

**Regular City Council  
Meeting Minutes  
Monday, September 19, 2005  
7:15PM**

**I. CALL TO ORDER**

Mayor Bertsinger called the Council Meeting to order at 7:25PM.

Bertsinger introduced resolution 05-14 which gives the City of Oronoco authority for tax abatement for the overpass (infrastructure) project. McDermott second. VOICE VOTE: AYES: McDermott, Hall, Novak, Bertsinger, Keigley All in Favor, Motion Carried.

Mr. Bubany and Clerk Nymann will work together to complete the process. MnDOT can forward the loan agreement with the city at any time. Mary Ippel is the City's Bond Attorney, and Clerk Nymann will be working with her.

**II. ROLL CALL**

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

**III. APPROVAL OF AGENDA**

Additions in Blue

**CITY DEPARTMENT & COMMITTEE REPORTS**

A Clerk's Report – Cheryl Nymann

1. REMINDER: RSVP for the City Bus Tour which is on October 1, 2005, 9AM-Noon
2. Email from LMC,\*

*IRS rate increase for mileage reimbursements to .485 from Sept. 1-Dec. 31, 2005*

Bertsinger stated that gas has gone down a lot from the previous \$3.00/gallon. Clerk Nymann stated that the current reimbursement rate is .405/gallon, and would need Council approval to increase to the reimbursement rate.

B. Olmsted County Sheriff's Office – Sheriff Borchardt

Director VonWald was present instead of Sheriff Borchardt and asked if the Council had any questions regarding the contracts for law enforcement. Bertsinger stated that council realized the contract price would be going up. The contract increased by 9%, due to health insurance increases on their personnel. There is a continuing dog issue throughout Olmsted County. This will be discussed at the upcoming Small cities and Olmsted County meeting. If there are dangerous dog issues, the OCSO will help. Council commended all officers during DOGR on their good traffic control. Sgt. Reiland did a good job relating to all issues involved with DOGR. Director VonWald also stated that during the reconstruction on Hwy. 52, and the traffic issues which arise, if the City has concerns, to inform Sgt. Darnell.

C. Fire Department - John Stolp

1. John thanked Council for meeting with them on Sept. 1<sup>st</sup> and had a tour.
2. Currently getting bids on the air pack seats for trucks.
3. They have looked into replacing the Blazer, and a new Ford truck would be in the \$26,000-\$28,000 price range. This would not have to go out for bids because it's under the \$50,000 threshold. John will work with Clerk Nymann on government pricing.

4. This weekend they had a house fire at the Jack Kann residence in Oronoco. Pine Island and Mazeppa were called in on mutual aid. The structure was saved, but inside burnt.
5. The Fire Department will have a truck out at the Park Installation this weekend. They will be using the water in tanker for cement, and its generator.
6. The Relief Association received its check from Schott Distributing from what was left over from DOGR.
7. Council thanked them for the meeting on Sept. 1<sup>st</sup> and said it was very informative and they were impressed with the amount of hours put into training and the amount of work they do.
8. Disaster drill. John didn't think it was necessary to include Olmsted County or mutual aide in for a drill; if an emergency hit, they are capable enough to call in for help if needed. Bertsinger asked if a drill should be held within our city. Dennis Blanck, Jr. & John will talk about it. It was suggested that the Red Cross could also line people up to help do a mock drill.
9. 800 MHz Radio System. There's been discussion about tower usage and a monthly fee. There has been NOTHING mentioned through all the meetings Gwen went to. She will specifically ask if there will be any user fee. The antennas will be going on state towers, not already existing towers. Olmsted County is part of the 11 county activation of the 800 MHz system; and there will be 2 radios will be in every truck. This is a point of discussion at the Olmsted County small cities meeting on Mon. Oct. 3<sup>rd</sup>.
10. Clerk Nymann reminded everyone that the NIMS Training is next Monday at 6:30PM Dennis Blanck will be gone, John will be late. Clerk Nymann will email Gwen the web site for NIMS, and contact area cities with an invitation to attend with a \$5 fee.  
**Bertsinger motioned to charge a \$5 fee for training; Keigley second, all in favor, motion carried.** Bertsinger stated that every member requirement has been alleviated; just top members need to have the training. Eventually everyone will have to have it.

D. 1<sup>st</sup> Responders - *Gwen Holt*

1. Reported that there were 13 calls: 7 city, 6 township; those calls in the city pertained to *gold rush*. No accidents.
2. She let people know about NIMS training, and told them they have to do it online if they don't come to the training. It is required for all Mayo medical transports.
3. At the regular monthly meeting she will mention a disaster drill. May be a possibility of having a disaster drill in the Spring.

E. EOC – *Dennis Blanck, Jr.*

Absent

F. Streets & Roads

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

*Copies of all abstracts received, how does Council want to proceed?*

Question was asked whether the streets committee need to take a look at it. Scott & Larry will see what the city needs to do, and see who is truly affected. City engineer not initially a part of this, but may be later on. They will report back next month. Carl Stolp was present and suggested to call Gopher One to locate where all underground utilities are, and look at overall picture of what will need to be moved.

2. Letter from Dan Fitzpatrick

*Bituminous Thickness on RWH Private Roads*

This letter is just an FYI. If the residents want the city to take over their private roads, they need to contact the City. Steve Voigt was not present, but stated in a telephone conversation to Clerk Nymann that he has not viewed the samples, but as long as the samples are true readings, they meet the City standards.

3. Tree Trimming – KEVIN

*Request from Larry Stolp*

Last night, Larry and Kevin toured the City and discussed what needed to be done for trimming in ROW. Kevin stated that this is an issue that needs to be addressed. Karrs are currently doing some tree trimming for township and People's Co-op.

**KM motioned to address this, and contact tree service individuals and see what needs to be done.** Bertsinger asked if it would be trimming or removal. Kevin said they would trim up to 18' for clearance. Questioned where the cost would come out of the budget, and how much would be spent? McDermott stated that he had no idea on a cost and suggested setting a limit. There would be need for a bucket truck, because the maintenance personnel cannot reach that high. Questioned whether it could be burned instead of chipped.

**Motioned failed for lack of second.** Bertsinger suggested obtaining 3 bids, set a max amount to spend, and go with lowest amount; it was suggested to use the chips to lay down on trails. McDermott suggested setting a limit of \$5,000. **Bertsinger motioned to have McDermott work with Larry Stolp obtain 2 bids, take the lowest bid and go up to \$5,000, and take expense out of Street Maintenance and Subcontracted services in the Budget.** Canan reminded Council to make sure they have liability and work comp, and a place for chips; **Hall second; All in favor, motion carried.** DISCUSSION: Bid should be by the hour. John Stolp suggested looking closely at the following intersections of 1st St NW & 9<sup>th</sup> Ave. NW AND 1<sup>st</sup> St NE and 2<sup>nd</sup> ST NE for sight problems and visibility with bushes.

4. Progressive Ag out of Plainview does weed spraying in ROW they are insured. John will investigate this, and find out about the spraying.

G. Parks & Trails – *Adam Brase*

1. Installation of Ball Diamond Playground Equipment & Riverwood Hills Playground Equipment this weekend Sept. 24 & 25

Adam is hoping to get install done this weekend in two parks. Utilities being located tomorrow and there are volunteers to help (min. of 30 people helping with max. of 50 people). People have been contacted about donating time and tools. Still needed are larger pieces of equipment and cement, 225 bags of 60# concrete. A bobcat and cement mixer rented through Rochester Rental at ½ normal prices. It will be a busy weekend. The Company the City purchased the equipment from will be sending down a professional installer to help also. The City received a check from Gold Rush for \$1,000...and \$250 from S & M Marine. Bertsinger stated that she hopes council knows that there will be additional costs on installation day and that they should be able to let the committee spend the money for installation day. There's a bunch of donated food also. Bertsinger said she hopes to see council on Saturday.

2. Canoe Landing

Charlie Fried presented information. He met with Joe Wagner from DNR to talk about canoe landing downstream from dam. Work cooperatively with the DNR. The City could provide access by making land available, along with ongoing maintenance/cleanup of the approach (not the actual landing-the DNR will take care of that). Logical places for the landing are at 1<sup>st</sup> Ave. SE because it goes all the way down to the river. The road map does not see that it was closed or vacated. Adam showed picture of a landing to council. DNR does see Zumbro River as a canoe trip. As River Oaks plans continue, it would be ideal to put another landing there as it would be a short canoe or tubing trip to there. He is asking for a general statement of support from the city on the concept. DNR will design it this winter and develop next spring/summer. They have funds to do so. After design complete, they would want an agreement from the City. Not turning over title to the land though. He just wants a motion of support. Suggested to talk to adjacent property owners, and let them know what is going on. Would DNR provide signs? Charlie stated that there would be one at the River, probably not at the street. Novak stated that he likes concept, but wants specific street located. Charlie pointed out North side on 1<sup>st</sup> Avenue SE to Tom.

Danny Ondler indicated that area frequently floods. If it does wash away, the DNR will repair it. Canan questioned encroachment, but that will be considered at a later time.

**Bertsinger motion to continue working with the DNR & Parks Committee on the canoe landing, and find appropriate spot for canoe landing, and bring back preliminary design at a later date. McDermott second; all in favor, motion carried.**

3. Letter of Intention for River Park Subdivision Park

This is a Parks Committee memo about what they believe the parks can commit to and what Journey would do for the Park in that subdivision. The City would provide the shelter, basketball area, horseshoe pits, playground equipment and the grills already committed to. Adam has applied for grants to the Rochester Area Foundation, and DNR. He suggested that it would be in cities best interest to begin in the spring. He wanted to bring this memo to the city and make sure they were ok with it, and then send it to Jech's. The access to park is already there. It was also suggested to visit the Home Depot web site and apply for the KABOOM playground grant. **Bertsinger motioned to table this and put on Octobers agenda, Hall second; all in favor, motion carried.**

H. Planning & Zoning

1. Recommendation from Commission\*

Bertsinger asked why the Planning Zoning Commission is requesting a moratorium on splitting of property. She asked Hall for findings of facts. The Commission is actively working on issues on time frame, working with MnDOT. Novak stated that Planning and Zoning (P & Z) doesn't know how they want the town to develop. There are issues leading up to the last meeting. They are worried about approving property splits without a clear vision. Bertsinger stated that they need to make specific findings of facts. This was not done in July because they didn't have a quorum. Novak stated the following:

1. Looking at Land Use Plan (Ordinances/guidelines/classifications on zones)
2. Getting Architectural committee going?
3. Infrastructure with roads/ wells & skeptics (sharing or separate for each parcel in the split)
4. Set precedent
5. Ordinance updates

Canan reminded the Council that splitting effects whole city, and to consider ripple effects. It would be 6 months on the moratorium; hopefully the above items could be completed in 3 months. Canan suggested that before splitting is done; make sure there will be an appropriate use in that zoning district. Novak does not feel comfortable enough to go any further with putting a moratorium on now. Bertsinger suggested having them bring concerns to P & Z and put on next months agenda.

5 minute break called for at 8:30PM

**COUNCILBREAK**

Bertsinger called the meeting back to order at 8:36PM

2. Split for Jonathan Pahl\*

Clerk Nymann stated that there is currently no Ordinance in place regarding splits. Also, previously, City Hall received a copy of the splits after the split occurred. The owner would like to split the area on the south end of the property and divide it into 2 lots. It could be buildable until ground freezes. Multiple sites well and septic have already been installed. Access to this area would be across from Pat's and on north end of lot. Southern lots will have only 1 access from County 18 (Minnesota Avenue S). Regarding the Wetlands issue, there's been a preliminary approval with 3 lots on the north end of the property. They need to submit grading plans to the tech panel for preservation of wetlands, and come back to P & Z and Council with that. This entire property is Zoned B-2. .

Question of what the thoughts were of the building that will be put up there. Bertsinger stated that she doesn't want to see what's on 55<sup>th</sup> St NW with storage buildings that have weeds all around it. Clerk Nymann stated these are the first individuals to come to Council with a split. Novak suggested the architectural committee be formed to address building concerns. **Bertsinger motioned to place a moratorium on splits for 2 months because there is no policy on how to handle a split, Novak second; DISCUSSION:** Finding of facts include there is no procedure for splits, there are access questions, as well as questions concerning well and septic. Bertsinger stated that Clerk Nymann will email procedure on splits from Plainview to all Planning & Zoning members. **DISCUSSION:** Keigley is inclined to take advice of attorney. Olmsted County may not care if the city has a policy. Council asked if they are anxious to get it split. They've received a lot of calls on it. Keigley questioned the moratorium and putting in place a policy before this split; he sighted Pat Hall's property being split, and that everyone else is just doing it. He suggested granting this one, and by next meeting, have a policy set in place. Council should reward them for coming through the channels; no one else has come before council with a split before. They are splitting it for what it is being intended for. Let them split it, and we'll get a policy in place. They still have to come back to the city and accept what will be built there through the permit process. **Novak withdrew second; Hall second; AYES: Hall, Bertsinger;**

**NAYES: Keigley, Novak, McDermott. Motion failed.** Bertsinger stated that rules and regulations need to be followed. Setbacks questioned with the green space between commercial and residential zones. Splits need to come before the Planning and Zoning Commission. Novak invited Jonathan Pahl to attend their meeting on the 28<sup>th</sup> at 6:30PM.

3. Monuments

Clerk Nymann conveyed her conversation with Lyle Plumhoff from County Inspections; does not have an ordinance. Planning and Zoning will look at monuments (the kind that you would see at an entrance of a subdivision).

I. Community Center

1. Gutter, Soffit, Fascia: Bid and Budgeted Amounts

Total amount previously approved was for \$5,500 for sound system and gutters. Bare Minimum \$1,800. **Novak motioned to put gutter, soffit and fascia (recommend) flat \$950, and to replace the new part of community center on the bid, Hall second; DISCUSSION:** Keigley stated taking place of soffit, fascia and gutters now, it's an important building. Bertsinger noted it would be more money. Total cost would be \$5130.00 **All in favor, motion carried.**

J. Downtown Oronoco Gold Rush

K. Water/Sewer

Meeting next week

L. Lake Shady

M. Highway 52

1. Chanhassen Loan Agreement with. MnDOT\*

*Jai requested that Council review this loan document for Chanhassen project with MnDOT, because it will be very similar to Oronoco's agreement and terms.*

Attorney Canan just received it today, and didn't have time to look at. Clerk Nymann noted that the bond attorney for the Chanhassen project is also our bond attorney. It was thought that the bond attorney will take care of this.

2. Cooperative Design-Build Construction Agreement with MnDOT

*MnDOT's response to Clerk's and Joys Questions about Agreement / Canan's Comments about Agreement / Agreement*

Clerk Nymann emailed Canan's comments to Jai, as well as other comments brought forth by herself and Joy. Bertsinger pointed out that the agreement states that the city is responsible for maintenance of the roads, when the County is actually responsible for it. .

Send them Tom Canan's comment and maintenance of overpass and send it to MnDOT. Question #4, list number 5 in letter, clarify quantity work order (job order 3 casings clarification).

## V. PUBLIC FORUM

**Called for 3 times.**

**No One came forward.**

Bertsinger recommended bringing the Frontage road to #1 for Old Business  
Lynn Benrud was present and asked the status of the west frontage road between 12<sup>th</sup> St SW and Co 112. Kevin and Joy have met with the land owner this frontage road would be going through, and Council has had discussions financially how much it will cost to construct the frontage road as well as acquiring the property. This cost is up around \$750,000. There is a concern that the city cannot financially afford it right now. From Public Hearings last year, Council has decided that this frontage road should be done, and a design for it has been done and set. Lynn Benrud heard that it possibly was not going to happen. At the Riverwood Hills Homeowner's Association Meeting, it was indicated that there were no plans to do it this year or next year. It was clarified that the state will not be improving any roads for the frontage running along 12<sup>th</sup> St SW and 3<sup>rd</sup> Ave. SW. MnDOT will do what they proposed coming down onto 12<sup>th</sup> St SW, but it's still a sharp turn. McDermott stated that ideally, if a developer came in and put the road in himself, he can absorb that cost. Financially, it is not an option this year or next year for the City. Novak stated that once the interchange is complete there may be an interest in this area. Council fully understands that the people want it, it's just the city is not financially set up right now to do it. Lynn suggested a communication of some sort to the citizens, like in the next newsletter. Keigley foresees that this project will be done, but just not now. Novak told Lynn that these comments are valuable to Council; and encouraged residents to come on the bus tour also. Hall added that Council sees importance of this project but doesn't want to double taxes right now either.

## VI. OLD BUSINESS

### 1. 2006 Budget\*

The minutes from the last budget meeting on are not complete. Budget has been worked on, but it doesn't have to finalize it until December; so adjustments can be made yet.

### 2. Jech & Fitzpatrick\*

Email between Joy and Canan

Bertsinger had conversation with Dan Fitzpatrick and he spoke to Dan about concerns at his homeowner's association meeting. The easement is in Journey Developments name, and Dan wondered whether it would give the access truly to Dan. Canan stated the easement was ok as is but it did not far enough. What does the city do now? The concerns are the permanent easement and temporary construction easement. Permanent easement has been resolved (recorded). But, what didn't get resolved, was that they would agree how wide the temporary construction easement would be. They couldn't agree on how long and how wide that the road is supposed to be. Jech said that the utilities are stubbed. Roads are there, but not on the easement. Canan suggested splitting difference, and adding temporary easement on each side. 15' on each side and have it effective for 30 days. Does it give Dan the right to access? Journey sold lot to Tom Hunt, and homeowner won't grant temporary construction easement. However, the lot on other side of the easement is not sold yet. All grading permits and plats are approved. Novak suggested to have the temporary easement from the east side of the permanent easement. Canan said leverage could be used against the lot to the east, and records easement giving it to the future owners of Cedar Woodlands. Journey concerned if easement given, Dan will not pay for the utility hookups. It was suggested to have Canan's legal opinion on behalf of the City stated in a letter to Jech

stating that to satisfy the condition of the final plat, a construction easement be allowed; Jech provide Fitzpatrick with a temporary construction easement 50' temporary easement. If Dan doesn't have it done within 30 days, it's done. Tom Canan will draft a letter to Jech's on this. Canan wants to have a motion to send the letter. **Bertsinger motioned to have Tom Canan send a letter to Journey and Dan F. to have Jech deed over the permanent easement over to Dan F. and that a 50' temporary construction easement within 30 days of letter being sent. In order for River Park to comply with conditions of the final plat. (septic a separate issue). Keigley second;** DISUCSSION: Novak asked if they wanted to hear from Dan F. on the subject you could call him, he is available by cell tonight. Bertsinger has talked to Dan directly about this. Hydrant was never in the middle of the road. Issue is condition of final plat lots in Cedar Woodlands has an easement. It was noted that Council cannot call just one person. Novak wants to contact Dan on fire hydrant issue. **Friendly amendment to the motion to include position of fire hydrant in permanent easement, it should be moved out of the permanent easement at the cost of Jech's.** Keigley suggested that this would not be revisited again unless both Developers were present. **All in favor, motion carried.**

3. West Frontage Road – JOY (*discussed earlier*)

4. Dog Catcher – JOY

Tabled until next meeting because it will be discussed at the upcoming Olmsted County Commissioners & Cities Meeting in Byron

5. Township / Council Meeting -JOY

Suggested to see how the bus tour goes, and then have a joint meeting Clerk Nymann will email Judy and invite the Town Board Representatives on the bus tour also.

## VII. NEW BUSINESS

1. Passport Training for Clerk Nymann Sept. 26<sup>th</sup> in Rochester, Its FREE!!

**Bertsinger motioned to have Clerk Nymann attend, Keigley second;** DISCUSSION: This is a free training, and it's to update information on new forms. **All in favor, motion carried.**

2. Complaint Received on 50 1<sup>st</sup> Ave. NE

Untapped septic and raw sewage running on ground, garbage lying around. Olmsted County Public Health would be the 1<sup>st</sup> line of defense. A letter should be sent first on litter issue ( Ord. 131 violation). On the building issue, the city does not have a demolition ordinance.

Bertsinger asked Canan how to deal with the possibility of a cougar being in the home if no one will come forward (Ord. 163). The City could go to court and get a court order to have it removed; the sheriff's dept. has the right to search. If under speculation, contact the sheriff's department. This will be investigated and brought back to Council.

Clerk Nymann will send letter with copy of litter ordinance, contact public health, and talk to OCSO about the cougar.

## VIII. ORDINANCES & RESOLUTIONS

1. Resolution 05-10\*

*Needs to be amended (see attachment – the amendment is in blue)*

**Bertsinger motioned to note the change of bond levy, McDermott second; all in favor, motion carried;** DISCUSSION: note the date on the document.

2. Resolution 05-13\*

*Resolution for roadway name change*

**Bertsinger motioned accept the roadway name change from 7<sup>th</sup> St SE, east of 2<sup>nd</sup> Ave SE, to Timberline Drive SE, Keigley second; all in favor, motion carried.** Clerk Nymann noted that this roadway name change is due to the River Park Subdivision, and addressing changes will be at the cost of the Developer.

## IX. PETITIONS, REQUESTS, COMMUNICATIONS

1. Letter from Canan\*  
*Birkholtz withdrawing from Jech's  
FYI*
2. Letter from Dunlap & Seeger\*  
*Request for information  
FYI*
3. Letter from LMC about Hurricane Katrina\*  
Bertsinger said she spoke to Mayor Ardell Brede from Rochester about this, and they aren't doing anything with it at this time.
4. Letter from PI Telephone\*  
*They will be doing construction Sept-December in City Limits  
FYI*

## X. CONSENT AGENDA

### A. MEETING MINUTES:\*

1. August 15, 2005 Regular Council Meeting Minutes
  2. August 17, 2005 Emergency Council Meeting Minutes
  3. August 24, 2005 Special Council Budget Meeting Minutes
  4. August 29, 2005 Public Hearing Meeting Minutes
  5. August 29, 2005 Special Joint Council & Water / Sewer Committee Meeting Minutes
  6. September 1, 2005 Special Joint Council, Fire Dept. & 1<sup>st</sup> Responder Meeting Minutes
- Bertsinger motioned to approved with noted changes, Keigley second; all in favor, motion carried.**

### B. BUILDING PERMITS:\*

1. David Palmi                      34 13<sup>th</sup> LN SW                      Garage  
**Bertsinger motioned to approve, Keigley second; all in favor, motion carried.**
2. Dorothy Berg                      790 River Park LN SE                      New Home
3. Tom Hunt                      817 River Park LN SE                      New Home  
**Bertsinger motioned to approve, McDermott second; all in favor, motion carried.**
4. Chad Grande                      430 Sunny View LN SW                      New Home  
**Bertsinger motioned to approve, Novak second; all in favor, motion carried.**
5. Sunwood Homes                      825 River Park Rd SE                      New Home

Pull out # 2 & 5 (they were in the previous month-Clerk Nymann apologized for the error). Bertsinger reminder Clerk Nymann that building heights need to be indicated on all permits.

### C. FINANCIALS\*

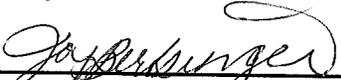
1. Acceptance of \$3,000 from Oronoco Township  
*Need motion to put into the Community Center Special Fund*
2. Financial Statements (4M Balances/Special Fund Balances/Budget vs. Actual)
4. Paid Bills
5. Transfer \$1,000 from 1<sup>st</sup> Responder New Rig to 1<sup>st</sup> Responder Special Fund
6. Transfer \$3,000 from FD New Rig to FD Special Fund
7. Transfer \$45,000 from Street Improvements to Debt Service SF

**Bertsinger motioned to approve 1-7 with noted change on 1-2, McDermott second; all in favor, motion carried.**

**X. ADJOURNMENT**

**Keigley motioned to adjourn at 10:40PM, McDermott second; all in favor, motion carried.**

Respectfully submitted:

  
\_\_\_\_\_  
Joy Bertsinger, Mayor

  
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Cheryl Nymann, Clerk/Treasurer