

**City of Oronoco
City Council
MINUTES
March 21, 2023
Regular Meeting @ 6:30 pm**

<https://us02web.zoom.us/j/87357004539>

I) CALL TO ORDER

Mayor Eichhorst called the March 21, 2023 Regular City Council meeting to order at 6:30 p.m.

II) ROLL CALL

Present: Mayor Eichhorst; Councilors Phillips, Bergner, and Krause.
Councilor Richards joined later by phone from Florida.

Staff present: City Engineer Joe Palen; Public Works Director Cain Dolan; City Administrator Sunny Bjorklund Schultz

III) APPROVAL OF AGENDA (as is or as amended)

Motion by Eichhorst, seconded by Phillips to approve the Agenda as amended:

- a) to move Item VII) B. Resolution 2023-11: Naming Appointees to Inaugural EDA Board of Commissioners up in the agenda to follow Item VI) B. Water & Sewer as requested by the Mayor; and
- b) to remove Approval of the 2023 Fee Schedule from Consent Agenda [Item IX) 3] and make it the new Item VII) B as requested by the City Administrator.

Voice vote followed. Motion carried (4-0).

IV) PUBLIC FORUM (3-minute time limit per person)

1. Christa Keehr

460 River Park Road, SE

Resident stated her understanding that the Planning & Zoning Commission had put forth its recommendation for filling the vacant seat on that commission. Keehr noted that she also understood that the City Council had ultimate decision authority and reiterated her continued interest in filling the vacancy.

2. Annie Johnson

475 River Park Road, SE

Resident stated that most on Council were present at and prepared for meetings. However, Johnson stated concern that a certain Council member was not in regular attendance at meetings and, therefore, questioned that Councilor's commitment to serving the residents of the city. Johnson acknowledged that if this person's significant absences from regular and special meetings since November's election were excused absences then her point was moot, but she thought that was not the case.

After three calls for further comment, Mayor Eichhorst closed the Public Forum at 6:44 p.m.

V) PETITIONS, REQUESTS & COMMUNICATIONS (City Administrator's Memo)

A. Osland: Petition for Municipal Sanitary Sewer Connection – (letter received 2/21)

City Administrator Bjorklund Schultz relayed that Diane Osland has submitted a letter to the City petitioning to for Municipal Sanitary Sewer connection in advance of commercial development that would include a restaurant and other retail businesses. This property is within the City limits, but no plans have been submitted for review at this time.

- B. Kuehn: Petition for Municipal Sanitary Sewer Connection – 20 acres in township (verbal)
City Administrator Bjorklund Schultz reported that a verbal request for municipal sewer connection has been made by Mark Kuehn for his property. Although the city’s sanitary sewer line runs in front of Kuehn’s property, the parcel lies in Oronoco Township and does not abut the city.
Mr. Kuehn was present at the meeting and was able to share with the Council his proposed plans for development on the parcel.
- C. Tilly’s: Petition to deviate from Code Chapter 95: Assemblages (per Gathering Permit application)
City Administrator Bjorklund Schultz reported that Heather Groby, the new owner of Tilly’s, has requested a gathering permit from the city for her Grand Opening on May 20. Groby is asking that the live band be allowed to perform from 9 p.m. until 1 a.m. However, in prior conversations with staff and recently Councilor Phillips, Ms. Groby indicated the band would play until midnight with a playlist thereafter. Bjorklund Schultz noted that either time – midnight or 1 a.m. – is beyond the scope allowed in City Code.
Motion by Bergner, seconded by Phillips, to allow live music until midnight for the [one-time] Grand Opening of Tilly’s under new ownership.
Voice vote followed. Motion carried (4-0).
- D. JAG Marketing: Application for Liquor License (per application)
City Administrator Bjorklund Schultz reported that JAG submitted an application for liquor licensing at this time in order to reserve a license for the company’s new business coming to the city. Build-out remodeling is expected to commence upon issuance of a liquor license and appropriate building permitting. The owners were present at the meeting and able to share with the Council a bit of their vision for the business which includes a restaurant serving wine and spirits and a boutique store selling gifts and home décor items – and ice cream.
Motion by Bergner, seconded by Phillips, to approve a liquor license for JAG Marketing as submitted.
Voice vote followed. Motion carried (4-0).
- E. SxSE MN Brewing: Application for Temporary Liquor License for Hilltop event (per application)
City Administrator Bjorklund Schultz reported that Hilltop Camping & RV proposes to hold an event on May 6 with liquor sales by SxSE Minnesota Brewing Company, thus the application in the name of SxSE. Temporary Liquor Licenses are good for events of 1-4 days duration.
Motion by Phillips, seconded by Bergner, to approve a temporary liquor license for SxSE Minnesota Brewing Company for the Hilltop Camping & RV event on May 6 as submitted.
Voice vote followed. Motion carried (4-0).

VI) DEPARTMENTS & COMMITTEE REPORTS

A. ORONOCO COUNTY LAW ENFORCEMENT

1. Sheriff Kevin Torgerson
Olmsted County Sheriff Kevin Torgerson was on hand to speak to Council, relaying that recent activity including 3 retirements and 21 moves had resulted in promotions and other staffing changes within the County’s departments. Torgerson also introduced new appointees:
Chief Deputy Brian Howard – Law Enforcement Services
Captain Kelly Lee – Patrol Division
2. Incidents/Calls: February 2023 – Sgt. March Chambers
Council reviewed the activity report for the month of February 2023, as provided by Sgt. Chambers.

3. Prosecution Services Agreement (w/letter from Mark Ostrem, County Attorney)
Motion by Eichhorst, seconded by Krause to approve the 2023-2024 Prosecution Services Agreement with Olmsted County as presented.
Voice vote followed. Motion carried (4-0).

B. WATER & SEWER – CITY ENGINEER JOE PALEN

1. FYI: March 14, 2023, Minutes -UNAPPROVED
2. Update: WWTF Contract 1 project (March 7, 2023, Progress Update)
3. Update: Palen letter to legislators asking for support
Motion by Bergner, seconded by Phillips, to approve the Stantec-drafted letter to legislators seeking their influential support for expediting delivery of the necessary components to operate the new Wastewater Treatment Facility, as amended with minor changes.
Voice vote followed. Motion carried (4-0).
4. Update: Sanitary Sewer Collection System and Watermain Improvements Contracts 2-3
 Consulting City Engineer Palen reported that he is working with the contractor to address erosion control measures, which have been lacking.
5. FYI: Resident Notice #19 available to public at City Hall and on City Website & Facebook
6. ACTION: Approving Submittal of MDH Grant Application
Motion by Bergner, seconded by Eichhorst, to approve submission of a grant application with the Minnesota Department of Health (MDH) as presented for funding to assist property owners with costs related to the Phase 1A Water System Improvement project.
Voice vote followed. Motion carried (4-0).

THE FOLLOWING ITEM WAS RELOCATED HERE FROM SECTION VII. UNFINISHED BUSINESS ITEM B PER ACTION IN SECTION III. APPROVAL OF AGENDA

It is noted, for the record, that Councilor Richards had been trying to connect via ZOOM, but was unable to do so and thus joined the following discussion by phone.

Resolution 2023-11: Naming Appointees to Inaugural EDA Board of Commissioners

Mayor Eichhorst shared his slate of EDA Commissioners for the various terms cited on the resolution for Council consideration. In descending order by term length, the mayor proposed the following:

| | |
|-------------------------------|-----------------------------------|
| Term ending December 31, 2028 | Jamie Rothe |
| Term ending December 31, 2027 | Jeff Schuppe |
| Term ending December 31, 2026 | Marcia Krieger |
| Term ending December 31, 2025 | Adam Beadling |
| Term ending December 31, 2024 | Dana Bergner (council member) |
| Term ending December 31, 2024 | Ryland Eichhorst (council member) |
| Term ending December 31, 2023 | Jessie Maes |

Motion by Eichhorst, seconded by Bergner to adopt Resolution 2023-11 approving the slate of EDA Commissioners as proposed by the mayor.

Councilors Phillips and Richards advocated for the inclusion of Jan Thronson on the Commission in lieu of Jamie Rothe. Councilors shared their views on this substitution and the mayor spoke to his rationale in evaluating all candidates, including Jan.

Councilor Richards thanked the mayor for his comments and gave his concern regarding a comment Jamie had made in her interview that he felt was discriminatory. Councilor Bergner suggested that perhaps Richards should have a one-to-one conversation with Jamie; perhaps he was misunderstanding her.

Mayor Eichhorst noted that this was the first Board and there would be opportunities for these and others to apply as these initial terms expire.

Councilor Krause asked the City Administrator if all the work Councilors had done was for nothing. Bjorklund Schultz responded that all council members had received the cumulative totals by candidate. Councilors Krause and Phillips asserted that they had not received the data, with Richards stating that he had not checked his emails. Bjorklund Schultz left the meeting to make copies for Krause and Phillips, during which time Phillips found the email and read the scores noted the two lowest scores.

Roll call vote followed. Motion failed (2-3; with Councilors Phillips, Richards, and Krause voting nay).

The mayor then suggested an adjustment to his original slate, replacing Jessie Maes with Jan Thronson for the term expiring December 31, 2023.

Motion by Eichhorst, seconded by Richards to adopt Resolution 2023-11 approving the slate of EDA Commissioners as revised by the mayor to read as follows:

| | |
|-------------------------------|-----------------------------------|
| Term ending December 31, 2028 | Jamie Rothe |
| Term ending December 31, 2027 | Jeff Schuppe |
| Term ending December 31, 2026 | Marcia Krieger |
| Term ending December 31, 2025 | Adam Beadling |
| Term ending December 31, 2024 | Dana Bergner (council member) |
| Term ending December 31, 2024 | Ryland Eichhorst (council member) |
| Term ending December 31, 2023 | Jan Thronson |

Councilor Phillips stated he would like to discuss the other names on the slate to which Mayor Eichhorst responded that, per statute, the mayor appoints.

Councilor Phillips stated he would like to discuss leaving Jessie in but putting Jan in the place of Adam. Councilor Bergner responded that it makes sense to have Adam, a realtor, serve on the Commission.

Roll call vote followed. Motion carried (4-1; with Councilor Bergner voting nay in opposition to Jessie Maes being replaced).

NOTE:

Immediately following this vote, Councilor Krause stood and stated that he was resigning from Council "effective immediately." City Administrator Bjorklund Schultz reminded Krause that his resignation must be in writing. Krause indicated that his letter was already in the hands of another council member.

Motion by Eichhorst, seconded by Bergner to declare a vacancy on the Council.

Voice vote followed. Motion carried (4-0).

C. PUBLIC WORKS

1. ACTION: Bobcat replacement (Dolan memo)
Public Works Director Dolan reviewed options for Council consideration regarding the replacement of the department's existing bobcat with a new track machine. Dolan was not requesting action at this time, so the proposed motion by Eichhorst/second by Phillips was withdrawn and Dolan agreed to return with a recommendation for Council consideration at the April meeting.
2. ACTION: Plate Compactor (Dolan memo)
Public Works Director Dolan reviewed his request for the purchase of a plate compactor for use in filling potholes, repairing shoulders, general construction and adjusting water/sewer utilities.

Motion by Eichhorst, seconded by Phillips, to approve the purchase of the proposed plate compactor from Farrell Supply at a cost of \$1,799.90 as requested.

Voice vote followed. Motion carried (4-0).

D. FIRE DEPARTMENT

1. FYI: Minutes of February 13, 2023
2. FYI: Activity (see Sundt memo)

Fire Chief Dan Sundt's report showed 4 runs; five invoices totaling \$975.36; and noted that Johann Sonnenberg is now a Minnesota State Certified Fire Instructor.

E. ORONOCO FIRE RELIEF ASSOCIATION

1. FYI: Minutes of February 13, 2023

F. FIRST RESPONDERS

1. FYI: Minutes of March 6, 2023
2. FYI: Activity (see Sundt memo)

First Responders Director Dan Sundt's report showed a total of 11 calls (5 city, 6 township); his appearance and report to the Oronoco Township Board; and five invoices totaling \$1,480.46.

City Administrator Bjorklund Schultz noted that she, too, had attended the Oronoco Township Board meeting where it was noted that the Townships allocation in support of the Oronoco First Responders has been stagnate for years. In subsequent conversation with Township Board members, it was agreed that the City Administrator and Township Clerk will work together to develop a more equitable system for financial support, which will then be submitted to both the Oronoco Township Board and Oronoco City Council for consideration and approval.

G. EMERGENCY OPERATIONS – Nothing

H. STREETS & ROADS

1. Discussion: Speed Limits (Note: The Streets & Roads Committee is expected to meet soon)

I. PLANNING & ZONING

1. FYI: 2023 Building Permit Activity report – January and February
The Building Permit report for the months of January and February shows a total of 11 permits issued, three and eight, respectively. Cumulative value of the permits totaled \$87,760.00.

2. FYI: Minutes of March 9, 2023 Meeting – UNAPPROVED

3. ACTION: Resolution 2023-08: Amending 2023-08 to change time + Vacancy Appointment
Motion by Phillips, seconded by Eichhorst, to adopt Resolution 2023-08 changing the time for Planning & Zoning Commission meetings (from 7:00 to 6:30 p.m.) and appointing Paul Pendergrass to the vacant seat on the Commission, as recommended by the Planning Commission.
Roll call vote followed. Motion carried (2-1; Eichhorst and Phillips voting aye; Bergner voting nay noting that we keep asking for new people to engage in these opportunities, but then ignore).
Richards was absent as was Krause.

J. PARKS & TRAILS

1. FYI: No meeting in March; no Minutes
2. UPDATE: ZRRWT Revenue/Expenditures

Council reviewed the recap of ZRRWT activity as prepared by Mayor Eichhorst.

3. ACTION: Resolution 2023-09: Approving LCCMR Grant Application
Motion by Eichhorst, seconded by Phillips, to adopt Resolution 2023-09 approving submittal of a grant application in the amount off up to \$200,000 as presented for Legislative-Citizen Commission on Minnesota Resources (LCCMR) funding in response to the 2024 Environmental and Natural Resources Trust Fund (ENRTF) Request for Proposals.
Roll call vote followed. Motion carried (3-0; Eichhorst, Bergner and Phillips voting aye).

4. UPDATE: MNDOT – Lake Shady Peninsulas and Fencing (Mayor Eichhorst)
Mayor Eichhorst reported on and Council reviewed emails from Olmsted County staff that at one point (via email string leading to a February 10, 2016 email from Steve Kirsch at MNDOT) MNDOT had committed to installing fencing along the peninsulas at the right-of-way boundary at its expense in lieu of payment from the City for the land which makes up the peninsulas. Mayor Eichhorst will continue to pursue the matter with others now that it is his understanding that Steve Kirsch has retired.

K. PERSONNEL/COMMUNITY CENTER

1. Discussion: Stair Chair Lift (Mayor Eichhorst)
Mayor Eichhorst reported that he was seeking bids for a stair lift to be installed in the building, at minimum to provide access to the upper level of the building.
Motion by Eichhorst, seconded by Bergner, to authorize the installation of a chair lift to the second level of the community center at a cost of up to \$3,500.
Voice vote followed. Motion carried (3-0).

2. Discussion: Sign Replacement at Community Center (LED) with consideration of a second sign on the West side of 52 (Mayor Eichhorst)
Mayor Eichhorst reported that he was seeking bids for an LED sign to replace the existing sign at the community center, as well as investigating cost for installing a second sign on the West side of 52 to better inform residents. Additional information will be shared as it becomes available and as costs are solidified.
Motion by Phillips, seconded by Bergner to approve funding of up to \$30,000 for the LED signage at the Community Center, with consideration of a second sign on the West side of 52.
Motion withdrawn and matter tabled to the May council meeting.

3. FYI: Councilor Phillips – request to attend LMC Conference (Duluth in June)
 Mayor Eichhorst reported that he and Stantec propose nominating the WWTF for a city award next year, which carries \$1,000 to the city. Eichhorst said Stantec would be applying for other engineering awards.
Motion by Eichhorst, seconded by Phillips, to approve Councilor Phillips’ request to attend the June LMC Conference in Duluth, with friendly amendment by Councilor Bergner to allow up to two council members to attend.
 Councilor Bergner noted that it would be nice to have a rotational system whereby other members might also have an opportunity to attend these events, say, two per year. It was also noted that the LMC Conference is scheduled for Rochester in 2024.
Voice vote followed. Motion carried with friendly amendment (3-0).

4. FYI: Staffing Update
 City Administrator reported that choices are made, offers are out, and she is waiting for responses.

5. ACTION: Adopt City of Oronoco Organizational Chart
 City Administrator Bjorklund Schultz reviewed the prepared Organizational Chart prepared for the City, reflecting the residents as the highest level from whom all other leadership, staff, commissions and committees flow.
Motion by Eichhorst, seconded by Bergner, to approve the Organizational Chart for the City of Oronoco as presented.
Voice vote followed. Motion carried (3-0).

6. ACTION: Approval to move to using Oronocomn.gov (versus .com) for the City
 City Administrator Bjorklund Schultz requested the Council consider shifting to a .gov naming convention for city emails to project a more suitable and professional image.
Motion by Bergner, seconded by Eichhorst, to approve shifting to a .gov naming convention for the City of Oronoco.
Voice vote followed. Motion carried (2-1; Phillips objecting on the basis he didn’t want to change).

L. DOWNTOWN ORONOCO GOLD RUSH DAYS

1. FYI: Minutes of February 14, 2023 meeting – UNAPPROVED
2. FYI: Gathering Permit for Gold Rush Days 2023 – August 17-21
 Given the time, it was agreed that this item would be tabled until the April meeting.
3. ACTION: Approve Hold Harmless Agreement between GR and City
 Given the time, it was agreed that this item would be tabled until the April meeting.

VII) UNFINISHED BUSINESS

- A. ACTION: Resolution 2023-10: Delegating Local Board of Appeal & Equalization Open Book Meeting to Olmsted County
Motion by Eichhorst, seconded by Bergner to adopt Resolution 2023-10 delegating Local Board of Appeal & Equalization Open Book Meeting to Olmsted County.
Roll call vote followed. Motion carried (3-0).

~~ACTION: Resolution 2023-11: Naming Appointees to Inaugural EDA Board of Commissioners~~
THIS ITEM MOVED UP IN ORDER TO AFTER WATER & SEWER AND BEFORE PUBLIC WORKS per action during Item III. Approval of Agenda.

- B. ACTION: 2023 Fee Schedule (pursuant to 3/7 Workshop) effective April 1, 2023
Motion by Eichhorst, seconded by Phillips to approve the 2023 Fee Schedule as amended, with an effective date of April 1, 2023.
Voice vote followed. Motion carried (3-0).

VIII) NEW BUSINESS

IX) CONSENT AGENDA – Approve all items with one motion

1. ACTION: Staab construction Pay Request #15 for \$362,082.05 (cover pg only in packet)
2. ACTION: Fitzgerald Excavating & Trucking Pay Request #13 for \$782,017.97 (cover pg only in packet)
3. ACTION: 2023 Fee Schedule (pursuant to 3/7 Workshop) effective April 1, 2023
4. ~~APPROVAL OF MINUTES~~
5. ACTION: FINANCIALS
 - a. Water Summary for February 2023
 - b. Check Register Report for February 2023 totaling \$78,995.11
 1. General Fund 100 \$69,851.50
 2. Water Fund 600 \$ 9,143.61
 - c. Frandsen Bank & Trust – February 2023 check summary: 6833-6869 totaling \$78,995.11
 - d. EFT Payments for February 2023 totaling \$34,349.45
 - e. Frandsen Bank & Trust Account Summary
 - f. Budget Comparison as of February 28, 2023 (with YTD actuals as %age of CY budget)

Motion by Bergner, seconded by Eichhorst to approve the Consent Agenda as presented.

Voice vote followed. Motion carried (3-0).

X) ADJOURNMENT

Motion by Eichhorst, seconded by Bergner to adjourn the March 21, 2023 regular Council meeting at 10:19 p.m. Motion carried by unanimous consent.



Ryland Eichhorst, Mayor

Attest:



Sunny Bjorklund Schultz, City Administrator