

**CITY OF ORONOCO
REGULAR CITY COUNCIL
MEETING MINUTES
September 20, 2004**

I. CALL TO ORDER

Acting Mayor Scott Keigley called the meeting to order at 7:04PM.

II. ROLL CALL

Present: Bertsinger, Keigley, McDermott Nelson, Clerk Nymann, Attorney Canan, and members of the community.

Absent: Mayor Ottman

III. APPROVAL OF AGENDA (Additions/Deletions)

Additions VII. F. 8. EAW for River Oaks Subdivision

VIII.D. Aileen Christensen Driveway

IX. B. Ordinance for Special Exception Permit

X. A. Pine Island Telephone Cable Franchise Agreement

VII. E. 2. Truck Rack & Tool Box

VII. E. 3. Wreaths

Deletions: X. D> Fitzpatrick Fees

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

IV. MEETING MINUTES

A. July 19, 2004 Closed Session Meeting Minutes

Canan suggested putting a summary in of the closed session. It should read...**Council determined it was not a non-conforming sign.**

B. August 4, 2004 Special City Council Meeting Minutes

III. Frontage Road, **delete 'will'**; III. Pond, last sentence in paragraph should read...**does not have the right to...**; III. Riverwood Hills IV, 2nd paragraph, second sentence, **change as to 'also'**; III. Riverwood Hills IV, Fees, third sentence, **change QAC to 'WAC'**.

C. August 16, 2004 Regular City Council Meeting Minutes

D. August 30, 2004 Special City Council Meeting Minutes

E. September 8, 2004 Special City Council Meeting Minutes

IV. in Ottmans' motion, **delete 'regarding the issuance of bonds'**; V. 2005 Budget, 5 lines up from recess, **delete, 'at least'**; same section, following line, **change pad to 'paid'**; same section, last paragraph, **change '.....Oronoco residents were concerned about the fast pace that wages were increasing....'**

F. September 13, 2004 Public Hearing Meeting Minutes

Rep. Randy Demmer, **add 'Representative.'** before **Bill Kuisle's** name; Karen Kuisle, second sentence **chang..12/12 to read 12/112**; next line, **change regarded to 'regraded'**; after Mayor Ottman arrive, the dollar amount should read **\$42 million**; Mike Gunderson, **delete 'e'** that stands alone. **Keigley motioned to approve all minutes except Sept. 13 because 2nd page was missing, Bertsinger second; all in favor, motion carried.**

VI. FINANCES

- A. Motion for Approving Following Road Improvement Payments from the Road Improvement Special Fund:
 - 1). \$9,000.00 David Drown Associates
 - 2). \$864.00 to Roberson Lime & Rock
 - 3). \$470.83 to US Bank (paying agent)
 - 4). \$171,778.65 to Rochester Sand & Gravel (Pay Est. #1)
 - 5). \$64,682.00 to Rochester Sand & Gravel (Pay Est. #2)

Keigley motioned to approve above payments from Road Improvement Special Fund, DISCUSSION: Canan was wondering if the issue about the roads not on the plan was taken care of. Council commented that it was. **Nelson second; all in favor, motion carried.**

- B. Approval of Financial Statements

Clerk Nymann pointed out that the detailed transaction report was missing, and that on the Special Funds Report, the Street & Road Improvement Fund has been set up. **Keigley motioned to approve, Nelson second; all in favor, motion carried.**

- C. Approval of Unpaid Bills

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

- D. Approval of Addition to Bills

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

- E. 2005 Budget Summary and Spreadsheet

Clerk Nymann summarized overview and changes to spreadsheet. Needs to be finalized by Dec. 15th.

VII. BUILDING PERMITS*

- A. William Covington 715 1st St NW Floating Slab for future Building
- B. Leann Bauman 695 Valley View Rd SW Deck
- C. Countryside Builders 505 Sunny View Lane SW New Home
- D. Brandon Rake 1030 5th St NW Finish Addition

Bertsinger motioned to approve A, B, C, building permits; Keigley second; all in favor, motion carried. DISCUSSION: Brandon Radke's building permit was pulled. Council doesn't want to deny improvement to the home, but in may cost the City in ROW acquisition with the Highway 52 Project. **Keigley motioned to have Clerk Nymann contact Mr. Radke to attend the next meeting to discuss the building permit. Keigley withdrew this motion, and motioned to table this until the end of the meeting, Bertsinger second; all in favor, motion carried.**

VII. CITY DEPARTMENT & COMMITTEE REPORTS

- A. **Olmsted County Sheriff's Dept. ~ Sgt. Darnell**
Sgt. Darnell was present and had nothing for Council.
August reports were submitted.

B. Fire Department – John Stolp

1. **Mutual Aide**

John described the current mutual aide agreements with the surrounding areas. With the mutual aide agreement, if the surrounding areas think they need additional help, they can call in the Oronoco Fire Dept. for assistance. John had spoke to Attorney Canan about this already. John asked Council to consider a dual page for the City of Oronoco and Oronoco Township. Discussion centered around liability, reimbursements, township fire board approval. It was explained that the dual calls would be for Oronoco Township only. **Keigley motioned to have John Stolp move forward with this, Nelson second; all in favor, motion carried.**

2. **Letter received at last fire meeting**

John had a copy of the letter that was brought to the Fire Department by Bertsinger, and was requested to read it. John would have appreciated a ‘heads-up’ from her about it. And this whole thing got blown out of proportion. At their last fire department meeting they voted to have Bertsinger remain as Fire Department Liaison. He wants Council to step in and take care of the matter once and for all. Everyone thought the motion was to replace her on both departments, but the recording from the meeting indicates the motion was made only for the 1st Responder, not the fire department. John stated that the 1st Responders should’ve had a meeting and worked it out. John felt like he was being ‘played’ in this whole mess, and would like the fire department out of it.

C. 1st Responders – Sue Klassen

1. **Leave of absence of Director and Assistant Director**

Keigley read the letter submitted by the Lubahns about their leave of absence effective immediately and will end Dec. 28th or earlier if the First Responder team so chooses. The First Responders have elected an interim Asst. Dir., Drew Hewitt, and Interim Director, Sue Klassen. They encouraged their Council Liaison Dick Nelson to attend their meeting because the need direction for certain things.

2. **For the month of August, there was 1 township call/1 highway 52 call, and 11 walk-ins during DOGR days.**

3. **Tina Lubahn is moving to the Pine Island Fire Department, and Klassen said she will be missed.**

D. EOC – Dennis Blanck

1. **Summary of Flood from 9-15-04**

Dennis Blanck reported the following

*1st PL NE was sandbagged

*E side of 52 Roch Fire came in for a boat rescue

*Junk Yard road was completely under water

*Residents along 1st St SE evacuated.

Dennis stated that the federal government will not step in unless there’s \$5-6million in damage. He recommended the City buy Sand bags, sell them to homeowners.

Because it’s not the City’s responsibility to provide them; the emergency personnel will provide manpower to help fill them though. He’s had call from residents wanting the City to removal furniture that was flooded; it’s not the City’s responsibility. He asked City how to dispose of the sand. Dennis expressed his gratitude with all the people who were there to help. It’s been stated that river has never been that high.

Keigley motioned to have Dennis draft a letter and send it to LaCrosse Weather Service to monitor the river coming into Oronoco, and work with Cheryl on getting it sent, McDermott second; all in favor, motion carried.

Also discussed was having sentence to serve come in to remove sandbags because they cannot be reused because they were contaminated by river water. A member of the audience stood up and asked if the emergency siren could be blown for flooding, because there were some people that didn't get warned. It was stated that LaCrosse Weather did put out flood warnings. Clerk Nymann asked Larry Stolp about the call she received about clearing a road on East 52 that had a deck and logs on it; Larry commented that it was already done when he got there Saturday morning.

2. Request for reimbursement
Dennis requested compensation for lost wages at his job. **Nelson motioned to reimburse Dennis for lost wages, McDermott second; DISCUSSION:** The amount will be taken out of the regular budget and Dennis will work it out with Clerk Nymann.; **all in favor, motion carried.**

E. Community Center – Ward Field

1. Truck rack
It was suggested that sometimes Trucking America does consignments. **Keigley motioned to see if Trucking America will consign this item, McDermott second; all in favor, motion carried.** Nelson will take contact them.
2. Wreaths
Ward wants to know what to do with the old wreaths. It's been put out to the area, and no one has come forward to get them. **Keigley motioned to have Ward take out bulbs and throw them out, Nelson second; all in favor, motion carried.**
3. Office windows
Ward did the research, and Larson does the aluminum wrapping, and suggested to go with the Larson windows. **Keigley motioned to install the new windows from Larson, Nelson second; all in favor, motion carried.**

F. Planning & Zoning – Charlie Fried

1. EAW for River Oaks Subdivision (Clark/Tiedeman)
Clerk Nymann stated that the EAW was received on Friday last week, it will be published in the EQ Monitor on October 11th, and the comment deadline is November 10th, and that Council's comments could be looked at in the October meeting. **Keigley motioned to table this until the October Regular meeting, McDermott second; all in favor, motion carried.**
2. Public Hearing this Wed. @ 6:30 PM for Mark Kuehn Request for Zone Change
This is an FYI to Council.
3. Public Hearing this Wed. @ 6:45 PM for River Oaks Preliminary Plat
This is an FYI to Council.
4. Whittington Acres Final Plans Review from SEE
Certain items have not been responded to; and need to look at the 60 day rule for it.
5. Recommendation from City Engineer
Steve Voigt recommended having the Ordinance spelled out and that the Final Plat should be the very last document that the City approves. **Keigley motioned to have Attorney Canan and Steve get together to change the Ordinance, Bertsinger second; all in favor, motion carried.**
6. Set Special Meeting Date in October with Township for Orderly Annexation Agrm't.
There will be Special CC Meeting on October 14th at 7PM to discuss with the Township. Clerk Nymann will contact the Township.

G. Streets & Roads

1. **Complaints from Citizens ~ Steve Voigt**
Cheryl, Steve, and Rochester Sand & Gravel have been getting numerous complaints from citizens about the paving. Mainly about the transitions to already paved driveways (the existing paving is lower than the new, leaving a hump). It was Steve's understanding from the very beginning that the City was doing mainline paving only, the homeowner connections were their responsibility. Some complaints have been heated and even threatening. Steve said the City made a legitimate decision. Nelson stated that he's very tired of Rochester Sand Gravel inconsistency, and complaints from people. Steve said Larry talked to him about the stub going up to the Shop off of 1st St NW that the water is still pooling there, and a 10-12' apron should be placed there so the water will run out (it would cost less than \$100). **Keigley motioned to construct the apron on that area, McDermott second; all in favor, motion carried.**
2. **Paving 7th St SE**
McDermott stated 7th St SE (west of 2nd Ave.) should be paved up to the already paved portion that a homeowner had done. It's a street and should be done. Keigley stated that it should be done, but it may have to be put off. The estimate is around \$700. It will just cost the City more at a later date to do it. This was tabled.

A short recess was called for at 8:50

Meeting was called back to order at 8:55

Don Clark was present and requested that the remainder of 7th St SE (east of 2nd Ave.) be paved to the City Limits. The cost was estimated at \$1,564. At a previous meeting the Council decided to stop the paving after the Oronoco resident on that street, because the City residents were taken care of. One concern was the cost and another was that this road would be getting used for future construction site access. **Nelson motioned to table this until the next Streets & Roads meeting when Streets & Roads will be discussed; Keigley second; all in favor, motion carried.**

3. **Street Light at intersection on 12th St SW and 3rd Ave. SW**
Clerk Nymann indicated that she received a call from a new resident asking why there wasn't a stop sign going west at the intersection of 12th St SW, and 3rd Ave SW. Council stated that there has always been a stop sign there, and that someone must have stole it. Clerk Nymann stated she will have Ward get it replaced.

At this time Council jumped in the agenda to hear Rick Keane speak about the Cable Franchise agreement. Minutes for this are under X. A.

H. Highway 52

1. **Set Meeting Date with Representatives**
Bertsinger reported that emails were sent out for meeting dates, but the replies contain no specific dates; she thought if we can give them a few specific dated, and have them pick from one. Chosen dates are October 7th or 13th at 7:00PM or October 14th at 6:30PM, if the 14th is chosen, Brandon Radke's meeting with Council could be at 6:15. An invitation should also be sent to Senator Murphy. Bertsinger will contact them for meeting date.
2. **Summary of Property Owners affected by project**
Supplied by MnDOT. Clerk Nymann will wait until Dan Hall gets back to get the amount of taxes that will be lost due to their acquisition by MnDOT
3. **Dick Nelson didn't appreciate being stated as saying enhancement money was a 10% in a letter sent by Bertsinger to Nymann. He wants the letter corrected.**

I. Downtown Oronoco Gold Rush

Items of discussion at their meeting were:

- Paying of Bills
- Gathering Permits for DOGR
- Early Set-Up
- Recycle Cans
- Having Clerk Nymann post meeting minutes of City Web Site
- Barrels being placed in between fence and shop with gate at each end

J. Parks

1. Proclamation of Caryl Cowden Park
Clerk Nymann had a proclamation ready of the Park name change. Discussed having a special ceremony for the proclamation, and a possible sign to be put up. It was decided to have Clerk Nymann contact Don Baker to see when Caryl comes in to help with their pancake breakfast (2nd & 4th Sundays) and will get back to Council.
2. Town Hall Building
Someone has approached City and Township about buying. Township concerned about not having a meeting place, (they currently have an agrm't with City to use this facility); this will be brought up at the special meeting with township on the 14th. Also, Clerk Nymann will research the deed and abstract of this property at County records after her meeting at County Planning on Friday morning.
3. Park Equipment on West Side Ball Park
Bertsinger suggested submitting a request to DOGR for funds for this. Nelson suggested that the Park equipment should be where the new trail system will be at (the new Park from the Riverwood Hills Developments). Council agreed that there needs to be some park equipment on the west side.
Keigley stated that the ballfield over there should be named after someone, and he suggested it be former Mayor Bruce VanSickle as he was so dedicated to baseball with his sons, and for what he did for the City. Bertsinger said she saw the sentiment but that Steve Mohlke has also done a lot for the City and he played ball there. Also, dedication should be done for Erv Mohlke for the work done at the County Park.

K. Water/Sewer

Bertsinger brought to the Council's attention that if the WAC & SAC was being changed for Fitzpatrick Developments, then the Development Agreement for Whittington Acres also needed to be looked at, and to make sure the agreements state that the money can be used for any part of the City.

VIII. PETITIONS, REQUESTS, COMMUNICATIONS

- A. Invitation from Olmsted County
FYI for Council
- B. MCFOA Region VI Meeting Friday, October 1st in Kenyon (Late morning & afternoon)
Keigley motioned to have Clerk Nymann attend the Region VI MCFOA meeting in Byron on October 1st, Nelson second; all in favor, motion carried.
- C. Primary Election Review
Clerk Nymann reported that the election judges did an awesome job. And complimented Deb Mell on how she was so understanding when Cheryl had to abruptly leave for a family emergency.

IX. ORDINANCES & RESOLUTIONS

- A. 1st Reading of Ordinance 04-06 (Council Salaries)
Keigley summarized Ordinance 04-06 which increases annual compensation for Mayor from \$1,200 to \$1,500 and could turn in up to 4 meetings per month @ \$25 per mtg; Council from \$1,000-\$1,200 and could turn in up to 4 meetings per month @ \$25 per mtg. It was also pointed out that these salaries cannot take effect until after the November election. The second reading will take place at next Council meeting.
- B. Ordinance for Special Exception Permit
Canan changed wording from previous meet and before Council is the draft per the City's request. Canan discussed the Council as Board of Appeals & Adjustments. This was tabled until the next meeting.

X. OLD BUSINESS

- A. Franchise Agreement with Pine Island Telephone
Rick Keane gave a brief history Of Pine Island Cable. He also reviewed the survey put out to customers this past Spring. He and Attorney Canan have gone over the Ordinance several times. A Public Hearing is not required for it. **Keigley motioned to accept Ordinance 04-07 with noted changes, McDermott second; all in favor, motion carried.** Canan asked the Council to separately adopt the rules for the public access channel. **Bertsinger motioned to adopt the Public Access Guidelines set forth by Pine Island Telephone, Nelson second; all in favor, motion carried.** Rick also stated that Pine Island School has a Video Production Unit with Pine Island Telephone, and the class would take the lead with community events for production (concerts, special events, etc.). He also stated that Pin Island Telephone is very willing to help out in the community (such as previously using the boom truck to put up the banners, supplying flags for DOGR); he said all we had to do was just call. Also, for their service area, Pine Island and Oronoco, they sponsor with the USDA an Economic Development Program available to help communities grow. And that if anyone is interested, that they should contact him or Abraham Algadi in Pine Island. Clerk Nymann will also put this in the Newsletter.
- B. People's Cooperative Services Franchise Agreement.
Kevin stepped away from Council table for this discussion. He came back because it was determined there is no conflict of interest. Council and Canan discussed the following:
1. Franchise Fee; They state how they help out with DOGR, and it's only been this year. Council wants to see the 50% discount remain for the connect disconnect fee during DOGR & Holiday decorations.
 2. Term of the Agreement; Put at 15 years.
 5. Relocation Reimbursement; City wants to emphasize the impact that the Highway 52 project will have on this.
 6. Indemnification; Council definitely wants to keep this.
- Canan will send a letter with Council's response and contact Cheryl if they would want to attend the next regular meeting to discuss.
- C. Claim from LMC
Clerk Nymann researched this claim, and they had the wrong City.
- D. Breakdown of engineering Fees for Each Development
Fees reviewed, no action taken.

XI. NEW BUSINESS

A. Clerk Assistant

Bertsinger stated that Cheryl is overwhelmed with work and that there is money in the budget this year for a Clerk Assistant, and the City should advertise for the position to get someone in here to help. **Nelson motioned to post the advertisement for Clerk Assistant, Keigley second; DISCUSSION:** Clerk Nymann already has a job description worked up; she will work with the Personnel Committee for their input (stopping by Scott's work on Friday); set wage of \$8.50-\$11.00 per hour depending on experience and skills. **All in favor, motion carried.**

XII. PUBLIC FORUM

No Community Members Present

XIII. CLOSED SESSION

A. Legal Matter

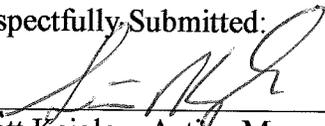
No need to close session, Dan Moulton is just asking to address this matter with the Council. Council can hear this at their next regular meeting and then Council can decide if a motion needs to be changed. Canan advised Council to be in a receiving mode to gather information for any clarifications that may be needed. **Keigley motioned to send a letter inviting them to the next regular meeting, under old business with an 'approximate' time, McDermott second; all in favor, motion carried.** Clerk Nymann will be sending the letter out.

XIII. ADJOURNMENT

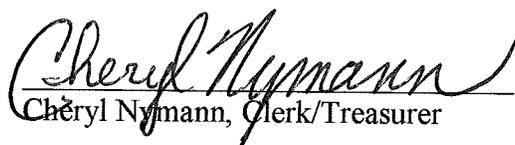
McDermott motioned to adjourn at 10:30, Nelson second; all in favor motion carried.

Canan asked Council if he could spend some time with Clerk Nymann going over the ordinances and reconciling the lists they have; it would take 1 to 1½ hours. Council approved, they will set up a time for next week.

Respectfully Submitted:



Scott Keigley, Acting Mayor



Cheryl Nymann, Clerk/Treasurer