

**Regular City Council
Meeting Minutes
Monday, July 18, 2005
7:00PM**

I. CALL TO ORDER

Mayor Bertsinger called the meeting to order at 7:04PM.

II. ROLL CALL

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

Absent: Scott Keigley

III. APPROVAL OF AGENDA

A. Additions:

IV. G. 2. Clerk Nymann's Questions

IV. H. 4. Interim Residential Ordinance

IV. I. 2. South Entrance Doors

3. Windows

4. Sign

XI. F. 1. Tree on 7th St SE

2. 3rd St. SW, Dead end Sign

3. Trees from Stolp's by Sept. 20th

VII. 2. Letter from Mary Ippel (Mary will be present to speak on this)

VII. 3. 206 Budget Meeting- -Set Date

Move up item X. B. 9. Otto Reis's Buliding Permit H.

Bertsinger motioned to approve agenda with additions, McDermott second; all in favor, motion carried.

IV. CITY DEPARTMENT & COMMITTEE REPORTS

A. Personnel Committee

Nothing to report at this time.

B. Olmsted County Sheriff's Office

1. Need a plan for dog ordinance enforcement

No representative from the Sheriff's Department yet. No formal report from

already contacted for their information on dog issues. Clerk was instructed to contact

area cities in addition to the surrounding townships already contacted about dog issues.

C. Fire Department (*John will be unable to attend this evening*)

1. Burning in Woodsvew (*John Stolp went out and talked to owners at 720 Treetop LN and told them they cannot burn garbage; Clerk's office received more complaints, and Cheryl asked Deputy to stop out. They did, and told the owners if another complaint is received, they will be issuing a citation).*

D. 1st Responders ~ Gwen Holt

1. 4 Calls for June: 2 City and 2 Township
2. 800 MHz Meeting, Tue., Aug. 2 9:30am-5:00pm
Opportunity for individual services to visit with radio vendors, don't know benefit of the meeting, because the County determines which radios will be used. She attended all fleet mapping,
3. Approval of Joan Hankins as first responder
She is currently a flight nurse. There is no formal application for 1st Responders
Bertsinger motioned to approve Joan, providing background check comes back clear, McDermott second; all in favor, motion carried.

E. EOC

Nothing to Report at this time.

F. Streets & Roads (*Larry is unable to attend this evening*)

1. Tree on 7th Street SE
McDermott reported that when the last storm went through, a tree went down on the edge of Pat Hall's property, in Right Of Way (ROW), and he and Ed Murray, and Pat cut it up, and dumped on Pat's property. Pat used his equipment and he gave Ed money for helping out.. McDermott is requesting that Pat be reimbursed for this. **Bertsinger motioned to reimburse Pat Hall \$40 for his expense incurred while helping clean up and remove tree debris in the City ROW, Hall second, all in favor, motion carried.**
2. 3rd St SW Dead End Sign
A person can only turn around in the driveways down there. **McDermott motioned to put a dead end sign on 3rd St SW, Hall second; all in favor, motion carried.** Clerk Nymann will contact the County for the sign.

G. Parks & Trails

1. Stolp's offered to donate trees that MnDOT project is effecting. They are currently selling the trees, but have offered to donate them to the City. Bertsinger asked Parks Committee to have discussions with Mark Stolp.
2. Dutch Elm Disease is going around, some big trees currently have it over by Joys house in the City ROW. Canan asked if they are beyond saving. Bertsinger requested. to ask Hathaway to assist the City in determining when the trees with Dutch Elm Disease should come down and the cost of removing them.
3. Hathaway Tree Removal
Clerk Nymann reported that there is a dead tree to the right of the sign on the Community Center property. Council asked if it could be safely removed by City staff. Clerk Nymann indicated that it could not, because the sign is right next to it. There is money in the budget for tree removal. **Bertsinger motioned to approve Hathaway remove the dead tree on the corner of City property by the sign, McDermott second;**
DISCUSSION: Clerk Nymann asked if the City wanted them to grind the stump, or leave it. Council agreed to grind the stump. **All in favor, motion carried.**
4. Clerk Nymann's questions
 - a. Clerk Nymann reported that City Hall has received calls about the allocation of funds for playground equipment at the last Special Council Meeting last week which she was unable to attend. She wanted clarification whether trails were discussed because that was a big area of interest of results from the survey on the City Parks. Council indicated that trails were discussed, and that there will be mowed trails in RWH (path), adding flowers, paths, and River Park (which is already mowed.). Paved trails would need to be saved

for, and look for grants on. Adam Brase was present and indicated a meeting had been set up with the DNR in the future to go over options.

b. Clerk Nymann stated that the money was direct deposited last week from MnDOT's purchase of a portion of the ballfield. She also asked Adam how the equipment was going to be ordered. Adam said the equipment would be purchased through a group purchasing discount, and would be done through City Hall. US Communities is better than the State purchasing program. Things should be finalized in a couple of weeks.

c. Lance identified 2 or 3 trees that need to come down in Caryl Cowden Park. The Cherry trees need to remain. Canan suggested advertising to take them down for the firewood, but a formal bid process was not needed. A waiver could be signed holding the City harmless. **Bertsinger motioned to have this in the next newsletter, , Have Lance mark trees, put in newsletter that the City is looking for someone to remove for firewood and they would have to sign a waiver holding the City harmless, by August 10th, Hall second all in favor, motion carried.**

H. Planning & Zoning

1. Otto Reiss building permit has been move up on the agenda. Bertsinger explained that Otto is being displaced by Highway 52, and that he has requested that a building permit. It was originally thought the parcel of property was all part of the same property, and that a variance would be needed. Otto presented evidence that the parcel was bought in November of 2002 from Reisners it was zoned R-1 (and County records indicated that), Reisner rezoned the remainder of their property in 2003 to B-2. This information was not on the City's Official Zoning Map, nor was there record of it at City Hall. Clerk Nymann stated that the zoning error was made on her part and that when she worked with the County to update the zoning map, this information was not available, therefore, did not get included on the map. Novak stated that the Planning and Zoning Commissions vision for that area was to be business. Bertsinger asked if the City has the right to impose that on the property owner. Canan stated that the Council first needs to collectively agree on what the property is zoned. Novak asked if the City could do a land swap so Otto doesn't have to live right on the freeway. Otto stated that he's used to living next to Hwy. 52, and there is a shop and a pole shed that will remain on the front portion of the property plus a natural tree line which will act as a barrier. Otto has already had MnDOT out at his new building site to stake out the right of way where the frontage road meets his property. Otto also indicated that he's been there 33 years and doesn't want to move anywhere else. Novak had previously spoken to Otto and asked if Otto talked to his daughters. Otto told him what his daughters said. Otto was asked after he passes on, would his daughters sell it as commercial property, and Otto replied that he couldn't answer that for them, but he does know that they would not let it grow up in weeds. Bertsinger stated the City has never planned or has had formal discussions about the back part of the new frontage road. **Bertsinger motioned to consider Otto's second parcel #223546 of land to be zoned R-1 because of the documentation that Otto has provided, McDermott second; DISCUSSION:** Novak wants to make sure maps are correct and accurate with updated information on it; **all in favor, motion carried.** **Bertsinger motioned to approve Otto's building permit for a new single family home in light of R-1 zoning, Hall second; all in favor, motion carried.** Otto thanked Council for their help and consideration. Bertsinger told Otto the Council appreciates his patience.

1. Rolland Anderson Request for Conditional Use Permit (*P & Z recommends denial*)* Tom Novak said it came down to the City's 'vision' that main street is not a as a place to sell trailers. **Bertsinger motioned to deny,** Canan stated that the findings of fact need to be more precise. Regular B-1 zoning doesn't allow for trailer sales, However, it is a permitted use in B-1 District, if a conditional use permit is granted. This could occur as

long as special conditions could be met. It is a permitted use without restrictions in B-2 district. **Motion died for lack of second.** Very specific things need to be stated to make this business a good neighbor to the surrounding area. Canan suggested going through the 7 criteria in the zoning ordinances, for issuance of a conditional use permit and stating finding of facts for each criteria. It was suggested by P & Z that this type of Commercial (B2) could be set up by Hwy. 52. Canan made a full disclosure that both Mr. Anderson and himself are members of the same Lions' Club in Rochester, and that Tom knows him, but that it does not have any bearing on this proposal. It was stated that Rolland could already be in violation of the current zoning ordinance requirements with trailers out there now. Other items discussed in the proposal were noise, inadequate sight lines, safety, restrooms, supply of water, traffic hazards, lack of design plans, and current state of building. **McDermott motioned for denial of Rolland Anderson's Conditional Use Permit.**

*Bertsinger called for a 5 minute break at 8:15PM.
Meeting Called back to order at 8:23PM.*

Reason for denial are based on the following findings of fact.

1. **Inadequate information given about traffic access in and out of the property;**
2. **Added length of vehicles with trailers could make a greater traffic hazard;**
3. **It is unknown if there is water supply (Water supply is a requirement for business owners to provide adequate restrooms for property);**
4. **No information was given about plans for how many trailers, or how they would be parked on the property;**
5. **There would be an adverse effect on surrounding residents in homes nearby with added noise, and traffic as a result of the trailer business;**
6. **And the business would have an undesirable effect on property values in the surrounding area as a result;**

Novak second; all in favor, motion carried.

2. **Whittington Acres***

City Hall received a letter requesting a 60 day extension, This development has been through final plat phase, but development agreement and construction plans have not been completed. Clerk Nymann spoke to Geoff, from GGG and told him he did not need to be present because he was just asking for an extension due to change of developers. Canan stated that the State statute only applies to final plat, and asked Council if this was a desirable development, or does the City not want to pursue it? Bertsinger explained the background being it was initially denied because the land owners wanted to bring in just one home and not as a development. City told the land owners to come back with a development; and the City approved through the final plat, while some residents next to the development opposed it. No fees for reimbursement submitted or billed for because it's not complete. Canan stated that a condition of the extension could include reimbursement for previous fees incurred from engineer and attorney If they can't do it at the end of the 2 months that's it. **Bertsinger motioned to grant the 2 month extension, and that the City be reimbursed for past expenses from the engineer and the attorney, Novak second; DISCUSSION:** The reimbursement for those fees should occur by August 12, 2005, or the approval is denied. **All in favor, motion carried.**

3. **Appeal by DNR of River Oaks Final Plat Approval* CLOSED SESSION**

The purpose of the closed meeting is to discuss the DNR's intentions in their letter indicating they would file an appeal; and to get legal advice in the light of the fact that it appeared possible that litigation could result from the DNR's notice of appeal because of

their disagreement with the City over the interpretation of clustering and preservation of open space requirements in the City's Shoreland Ordinance.

First, Bertsinger called for Public Comment :

Justin Beaucamp came forward to ask about DOGR vending; he turned in application late, and Ed Siimon asked him to attend the DOGR meeting, but he had to work late. He is a food vendor and DOGR approved his application. He was asked about concern with traffic in that area.

Bertsinger called for Public Comment two more times. None was brought forward.

Bertsinger motioned to go into closed session at 8:50PM, McDermott second; all in favor, motion carried.

Bertsinger reopened the Regular Council Meeting at 9:24PM, and a summary was given by her. The letter of appeal of Final Plat approval for River Park Subdivision by the DNR was reviewed by Council and attorney, and the City Council decided that it felt it had initially made a correct decision in approving the preliminary and final plats because the proposal provided for clustering and preservation of open space in compliance with the requirements of the City's Shoreland Ordinance. It was decided that the City will proceed with a letter by Clerk Nymann to the DNR which states the City is standing by Council's decision for approval of the final plat, and answer questions in their letter. And, Clerk Nymann will submit a letter to Jech's, the developer of River Park Subdivision that they can proceed with their development, but it will be at their own risk and expense in the event that the DNR's interpretation concerning the clustering and preservation of open space issues is determined to be correct and the City's interpretation is determined to be incorrect.

2. Interim Residential Ordinance*

Bertsinger questioned which ordinance is correct. Ordinance 01-04 is what Canan believes to be the final version of this. There was discussion recently with Riverwood Hills IV, and I about the application of this ordinance to septic system requirements. Clerk Nymann has been working with the County, MPCA, and the developer to work out details. The City is waiting for a letter from Mr. O'Reilly agreeing to the items being discussed. Clerk Nymann indicated another permit for RWH IV is in the office, and it will remain in the office until another agreement with Fitzpatrick and landowner in RWHI is complete.

I. Community Center

1. **Estimates for crack filling, sealing and striping of parking lot and basketball court.** Bertsinger suggested to have McDermott take the information on the basketball court back to the park committee and to put it back on agenda for next month. Clerk Nymann also had them include an estimate for sealing parking lot because it needs to be sealed. **This will be considered at a different time.**
2. SOUTH DOORS (*How much time do you want Kent to put into front doors {quick fix would be to scrape & paint w/ outcome not much different than now} OR pull the doors off and try to pair all loose laminate, patch and repair w/ outcome of a more finished look = it would require taking doors off overnight and cover with a ply board to seal it off for overnight).* Cost difference Quick fix \$30, and pull doors off \$150/door) Laminate is peeling off. The City could notify law enforcement informing them that the door will be covered by plywood only overnight. Safety concern discussed; there are still 2 exits. As of now, replacement of the doors is cost prohibitive. **Hall motioned to allot that money to take doors off, McDermott second; all in favor, motion carried.**

3. WINDOWS: Pull off storms to wash the inner windows?? (They'd have to be scraped and repainted; if the storms are pulled, there is a chance the glass will crack) Not worth time or money to take them off now. Clean as they are standing

4. Sign

Clerk Nymann presented 4 sign styles from Schad Tracy, and stated that this information has also been passed along to the Township. No wood on the sign. **Bertsinger motioned to go with the style on lower right hand side, McDermott second; all in favor, motion carried.**

J. Downtown Oronoco Gold Rush (moved up from new business)

Bertsinger motioned to approve Gathering Permit for 19-21 of August and also that they provide notice of insurance, ; all in favor, motion carries.

K. Water/Sewer

The next meeting is July 26, 6:00 PM. Bertsinger will not be there. Joy and Sheila have worked on a project that is a spreadsheet with well, and septic information on residents in Oronoco. Tom has GIS information which allows for overlays of information. Actual locations of septic/drainfields on property are currently not on this information. Tom had a meeting with Terry, and he agreed to supply GIS data to the City.

L. Lake Shady

M. Highway 52

1. Overpass financing*

Referring to the email from Mike Bubany, Bertsinger stated the City needs to first decide whether the City will be doing abatement, or taking it to a vote. The State plan would be \$6,000 less. Not necessary to take it to a vote, but could do it. Bubany confident that abatement will work. **Bertsinger motioned to proceed with tax abatement to pay for the overpass; Hall second; No properties actually abut the project; instead properties that show benefit portion (west and northeast to abatement). All in favor, motion carried.** Bertsinger stated there are two ways to do tax abatement. Regular loan program OR program through state. Mike has provided the City with spreadsheet, showing each way, one less on interest; other lower on expenses. State plan is \$6,000 less than local bank option. The State plan does not require the City to pay full amount all at once. Canan cautioned to make sure there's no hidden costs. Timelines dependant on which way the City goes. **Bertsinger motioned to hire David Drown and Associates during tax abatement procedures, McDermott second; all in favor, motion carried. McDermott motioned to go with State Program, because it will be \$6,000 less for life of the bond, and the repayment amount is consistent, Hall second; all in favor, motion carried.** Clerk Nymann will notify Mike Bubany, and Jai for formal cost share agreement.

2. Joy submitted a letter from her and Kevin. They've been working with Pat Hall on information, and would like Council to take time to read and consider the letter. Bertsinger asked that the letter be place on the agenda at next Council meeting.

V. PUBLIC FORUM

Done earlier in the meeting.

COUNCILBREAK

Done earlier

VI. OLD BUSINESS

VII. NEW BUSINESS

1. **Approval of Gathering Permit for DOGR to be held August 20-21, 2005.**

2. Letter from Mary Ippel* DISCUSSED EARLIER IN THE AGENDA

Mary is with Briggs & Morgan (City's Bond Counsel). She stated that the City had previously designated bonds as 'bank qualified' for a Lutheran school located in Rochester, but no administrative fee was sought by the City. Mary informed the City that they can issue an administrative fee. Every year Cities can issue up to \$10 mil of bonds as bank qualified. Currently a project is located in the NW part of Rochester, (Seniors Housing), and is looking for bank qualified debt instruments, Rochester will hold public hearing and be the host city. Volunteers of America and the Presbyterian Homes Project is looking for \$7 mil of bank dedication for bonds from Oronoco and Mantorville, with Dodge Center issuing the loans. The city would receive an administrative fee of \$7,500. Oronoco was selected because they are in the right geographic area, and the City of Oronoco and Briggs and Morgan already have a relationship as bond counsel. Canan reviewed the information, and stated it looked acceptable. Bertsinger went through the process previously, and Council asked the following questions:

- a. Is the City financially responsible? *NO*
- b. Are there any fees reimbursable to the City *YES, expenses city incurs are reimbursable.*
- c. Does this affect the City's ability to issue bonds? *City can still designate up to 3million in the year 2005, then it all starts back over in 2006.*
- d. Are there any negatives to doing this? *NO It's been done in many instances.*
- e. Why not build this in Oronoco? *Closer to Rochester for purposes of massive population.*
- f. Is there a religious affiliation to this project? *No religious affiliation at all. Mary stated that Bond Counsel looks very carefully at these projects and looks at the whole separation of church and state.*

Canan noted a typo on p.2, the joint powers agrm't calendar year 2004, should be 2005.

Bertsinger motioned to accept 05-10 approval of a joint powers and allocation agreement providing for the issuance of tax exempt bond to finance an elderly housing facility, Hall second;

DISCUSSION: City administrative fee written into the agreement; **VOICE VOTE:**

AYES: McDermott, Bertsinger, Novak, Hall; all in favor, motion carried. These type of projects are seen more in the metro area...neighboring communities, because of the amount of bonds being issued. Payment of \$7,500 to the City when the bonds close, in the next few months. Information on bills forwarded to Mary. Mary has spoken to Mike Bubany about this.. McDermott suggested that Council start thinking about where money should go. Clerk Nymann will notify Council when the bonds close.

3. 2006 Budget Meetings – Set Date

Levy needs to be set by September 15th, and a special meeting on the budget should be held after DOGR. Wednesday 24th of August, 6:30PM has been set for a budget meeting.

VIII. ORDINANCES & RESOLUTIONS

IX. PETITIONS, REQUESTS, COMMUNICATIONS

A. Board of Adjustments Recommendations*

Already given to Council

- B. Request for Kent to attend a 1 day OSHA fast track one day safety assistance program on August 4th.

Bertsinger motioned to have Kent attend this OSHA fast track; Clerk Nymann indicated that it has been offered in Rochester now on July 26th; Bertsinger amended her motion to have Kent attend in Rochester /Hall second; all in favor, motion carried.

X. CONSENT AGENDA

A. MEETING MINUTES:*

1. June 20, 2005 Regular City Council Meeting Minutes
2. July 12, 2005 Special City Council Meeting Minutes

B. BUILDING PERMITS:*

- | | | | |
|-----|-----------------------|----------------------------|-----------------|
| 1. | Jon O'Reilly | 1150 Alona Lane SW | New Home |
| 2. | 4-H Properties | 785 MN Ave. South | New Comm.Bldg. |
| 3. | Cravath Homes | 985 Cedar Point LN SE | New Home |
| 4. | Legacy Homes | 480 Valley View Dr SW | New Home |
| 5. | J.G. & Emily Fletcher | 615 Sunny View LN SW | New Home |
| 6. | Sessy Lam | 1080 Riverwood LN SW | Finish Basement |
| 7. | James Rundell | 990 Riverwood LN SW | Finish Basement |
| 8. | Brian Holthaus | 201 12 th LN SW | Deck |
| 9. | Otto Reis | 925 5 th St NW | New Home |
| 10. | Tom Hunt | 935 Cedar Pt. Lane SE | Basement Finish |

C. FINANCIALS*

1. A/P Preliminary Cash Disbursements (bills that have been paid)
2. Council approval report* (bills that need to be paid)
3. Financial Statements (4M Account Summary)

Bertsinger motioned to approve the consent agenda with noted additions to minutes from Bertsinger, Novak, and McDermott, and pull Building permit #1, and Canan questioned a financial report (Clerk Nymann told him that the financial report was up to date in the new system); Hall second; all in favor, motion carried.

Jon O'Reilly's Building permit. Nymann and Bertsinger discussed the issues surrounding this. Need a letter from Jon O'Reilly stating he agrees to it. **Bertsinger motioned to approve this building permit on the condition that the City receive a letter from John O'Reilly with his approval on this matter. McDermott second; DISCUSSION:** Novak questioned why there was a deadline of July 6, 2006 on the agreement between Farrell and Fitzpatrick? Clerk Nymann stated that Farrell wanted an end date on the agreement for his protection. **All in favor, motion carried.**

Canan stated he had a letter in hand from Ohly Law Firm about a proposed driveway easement agreement permitting access to lots in the NE corner of Cedar Woodlands from River Park subdivision and he indicated that he had reviewed the proposed agreement and that it looked acceptable to him from the City's perspective.

ADJOURNMENT

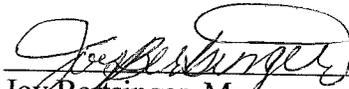
Bertsinger motioned to adjourn at 10:05PM, McDermott second; all in favor, motion carried.

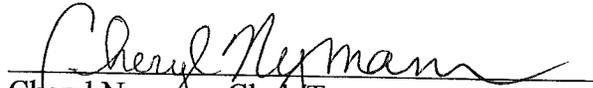
Bertsinger opened the meeting back up at 10:07PM.

Council viewed and discussed the GIS items that Novak has put on his computer with information provided by Terry Lee from Olmsted County. Tom would also like to put the septic information on this as an overlay, along with obtaining pin numbers for the properties.

Novak motioned to adjourn the meeting at 10:23PM, Hall second, all in favor, motion carried.

Respectfully Submitted:


Joy Bertsinger, Mayor


Cheryl Nymann, Clerk/Treasurer