bertsinger, Jackie Hall, Scott Keigley, Kevin McDermott, Clerk Nymann, Attorney Canan, members of the community and visitors.

Absent: Tom Novak

III. APPROVAL OF AGENDA

Council did not follow the agenda in the order that it is typed.

IV. CITY DEPARTMENT & COMMITTEE REPORTS

A. OCSO

Sgt. Claymon was present and introduced himself as the new liaison for OCSO, taking Sgt. Darnell's position. He will be here during DOGR this year to see how it all works. He is also working with the HEAT program (speeding on Hwy 52).

B. FIRE DEPARTMENT ~ Delbert Holt

1. Fire Relief Association Changes In Pension*

A By-Law change to increase pay to \$1,000 for pension benefit pay out per year of service (Increase of \$100) **Bertsinger motioned to approve By-Law change, Keigley second; all in favor, motion carried.**

2. New Members: Michelle Schumacher, Phillip Lien, Jeffrey Allhiser

Delbert introduced Phil Lien and Michelle Schumacher to the Council; they will go through Firefighter I classes, a physical, and a background check. **Bertsinger motioned to approve the 3 applicants as members of volunteer fire department contingent on completing classes, background check; Keigley second; all in favor, motion carried.**

3. John is working on the DNR matching grant of \$1,000.

4. Delbert will check into the \$2,000 the City received from the state fire relief association from the Dept. of Revenue.

5. Concern on fire hydrants. Cain Dolan will flow check at River Park, Journey Development.

C. 1st RESPONDERS ~ Gwen Holt

1. Runs: 7 Total (3 Township, 3 City, 1 Vehicle)

2. Brief discussion on 1 new member (he was approved in April)

3. Ordered 2 new pagers, as well as two for the fire department.

4. They received 800 MHz radio back last Friday. Didn't come back reprogrammed quite the way she anticipated. Discussion continued on reprogramming the radios again.

D. EOC

Nothing at this time.

E. PERSONNEL COMMITTEE

Nothing at this time.

F. PLANNING & ZONING

1. Letter from P & Z Chairman
2. Cedar Woodlands II, Bonestroo Letter
 - a.) Preliminary Plat

Since letter was written, City Engineer Joe Palen spoke to Bill Tointon. There was an issue that the access to Parkland difficult, and it is in 100 year floodplain, Joe suggested having a fee instead of the dedication (\$13,000 per acre \$29,699.71) {Joe calculated this number by taking a number of properties in the Region that have been developed-he could give Bill those calculations}. Parks Committee is interested in this area as potential future trails, but wouldn't be developed into a park with structures. The route would have some significant grading issues with it. In 2003 when the GDP was approved, Council requested that this portion remain as green space. Park Committee recommends at least keeping the trail connection to River Park, even though the land is unusable. Grades of 8-10% will wash, and there will be issues with it, especially if it's just graveled. If a trail goes through this area, there are two steep grades and a crossing. Joe suggested that from a maintenance point of view, he would recommend to pave at least half the trail. The proposed Parkland Dedication area has not been walked by the Parks Committee. City is not ready to make the decision tonight. From the engineering standpoint, nearly every engineering issue has been taken care of. Access easement and utility easement have been discussed. McGhie & Betts stated that the 2 lots, with access from River Park, are buildable. **Bertsinger motioned to accept preliminary plat, contingent on resolving park issues, drainage easements, and buildable areas, Keigley second; all in favor, motion carried.**

- b.) Special District

Ordinance 01-04 shows special district required. Previously all special districts have been changed automatically at annexation to rezone the properties. This could also be defined as a PUD (takes zone, and defines it for the annexed piece of property). City attorney will look at the language in the document.

- c.) EAW for Cedar Woodlands

The EAW was submitted today.

- d.) Bill will be reworking the development agreement, following template given to them from the City and then will send it to Joe and Attorney Canan. 1

3. Summary of Applications*

Bertsinger clarified that only land in the Future Land Use Plan, which is a portion of the orderly annexation agreement, automatically comes to Council for annexation. Vernon Ruckers' application has to go through Planning & Zoning; which has already set the Public Hearing date for.

G. PARKS & TRAILS

Nothing at this time.

H. STREETS & ROADS

1. 5th Street SW

Councilor McDermott and City Engineer Joe Palen spoke to Calvin Spading (property owner on south side of 5th Street) about the 1/3 of an acre needed to widen 5th Street SW. Calvin indicated that he would like to be compensated for the land the City will take, and to get it off his deed and taxes. Questioned if an appraiser be involved. Attorney Canan recommended the City compensate him for the new land for expansion of 5th Street. Will the road extend the ROW. City hasn't maintained the ROW (ditches) to the north of the road. Councilor McDermott recommended making sure a fair price be given for the property. Council needs to calculate the cost for the road, and take it back to Mr. Spading. Clerk Nymann will contact County Recorder for information on costs.

2. Naming of 5th Street NW with 59th Ave NW

Tabled to August Meeting.

I. WATER & SEWER

Gopher Septic is being contacted for a pilot project study of properties to examine NE Oronoco by Sheila Craig.

J. COMMUNITY CENTER

1. HAVA Grant Approval*

The City was awarded a \$3,124.30 Grant for improvements to the Community Center for polling place accessibility. This is specifically for auto doors. Bertsinger asked Clerk Nymann to check if the improvement has to be specifically for auto doors.

K. DOWNTOWN ORONOCO GOLD RUSH DAYS, INC.

1. Food Permits for DOGR

Change to 4 days, for food permit (because food vendors can begin to serve on Thur. afternoon this year). **Bertsinger motioned to change Ord. 191, Section V & VII, inserting 4 days, Hall second, all in favor/motion carried. Bertsinger motioned to combine 1st and 2nd reading McDermott second, all in favor motion carried.**

L. LAKE SHADY

Meeting this Wednesday at 7PM.

M. HIGHWAY 52

1. Email from Joe Palen on utilities

FYI . McDermott questioned why after everything they've been through why are they being forced to pay to hook up again. Joe Palen will put in a call to Aquila on this.

V. PUBLIC FORUM

DICK NELSON

Dick stated that he has been disappointed with the destruction of the peninsulas. He has been trying to obtain minutes from all meetings MnDOT has had concerning Oronoco since April. He received the info recently, and according to MnDOT, they have not left out the City in the wetland mitigation process; stating that the Mayor was informed on this. Nelson said MnDOT didn't even mitigate, just handed the information to the DNR and received a permit. Also, MnDOT said the only place to mitigate was in Oronoco, however the EIS states that they could mitigate elsewhere. The transportation secretary needs to be informed on this. During the attempts to get the minutes from the MnDOT, Dick said the state told him that they are exempt from state statutes, and that they don't have to take minutes). This didn't have to happen the way it did. The peninsulas will have 88 cottonwood trees, and Katie Dudley said that was acceptable. It was suggested that Dick attend the Lake Shady Committee Meeting this Wednesday night. Dick suggested that the City needs to get with the transportation secretary and see if MnDOT is lying to the City. Also, that it would be well worth the City's time to get this done right; and that MnDOT has proven over and over they can't be trusted. Dick also suggested that the City spend a little money and get someone to review the wetland mitigation plan with no ties to the state; because of the two people that sit on the committee as reps from the City and look over the plan wetland mitigation team members, one works for MnDNR, and the other used to. Bertsinger commented that Dick's comments are his views and not the Mayor's or Councils views. Dick also said that there's money for other things, the City should find money for this. Novak will contact Sen. Senjem, Rep. Demmer, and Commissioner Ohly to see if they can assist in obtaining the information that Dick is requesting. It was clarified that the City is not asking for this, the City is assisting a citizen to obtain this information.

SHORT BREAK AT 8:20PM

RECONVENED 8:30PM

Bertsinger reminded Council that there is a MnDOT binder in the office with information if they should have any questions. And, that the Shoreland Ordinance states that if anything comes to the City dealing with Shoreland, it must come through the Council; and that she did not receive any information on mitigation. Also, she didn't appreciate the accusations from Dick. Without a legal review of it, MnDOT cannot be condemned. She suggested to Novak that when contacting the State reps, to state what Dick is asking for, and leave it up to MnDOT if they give above and beyond the request.

VI. UNFINISHED BUSINESS

A. KELLY PARKER – ADDITIONAL PAYMENT FOR FIREWORKS

No receipt has come in.

B. ADMIN MN POPULATION & HOUSEHOLD ESTIMATES FOR 2005*

Bertsinger motioned to approve the Admin MN Population Estimates for Oronoco at 935, and Household Estimates at 367, Keigley second; all in favor, motion carried.

C. COMPREHENSIVE PLAN

Bertsinger asked if everyone looked through comp plan. Keigley doesn't agree with overall vision of the plan in that it is based on water and sewer. Bertsinger asked if there was a plan that he wanted to propose. He did not. McDermott had the following changes:

- ⇒ P.11 2.1 3rd sentence (Kevin wants to delete). He had issue with City services/municipal systems. **DELETE THIS SENTENCE.**
- ⇒ p. 16, 4.3 take out numerous
- ⇒ p. 17, Goal 2, Policy 1 alternative systems for water and sewer
- ⇒ p. 20 4.6 alternative wastewater treatment
- ⇒ p.21 4.6.2 second to last sentence, may be used
- ⇒ p. 35 8.4 second sentence, take out 'essential'
- ⇒ p. 35 8.4 last sentence, leave as is
- ⇒ p. 37 8.7.1 change a to alternative, The City of Oronoco needs alternative....to protect problem areas of City and future growth of the City. Next sentence...alternative city water and/or sewer system areas would create a more marketable community for new developments.
- ⇒ p. 38 Last sentence, the alternative systems
- ⇒ p. 39 8.7.6 leave as it is

Bertsinger asked for discussion on letter on front page. P & Z went over front page and felt it was appropriate, but didn't matter if it was in there or not. Bertsinger asked that with changes, if McDermott felt comfortable with the Plan, she rephrased to ask everybody for changes instead of just Kevin and Scott.

Bertsinger reminded Council the need to understand the Comp Plan is a work in progress, and that there is a lot more information in this than municipal services. Keigley had some changes also:

- ⇒ p. 8, 1.4.1 predominately white (why is it included?) And then it refers to Rochester (trying to avoid being like Rochester) ((take out the sentence)). New homes Parade of Homes (new house not going for that much in Oronoco). Not that expensive ((take out the sentence as well as the next))
- ⇒ p.11 2.2 7th lines another priority, is that statement true? People want another gas station, but not a business district? Promote Commercial development near the interchange at co. 12/112
- ⇒ p. 119 FLUP classifications, R2 Development within residential areas should be served by alternative water and wastewater treatment systems. Sandy Point just put in a shared system.
- ⇒ p. 24 5.3.3 Lots with up to 2 acres TAKE OUT NEWER, suggested. Putting 1 acre. NEW HOMES IN ORONOCO...at or near.\$275,00, And, sentence under that, take it out.
- ⇒ p. 26 5.5 4 sentence down, how does city advocate this type of development ; Bertsinger said the city may be able to get some type of housing grants. Canan suggested keeping it in to show that this is a goal of the City to promote affordable housing, (to offer it). **STRIKE ANYTHING THAT SAYS \$275,000 (NO RESEARCH DONE TO SAY THAT). TAKE OUT ALL COMPARING PRICES**
- ⇒ P. 26 BOTTOM, city shouldn't market properties. Elderly housing is a classic example. TAKE IT OUT. Novak, why shouldn't the City help market privately owned developers. Why can't the City say come out to Oronoco and grow with us. Marketing the community is completely different. Canan said this section is intended to encourage private developers to build affordable housing. This plan is promoting the community.

Bertsinger motioned to approve Resolution 06-13 accepting the Comprehensive Plan with above noted changes discussed tonight, Hall second; Voice Vote: **AYES: Novak , Bertsinger, Hall, McDermott; NAYE: Keigley , motion has carried by 4/5 vote.** Clerk Nymann will make changes, print, and copy for council to review. And then print out nice copies for everyone.

C. SCHOOL DISTRICT MEETING – SET DATE

Novak talked to Rochester School District recently. Jerry Williams is interested in coming up to Oronoco and telling them what is going on in the school district. Pine Island is also interested in doing this.. The City needs to know if the new housing can accommodate the new growth from Oronoco. Tabled to this Fall.

D. ZONING ORDINANCE CHANGES

VII. NEW BUSINESS

A. SOUTHEASTERN MINNESOTA LEAGUE OF MUNICIPALITIES MEMBERSHIP*

Bertsinger motioned to approve membership, Hall second; all in favor, motion carried.

B. SMALL SWIMMING POOLS

State adopted bldg code that they did not adopt addressing swimming pools. Plainview decided to not enact any type of ordinance. County Ordinance may have 4' requirement and gates/fence needed. Novak more concerned if lot sizes were a lot smaller. This issue will not be addressed at this time.

C. SET BUDGET MEETING DATES

Sept. 6th @ 6:30PM, and if necessary, Sept. 11th @ 6:30PM.

D. AUGUST CITY COUNCIL MEETING / DATE CHANGE

Bertsinger motioned to move August Council Meeting to Tuesday, August 22nd @ 7PM, Keigley second; all in favor, motion carried.

E. WETLAND MITIGATION

VIII. ORDINANCE & RESOLUTIONS

A. EXCEPTION TO NOISE ORDINANCE FOR 4TH OF JULY FIREWORKS*

Public Hearing will be at the Sept. Meeting. Summary of changes is section V to add #4, 4th of July City Fireworks Celebration. Canan suggested having a written draft of the proposed changes in front of Council before it is approved.

B. DANGEROUS DOG ORDINANCE*

Publish for September meeting. Discussion on putting out RFP's for it. It was suggested by citizen Dick Nelson that any dog that doesn't have a license be considered dangerous because no record of shots. Canan indicated that the state statute has already specifically defined how a dangerous dog is defined so this was not appropriate.

IX. PETITIONS, REQUESTS, & COMMUNICATIONS

A. LETTER FROM CITY ENGINEER ON RWH II ON PATHWAY CREDIT*

City approved a maximum of \$2,000 so will await for a bill for Fitzpatrick

B. LETTER FROM CAROL MALNEAU*

Put in MnDOT file

C. CONTRACT CONCERNING DEV OF CITY PARK IN RIVER PARK SUBDIVISION-FYI*

Bertsinger motioned to approve, Hall second; all in favor, motion carried

X. CONSENT AGENDA

A. MEETING MINUTES*

1. 06-19-2006 Regular Council Meeting Minutes
Bertsinger motioned to approve with Canan's changes (Claymon and 1,000); all in favor, motion carried.
2. 07-04-2006 Emergency City Council Meeting Minutes
3. 07-05-2006 Special City Council Meeting Minutes
Bertsinger motioned to approve, Hall second; all in favor, motion carried.

B. BUILDING PERMITS*

- | | | |
|-------------------|-------------------------|----------|
| 1. Alan Fartaczek | 1125 Chenoa LN SW | New Home |
| 2. Alan Ihde | 1325 Riverwood Dr SW | New Home |
| 3. Mark Johnson | 240 Shady Ridge Lane SW | Garage |

Bertsinger motioned to approve 1-2, Keigley second; all in favor, motion carried.

Bertsinger motioned to approve 3, Keigley second; all in favor, motion carried.

C. FINANCIALS*

1. Budget, 4M Account, Transactions
Bertsinger motioned to approve budget, Keigley second; all in favor, motion carried.
Bertsinger motioned to approve balance sheet, Keigley second; all in favor, motion carried.
Bertsinger motioned to approve unpaid bills, Hall second; all in favor, motion carried.
2. Invoice from Olmsted County Property Records
Mini abstract. **Keigley motioned to approve, Bertsinger second; all in favor, motion carried.**
3. Special Funds Checks
a) Debt Service Fund: \$8,928.25 bond payment to US Bank
Bertsinger motioned to approve, Hall second; all in favor, motion carried.
4. Unpaid bills

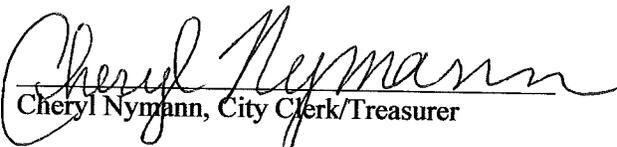
XI. ADJOURNMENT

Keigley motioned to adjourn at 10:30PM, McDermott second; all in favor, motion carried.

Respectfully Submitted:



Joy Bertsinger, Mayor



Cheryl Nymann, City Clerk/Treasurer