

**Regular City Council
Meeting Minutes
Monday, August 15, 2005
7:00PM**

I. CALL TO ORDER

Mayor Joy Bertsinger called the meeting to order at 7:07PM

II. ROLL CALL

Present: Joy Bertsinger, Jackie Hall, Scott Keigley, Kevin McDermott, Tom Novak, City Attorney Tom Canan, Clerk Cheryl Nymann, Mike Bubany, members of the community.

III. APPROVAL OF AGENDA

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

IV. CITY DEPARTMENT & COMMITTEE REPORTS

A. Clerk's Report

1. Summary of IIMC Conference
2. Summary of Clerk's Institute

Need Council approval to charge for assessment searches.

Council did not have any questions for Clerk Nymann on the conferences. **Bertsinger motioned to approve charging a fee of \$20.00 for assessment searches.**

DISCUSSION Change the form to read Assessment Search Payment, and omit the future outlook; **Hall second; all in favor, motion carried.**

B. Highway 52

1. Overpass financing - Mike Bubany

Resolution 05-11 Needs Council approval

Mike Bubany stated this was a resolution calling for a public hearing for tax abatement considering the overpass financing. The project is a certainty; and the City has determined that the state program vs. traditional bonds is a better fit for the city. The City didn't want this to count against their net debt limit, so Council selected tax abatement of the City's taxes. The County will assign the actual amount of the bond payment over the entire city; so, all homeowner taxes will be the same. This process is necessary to get the statutory authority to sign into agreements with the State. With new developments adding to the city's tax base, taxes may not even go up. Bertsinger asked Mike about the first year payment. The 1st year payment would be minimal with the principal not being paid until Feb. 2007 Bertsinger also mentioned that the resolution should say overpass instead of bypass. This project will be paid for in 10 years. Notification will be published in the paper, property owners don't need to be identified. However, Clerk Nymann and Mike will work an announcement for the newsletter, which will go out at the end of August. . Novak asked why every house wasn't abated. Mike responded stating this is just a list of parcels identified as gaining benefit from the overpass, which makes the argument for the bond attorney more generalized instead of so broad. **Bertsinger motioned to approve Resolution 05-11 with noted changes (overpass from bypass).McDermott second; Voice Vote: AYES: McDermott, Keigley, Bertsinger, Novak, Hall; NAYES: None; motion carried unanimously.**

2. Frontage Road (Letter from Kevin & Joy)

Kevin and Joy have met with Mike Bubany, Tom Canan, and Pat Hall discussing ways to the frontage road. Bertsinger stated that the frontage road may not be usable for 2006/7 because of the construction on Hwy. 52, and that maybe the City should wait until the latter part of 2007 for bonding. Mr. Hall is not inclined to develop his property at this time. The residents want the City to proceed with the West frontage road, which would run through Mr. Hall's property. Questions brought up were: Is it fair that a full assessment go back to Pat Hall? Who will benefit from it? Do we have a commercial developer put the road in? McDermott stated they're looking out for the best interest of the City. And that he wanted the frontage road; it's just that the City cannot put the money into it at this time. Once the interchange is built, maybe a developer will come in and want to build there. Questions and discussion on following topics ensued:

- How would the people on the SW side of town get out of town?
- What happens if the city puts in a paved frontage road, and if 3rd Ave SW wouldn't be paved, wouldn't more people drive over to the paved road to get out of town?
- Concerns with Tilly's are drinking and driving, Tilly's should do a better check. And the majority of their business is at night, when the daycare is closed,
- Could the City have a shared cost with RWH to pave 3rd Ave. SW. in the next phase of the development? It could be a cost put off to the developer.
- Tax abatement for frontage road or 3rd Avenue? Mike suggested using assessments, if from scratch; tax abatement could get it done. Or, deferred assessments because someone will eventually want to develop the area around there.
- If the frontage road is done, 3rd Ave. should be paved at the same time.
- Can the city use eminent domain on that parcel? Canan said that the City could as long as it was for a public purpose, but it would be more costly

Canan recommended that the City should lock Pat into a price now, but wait until 2007 to do the project getting 2005 rates in place. Also, a corridor designation where the road will go (City engineer currently working on this); along with a transportation plan showing what the City intends to do should be prepared and included in the Comprehensive Plan. Novak suggested it would be more affordable if it was done now by using the company that receives the bid for the Hwy. 52 project. Bertsinger stated that after discussions with MnDOT, it may be cheaper to do it after the Hwy. 52 work is done. Mike stated that even in condemnation, the City still has to pay fair market price of the property, and the city does have the authority to condemn, issue bonds, and assess it back to Pat. Bertsinger asked Council to think about the frontage road more. This will be on the September agenda.

3. Utility Tunnel – Letter from Steve Voigt

Council will need to answer the following question (in a motion) so design can proceed for tunnel:
Will both water and sewer be in the utility casing?

The City has already authorized a set amount on what to spend but need actual sizing, and placement of the casings. Near the interchange is where the tunnels would be placed. SEH's initial maps are too costly and had more to do with the entire city being serviced with water/sewer. Looping for water crossings also need to be considered. Steve Voigt has had meetings with MnDOT on this also.

C. Personnel Committee

1. Set Meeting Date

Personnel Policy including performance reviews meeting on Friday, Sept. 9th at noon.
Clerk Nymann will circulate a sample performance review to committee members.

D. Olmsted County Sheriff's Office – Sheriff Borchardt, Sgt. Darnell

1. Sgt. Darnell stated that they have been watching the intersection on 12TH ST and 3rd Ave. SW. Also, West Center is not a problem. Council asked Sgt. Darnell if there should be children at play sign by the west ballfield park. There was no suggestion for placement of signs. Bertsinger stated that maybe a stop sign on West Center Street going east only should be considered at the top of the hill by 9th Avenue. Sgt. Darnell didn't think they could place one there because it's a through street. Clerk Nymann contacted Mike Sheehan about the placement of the sign, and is waiting for his reply.

2. OCSO Contract for 2006*

Contract has an increase of 9% for next year. Sheriff Borchardt will be present to answer questions.

This item was moved down on the agenda until arrival of Sheriff Borchardt.

Bertsinger motioned to approve the OCSO contract for 2006, Keigley second; all in favor, motion carried.

3. Report on Dog Issues*

Bertsinger asked Clerk Nymann if she contacted A1 Animal Control. Scott has talked to them previously and they catch wild animals (coons, etc.). Council asked if they had a vicious dog, would they be available for this. Scott will talk to them. Bertsinger suggested a collapsible kennel for keeping strays for a short period of time. The survey which the Clerk put together indicated that Cities' care for their stray for awhile, and then Paws and Claws is contacted. It was suggested to have the Maintenance man take care of them during the day, and Council at night. Sgt. Darnell stated that dogs really aren't that big of a problem right now, but the City needs to have a policy in place. He would like to have a call list available for his deputies after the policy is written. Keigley stated that a collapsible kennel may not be strong enough. Canan suggested talking to the Maintenance Man about this too. Canan suggested being proactive, making sure the maintenance man has up to date shots protective gloves, etc. Clerk Nymann will develop a policy and bring it back to Council at their meeting in September.

E. Fire Department - Gwen Holt

1. Special Meeting at Fire Department and 1st Responders, with full Council on Sept. 1, 2005 @ 7 PM.

Clerk Nymann asked if she would need to be present. Bertsinger stated that it depends on what type of information will be presented. Clerk Nymann will check with John what type of info will be shared.

2. The fire department and 1st responders had a meeting with Lunda Construction (a company submitting bids for MnDOT project), and MnDOT to discuss access needs for emergency personnel during Highway 52 construction. Bertsinger stated that they are not to be meeting with them because of legal issues, and that everything should be going through the City Clerk at this time. This is to guarantee uniform information is released.

4. FD and 1st Responders looking at co purchase of vehicle.

5. City responsible for installation on the mobile radios for the new 800 MHz system. This has to be up and operational before December 1st. There also needs to be training on the new radios before the system goes active. There will be dual radios for a period of time. There is money in the budget for radios, and money in special accounts. Bertsinger suggested that when looking into a new truck, this expense should be looked at also.

F. 1st Responders – Gwen Holt

1. 9 Calls: 6 Township, 3 City

2. They are becoming more active on the purchase of new jackets. .

3. Money donated from township for 1st Responders goes straight into their special fund. Bertsinger noted that DOGR still needs the poster for their DOGR booth from 1st Responders.

G. EOC

1. EOC Duties

Novak stated that there was a staffing issue during emergencies. The Fire Department stated the director should be stationed at the Fire Hall. The Fire Department decided they will take over staffing of EOC at FD. Dennis Blanck will take it back over, stepping back into this position. There is a need for the Director to be in the building, not on a mobile unit. Novak stated that it is unrealistic for him or Adam to be at the Fire Department during those events. He questioned whether the fire department will require Dennis to be there? Blanck stated that when he is available. He will be there. Novak stated that he feels this job could be done in a mobile way, however the FD does not see it the same way and the Director needs to be in the office. When mobile, it's difficult for the people in the trucks to hear. Blanck stated that using hand held radios; you won't be able to hear the trucks unless you're hitting a repeater. Novak again stated that volunteering for this is unrealistic Brase stated that the EOC Director fits the best with the Fire Department. Adam and Tom aren't members of fire department, and sometimes they're paged out earlier. Dennis was there every time the EOC was activated anyway. Bertsinger asked if there was any animosity because of this. Novak said there are no hard feelings. Canan suggested establishing an order for this. **Bertsinger motioned to accept Dennis Blanck as EOC Director, Keigley second; DISCUSSION:** Novak mentioned Dennis does really well in this position, and it's a good move. Novak would like to discuss compensation issue concerning this position. This will be discussed at the budget meeting on the 24th of August. Novak said John Stolp needs to be here when this is being discussed for compensation; **all in favor, motion carried. Bertsinger motioned to have John Stolp as the assistant EOC director, Keigley second; all in favor, motion carried.**

H. Streets & Roads

1. Policy for placement of light poles

Motion on a policy for consistency.

Our City engineer recommendations were to place light poles as follows: When road has curb and gutter-place pole 2 feet behind back of curb; when road has no curb and gutter-place pole in right-of-way within 1 foot of lot corner or property line. **Keigley motioned to accept city engineers placement of light poles, Bertsinger second; all in favor, motion carried.**

I. Parks & Trails

1. West Side Ballpark

- a. Estimate for trail, West Side Ball Field Park (\$15,000-\$18,000)
- b. Estimate for Crosswalk, West Side Ball Field Park (\$150.00)
- c. Slow Children at Play signs for West Side Ball Field Park (\$250.00)

Bertsinger had the Clerk prepare these estimates to address concerns of safety on west side ballfield park Keigley said 12th St is a shared street with the township. He said it should wait until after the park equipment was put in. Also, take a look at the corner of 12th St. and 3rd Avenue because something needs to be done there eventually. Adam Brase said the Parks was planning for a trail there; connecting it to an eventual trail system. Zumbro Hills also has an outlot where the trail may run.

2. New Parks Mowing/Caretaking – Adam Brase

Adam stated that 2 people have come to his house, and asked if city was interested in someone mowing the outlots in Riverwood Hills. Fitzpatrick is continuing to maintain it now. Middlefork Landscaping and James Edvenson submitted proposals. He asked how

much the City is willing to put on the Maintenance person. Both services can help maintain trails (keeping in mind that River Park will also have trails). Any property the City owns, the city maintains. Anything like this would need to be published. Council directed Kent to do a time study from now until the end of the year. Look at in budget process. There will need to be a uniform bid process (i.e. per acre).

3. Adam approached DOGR with Park request for an early donation of \$10,000 to help complete the current parks, etc. Donate park benches, volunteers, etc. will be included in the newsletter at the end of August. Clerk Nymann will talk to Lyle P. at County Inspections about footings for the playground equipment.

J. Planning & Zoning

1. Whittington Acres

Reimbursement for expenses of review in 2004 paid in the amount of \$2,743.50

2. Letter from Joe Lonzo*

The City received a letter from Joe Lonzo regarding the easement for Dan Fitzpatrick to have access to Cedar Woodlands through the southeast corner of River Park Subdivision. Lonzo suggested 2 options. The first being to have Dan Fitzpatrick find a different way to access his property. The other option is to have the easement deeded over to Jech's. The original decision of 20' and Dan's demands are excessive to what the original agreements were. Clerk Nymann stated that the City asked for a separate recorded easement, on the property that's in the plat. The City approved the plat contingent on this easement being recorded. If a separate recorded easement, it could be recorded in Jech's and would not need to be signed by Dan Fitzpatrick, and would not have to be an agreement with Dan. **Bertsinger motioned to respond to Lonzo's letter, to have a recorded easement deeded to Journey Developing and copy it to Dan Fitzpatrick and does not have to be in agreement with Dan, Hall second; DISCUSSION:** This is the 20' easement as approved at an earlier meeting. Novak asked if this was similar to the easement with Zumbro Hills and Riverwood Hills and asked how that was handled. Canan stated that the topography with this case is unusual Keigley stated that the City shouldn't be involved in it anymore, let the lawyers handle it. **AYE: Bertsinger, Hall, Novak, McDermott; NAYE: Keigley, Motion carried.**

3. Zumbro Hills – Novak

Novak stated that he doesn't know the history of Zumbro hills, and was wondering why the City hasn't annexed this development in yet. Keigley stated that the residents in the development didn't want to be annexed in. The road issue is that they haven't been accepted by the township. The developer is still responsible for the roads. The run-off issue with the NW corner has been taken care of with grass and weed growth. Council has not discussed annexing them in because township is still working with developer and road issues. Novak stated they are an island within our city, using our roads, parks, etc. within our city, and it's natural that they help the city pay for these items. It was suggested that maybe this winter the City should revisit this with township. Novak has also heard recently that residents in this subdivision do want to get annexed in. There are a lot of new residents in there. This will be put on the agenda in September to set a joint meeting with the township.

4. Clerk Nymann requested the Planning & Zoning Committee look at an ordinance pertaining to division of properties. Canan emailed Clerk Nymann a copy of Plainview's Ordinance.
5. There was not a quorum at the last meeting which is needed to bring items to a vote, so they had discussions.

- K. Community Center
 - 1. Pillars @ West Entrance = No Brick
Kent just painted the pillars and asked what Council thought of them. Council will see how they weather the winter and revisit this topic in the spring.
- L. Downtown Oronoco Gold Rush
 - 1. Posted Special CC Mtgs. On Aug. 13, 14, 19, 20, 21 in prep for DOGR event
 - 2. DOGR this weekend.
 - 3. The City submitted a bill to the Gold Rush Committee for copies they made (not including what Ed came in and made himself). Hall suggested that DOGR Committee simply reimburse for the cost of the paper. Keigley stated there's also a cost of time and toner involved with the copying. **Hall motioned to reimburse the City with the amount of paper used, and a toner cartridge, Bertsinger second; DISCUSSION:** Conflict of Interest was brought up. Keigley thought that the City should be reimbursed per the invoice. **AYES: Bertsinger, Novak, Hall; NAYES: Keigley, McDermott, motion carried.**
 - 4. One new member has been added to the DOGR Committee – Paul Pendergrass.
- M. Water/Sewer
 - 1. Meeting on Aug. 29th @ 6:30 PM with Phil Wheeler, Terri Lee, and Council, Planning and Zoning, along with the Water & Sewer Committee.
 - 2. Last meeting was beneficial. Meeting set up with Phil Wheeler from Olmsted County and is taking time to discuss city's issues. He will give the city some advice on where it should go with this issue. As many individuals should attend as possible. Keigley knows of a person that wants to join the committee, Rich Hielscher. Clerk Nymann will contact him with the information.
 - 2. More information needed on well and septic information – Novak
Novak said the information from Sheila and Joy was not enough. Bertsinger suggested having Novak talk to Terry Lee for an updated version. Also, Novak wants to work with Clerk Nymann on the building permits, asking for more information.
- N. Lake Shady
Nothing to report.

V. PUBLIC FORUM

Bertsinger asked for public comment 3 times.

Paul Pendergrass stated several residents have contacted him about the land north of northland buildings. There has been dirt hauled in, graded; with no silt fencing put up. Clerk Nymann has already contacted the county and the MPCA. It is now in the hands of the MPCA.

No one else came forward.

Council break at 8:55pm

COUNCILBREAK

Meeting called back to order at 9pm.

VI. OLD BUSINESS

- A. Letter from Dan Fitzpatrick*
Lingering Issues
Bertsinger motioned to accept the letter and request copy of the minutes from September 14th association meeting; Novak stated that city water and sewer will probably be brought up at

the meeting. Novak will be at the association meeting because he's a resident in Riverwood Hills II, and asked another council member to be present. Dan sent invitations to every RWH lot owner, **Keigley second; DISCUSSION:** Adam Brase also stated that roads would also be an issue at this meeting. The association meeting will be at Dan's home. **All in favor, motion carried.**

B. Letter from Briggs & Morgan & Notice of Public Hearing*

Slight changes to project, City will have to hold a public hearing on September 12th, and city will receive an increase in administrative fee to \$12,000.

The agreement has changed slightly. The City is still not liable for repayment of the bonds issued. It's just more work coming through the Clerk's office, so the administrative fee has been increased. **Bertsinger motioned for a Public hearing to discuss funding through Brigg & Morgan August 29th at 6:00PM, McDermott second; DISCUSSION:** McDermott asked where the \$12,000 administrative fee will go. Bertsinger said Council should look at budget, and then see where it's needed. McDermott stated that the park committee will need a substantial amount to continue with River Park Subdivision; and he would like to earmark this money towards that project. **All in favor, motion carried. McDermott motioned to earmark the \$12,000 Administrative Fee for the Parks, Keigley second; all in favor, motion carried.**

VII. NEW BUSINESS

A. Bus Tour in September

Novak and Bertsinger toured the City, and Novak thought it was quite informative to see what is going on, the lay of the land, roads, etc. and perhaps it would be advantageous for everyone to get together and tour the city together. A bus would be a way to do it. It could be posted as a special meeting and residents would have to RSVP. Keigley questioned whether this would be too costly to do and asked who would be in control? Bertsinger wanted to schedule a time, and contact parties involved. Novak suggested a Saturday morning. Sat., Sept. 24th 9am. Canan wanted Council to consider how this would affect the open meeting law. The City would get out an itinerary, post cell numbers, put it in the newsletter, and have people RSVP if they wanted to ride along. Clerk Nymann stated the Planning budget is already over; Bertsinger suggested the money for this should come out of streets and roads). **Bertsinger motioned to have the tour meeting Saturday, Sept. 24, @ 9:00am and post as a special meeting, Novak second; all in favor, motion carried.**

B. Credit Card with Wells Fargo Bank (Difficulties getting billing cycle changed; their staff not returning phone calls, etc.) {Wells Fargo will issue card with no annual fees, credit limit of \$5,000}

Bertsinger motioned to switch city credit card to Wells Fargo, Keigley second; all in favor, motion carried.

C. Auction @ City Ballfield for Mr. Reeves

1. Waiver and donation to Parks

Items of concern and discussion were:

- Responsibility for auctioneer licensing (county does that, not the city)
- Setting a precedent
- Parking issues
- Proof of Insurance

Clerk Nymann will send Mr. Reeves a letter with rental agreement and conditions including a prearranged parking plan, and proof of liability insurance. August 28th is the date of the auction.

D. Building Permit Information – Novak

Novak stated that he would like to see the following on building permits: As an example, the building permit for 790 River Park LN SW should provide the city with as much information as possible. Septic and water authorization, where water and septic will run along the property. As well as making sure that square footage, basement, porch, deck and garage info is completed.

