

City of Oronoco

City Council

MINUTES

April 18, 2023

Regular Meeting @ 6:30 pm

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

I) CALL TO ORDER

Mayor Eichhorst called the April 18, 2023, City Council meeting to order at 6:41 p.m.

II) CITY ADMINISTRATOR’S COMMENTS REGARDING 3/21 COUNCIL MEETING

“Honorable Mayor, Councilors, audience members here, and those who may view this meeting hereafter:

I want to offer just a few comments regarding my role at the March 21st Council meeting. Thank you for allowing me to do so.

Like many, I was stunned by what occurred at that meeting. Thereafter, I was disenchanted in my own actions. I have been the lead across public, private, and nonprofit sectors for years and pride myself in specific areas of governance and protocol.

That said, I know full well that a resignation by any elected official in the public sector must be accomplished in writing with specific criteria. I know, too, that any declaration of vacancy in the seat must be done by resolution. Knowing these things, I failed to act appropriately, and I apologize.

To be clear:

1. No resignation letter was received at City Hall.
2. Therefore, no vacancy was created despite my having recommended to the mayor that a vacancy should be declared. Again, specifically to you, Mayor Eichhorst, I apologize.; and
3. With no resignation received, Councilor Krause is here tonight and going forward as a duly elected member of the Oronoco City Council.

Finally, it is my hope that the March 21st council meeting becomes an anomaly, and we can all move forward to accomplish great and exciting things for the City.

As someone I admire suggested in a conversation with me today... let's show each other some grace.

Thank you.”

III) ROLL CALL

X	Mayor Ryland Eichhorst
X	Councilor Dana Bergner

X	Acting Mayor Jim Phillips
X	Councilor Jim Richards
X	Councilor Carl Krause

Staff Present: City Engineer Joe Palen; City Attorney Mike Flaherty; City Planner Phil Carlson;
Public Works Director Cain Dolan; City Administrator Sunny Bjorklund Schultz

IV) APPROVAL OF AGENDA

Motion by Phillips, seconded by Richards, to approve the Agenda as presented.
Voice vote followed. Motion carried (5-0).

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

1. Annie Johnson – re: Council representation for benefit of residents

(Ms. Johnson’s comments here were submitted by email because she was interrupted from the council table, running out of time, and asked to leave the meeting prior to stating her final paragraph.)

“Last month I came and practiced my right and my duty as a community member and shared concerns that I have in front of this council. I followed all rules, I followed all expectations for decorum. As many of us saw, hours later a council member in a fit seemingly from out of nowhere, stormed out with a verbal resignation. It’s all right there to watch on the city’s YouTube channel in case you missed it. Days after all of this, the same council member rescinded his resignation and called me out by name in generously lengthy tirade published in the RPB, stating that I was the reason he stormed out of the meeting after having denied just that during his actual exit on the night of the meeting. Now, I’m not sure where any of that sits legally, but ethically I know it violates every construct I can think of. Luckily, as a grown woman, I’m strong enough to handle that kind of nonsense. But many people wouldn’t be - many would see this behaviour as threatening, intimidating, and to use a popular term humiliating. If faced with possible retaliation like that - many would feel it’s better to just keep ones mouth shut than to bring forward concerns. What kind of message is this sending to the community - come share your concerns with us?

This all begs the question...what is going on with this council?

We need to take a serious step back and ask what kind of council are we going to tolerate as a community? One where a councilman can publicly smear a community member for doing nothing but exercising her rights and duty as a community member? A council that, when appropriately challenged, results in a member breaking any sense of decorum causing complete disruption and delay of otherwise important work? Or one where community members who want to engage on boards and committees are receiving that message that one important qualifier is being a older retired white man if they really want a chance? Or a council where support for successful initiatives like seeking funding for women owned businesses is described by council members as discriminatory - because you know it’s clear there aren’t enough white male voices at the table here.

This - all of this has taken place in just the past month with this council. And we see all of it. It’s not going unnoticed. And we deserve better than all of this as a community. “

2. Jenna Kuehn – re: Garage Variance (see Item VII. I. 4)

[Kuehn was mistakenly allowed to speak during the public forum rather than at the appropriate time and exceeded the three minutes called for during public form because of a question from council.]

Ms. Kuehn’s comments included:

- Did not attend the P&Z meeting, but did watch
- Green space requirement met
- Hard space requirement met
- Proposed garage must be attached per subdivision rules (River Park)
- Under 5% requirement for accessory space
- Asking council’s permission to move forward with new garage

Councilor Bergner asked for clarification of the ask compared to city code to which Kuehn responded with her understanding, focusing on the 5% portion statement in the city code.

After three calls for further comment, Mayor Eichhorst closed the Public Forum at 6:55 PM.

VI) PETITIONS, REQUESTS & COMMUNICATIONS

A. *Resident email regarding speeding

Mayor Eichhorst referenced the email from Joe Boesche that was in the Council packet, stating:

“Dear Oronoco City Council,

I am writing to express my deep concern regarding the speed at which cars are driving on 5th St SE and the fact that cars are blowing through the stop signs at the corner of 5th St SE and 2nd Ave SE. As a parent, I am particularly worried about the safety of the children in our community who often play outside, wait for school buses or engage in outdoor activities in the area.

Unfortunately, the addition and use of sidewalks on 5th St SE is not an option and makes it even more dangerous for pedestrians, including children, who are forced to share the road with cars that are often driving at excessive speeds. Furthermore, the disregard for stop signs only adds to the already hazardous situation.

I believe that it is crucial for the city council to take immediate action to address this pressing issue. One possible solution would be to establish a speed limit of 20mph on 5th St SE, which would not only improve the safety of the area but also create a more comfortable and enjoyable environment for everyone.

Alternatively, I would urge the city council to consider the implementation of speed bumps on 5th St SE to further reduce the speed of cars and to encourage drivers to slow down, especially around the intersection of 5th St SE and 2nd Ave SE.

I sincerely hope that the city council will take action to address this important matter and prioritize the safety of our community, especially the safety of our children. Thank you for your attention to this matter.”

Councilor Bergner stated she agreed that something needs to be done about speeding on residential streets. Bergner encouraged residents to reach out to their HOA’s and groups, especially with warmer weather and children being outside. She added that some speeding is done by nonresidents in the area, but not all.

Mayor Eichhorst agreed that residents want to be outside, and that speed is a growing concern in the city.

VII) DEPARTMENTS & COMMITTEE REPORTS

A. ORONOCO COUNTY LAW ENFORCEMENT

1. *Incidents/Calls: March 2023 – Sgt. Adam Rinn

Mayor Eichhorst noted Sgt. Rinn is the city’s new contact, having taken over from Sgt. Mark Chambers. Eichhorst also noted that of the 50 calls on the March 2023 report in the packet, 24 were for traffic stops; so, we know that the concerns forwarded to the county are being addressed.

City Administrator Bjorklund Schultz added that in addition to bringing Mr. Boesche’s concern to Council, she had also shared the same with the county.

Sgt. Rinn did return to the meeting midway through the Engineer’s report and was able to offer an introduction of himself.

B. WATER & SEWER – CITY ENGINEER JOE PALEN

City Engineer Joe Palen provided an overview of progress under Contract 1

1. *FYI: March 14, 2023, Minutes -APPROVED
2. *FYI: April 11, 2023, Minutes - UNAPPROVED
3. WWTF Contract 1 project

City Engineer Joe Palen provided an overview of progress under Contract 1, which is really moving along. Most concrete work will be winding down, nearing completion.

The switchgear at the front of the plant is delayed until the fall of 2024, a year later than expected. Options are being explored to find an alternative to make the facility and system operational and a plan is coming together to achieve operation until the larger, original panel becomes available.

Commissioning is now expected in September, with operations in October.

Palen again encouraged anyone interested to contact him for a site visit.

4. Sanitary Sewer Collection System and Watermain Improvements Contracts 2-3

City Engineer Joe Palen provided an overview of progress under Contracts 2-3 noting that installation of force main is being done and in some areas has been completed. Residents are encouraged to read the regular project updates.

5. Set date for Wastewater System Project Construction Open House (mid-May?)

Mayor Eichhorst stated that open houses are being scheduled for May 22 and 23 so that residents can learn about the project.

Palen added that residents are welcome to attend the open houses to learn about construction, the project overall, or ask questions specific to them. Guidance documents being developed by staff will include programs identified and contact information for funding options.

6. Gas Main to the Oronoco WWTF

Palen provided background and status regarding running gas lines to the WWTF. Gas is costing significantly more than the allowance budgeted in the contract, but the proposed Agreement is significantly less than what was first proposed. Palen is asking Council's approval to execute the Agreement as included in the packet.

Motion by Eichhorst, seconded by Bergner, to approve execution of the Agreement with Minnesota Energy Resources (MERC) to construct the gas main to the wastewater treatment facility in the amount of \$62,718.10 as presented.

Voice vote followed. Motion carried (5-0).

7. *FYI: Resident Notice #20 available to public at City Hall and on City Website & Facebook

C. PUBLIC WORKS

1. Skid loader replacement and trailer (Dolan memo)

Public Works Director Cain Dolan presented options for Council's consideration regarding trading in the current 2018 Bobcat Toolcat for a new track skid loader and options for a trailer to move the new machine. Dolan's request was for authorization to purchase a machine (with trade-in) and trailer at a cost not to exceed \$50,000. His combined recommendations total \$48,455.05, with funding to come from CIP funds.

Motion by Richards, seconded by Eichhorst, to approve acquisition of:

(a) Caterpillar 259D3 track skid loader from Ziegler Cat in Rochester at a cost of \$76,134.05 less trade-in of \$38,000 for the city's 108 Bobcat Toolcat for a net of \$18,134.05, and

(b) Midsota TB 83x20, Tilt-style Trailer GVWR 15,400 from Absolute Trailer Sales in Inver Grove Heights at a cost of \$10,321 as recommended by Public Works Director Cain Dolan.

Voice vote followed. Motion carried (5-0).

D. FIRE DEPARTMENT

1. *FYI: Minutes of March 13, 2023
2. *FYI: Activity

- a) Runs = 0
- b) OFD is interested in putting up a small Conex container somewhere to store things currently at the fire hall and asks for guidance/restrictions on location.
- c) FYI and for public awareness, OFD is doing a Multi-Casualty Incident training event with other agencies at 6 PM on April 24; and then doing a Mayo One Landing training at 6 PM on May 1.

E. ORONOCO FIRE RELIEF ASSOCIATION

- 1. *FYI: Minutes of March 13, 2023

F. FIRST RESPONDERS

- 1. * FYI April minutes
- 2. *FYI: Activity
 - a) 13 runs; two in the city and 11 in the township
 - b) Training as noted in Item D. 2. (c) above.

G. EMERGENCY OPERATIONS

H. STREETS & ROADS

- 1. Streets & Roads Committee meeting of April 4 (Dolan/Richards/Eichhorst/CA)

Mayor Eichhorst reported that the committee had met to discuss issues, with a couple being key – stop signs and speed limits.

Councilor Richards added that the committee was recommending three-way stops at (a) 1st Street and 9th Avenue NW, (b) Center Street West and 9th Avenue, and (c) 2nd Avenue and Timberline, with speed limit and “stop ahead” signs.

The City Administrator added that the signs would be flagged because they are new placements, which Councilor Bergner appreciated.

Bergner asked that we do our best to notify people.

Eichhorst noted that there are blind driveways near several of these intersections.

Public Works Director Dolan reported that signs are on order.
- 2. 2023 Street Condition Assessment & Maintenance Work (Committee and Palen)

Major Eichhorst reported that the city typically conducts an annual review of street conditions, adding that many of our streets are involved with the water/sewer project.

Palen stated that the city conducts a review for crack filling, sealcoating and striping every two years and this is that year. It was agreed that the committee and Palen would meet in late April or early May to do a review to develop a scope of work for soliciting quotes.

Motion by Phillips, seconded by Richards, to authorize solicitation of bids for crack filling, sealcoating, and striping.

Voice vote followed. Motion carried (5-0).
- 3. Street Sweeping Quotes

Public Works Director Dolan said we have fewer streets to do this year because of the water/sewer project, but there might be streets that need added attention and the proposal allows flexibility for the city to achieve that by working with the contractor.

Motion by Eichhorst, seconded by Richards, to approve up to \$4,000 for street sweeping using street maintenance funds.

Voice vote followed. Motion carried (5-0).

I. **PLANNING & ZONING**

1. *FYI: 2023 Building Permit Activity report – 1st Quarter
2. *FYI: Change in Building Official services
Mayor Eichhorst reviewed the letter from SE Building Inspections, LLC introducing the transfer of the firm and its clientele to Construction Management Services (CMS), which was recently acquired by WSE Engineering Services, Ltd.
Casey Paul stated that he and Roger had both taken jobs in other professions outside of building inspections, although they do remain licensed, and had intentionally sought out CMS because of their shared business philosophy.
Tom Weiner introduced himself and gave a broad overview of his companies and divisions. Weiner stated a commitment to provide the city with the level of service we have received with Roger and Casey Paul.
3. *FYI: Minutes of April 13, 2023, Meeting – UNAPPROVED
4. **Resolution 2023-12: Approving or Denying Variance for Kuehn Garage**
Councilor Phillips reported the Planning & Zoning Commission’s 6-1 vote to deny the variance after a significant amount of discussion by the commissioners. Phillips also reviewed the Findings of Fact the commission had to consider for approval or denial, which required denial of the Kuehn application.
City Planner Phil Carlson, Stantec, stated that Phillips had summarized the meeting very well. Carlson added that what is being proposed is not absurd; the issue lies in the size of the proposed garage and how the City Code is currently written.
Councilor Bergner had a question regarding the lot size. Using the City Code’s reference of five percent (5%), the Kuehn’s accessory total 1,784
Carlson noted that 5% is in the code, but that is just part of the City Code, which calls for the “lesser of the two” option included in the Code’s table.
Bergner argued that there were some extraordinary circumstances unique to the Kuehn property, specifically the ravine in their backyard and the HOA allows only one driveway.
Phillips and Carlson both stated that neither the ravine or driveway had any impact on the proposed project nor were either issue a consideration in the recommendation to deny. Carlson said the issue exists solely because of the size of the proposed garage given the current Code. Carlson recommended the Council and Commission consider amending the Code.
Councilor Richards stated that the commission was not opposed to the garage but was required to adhere to the current Code. Richards said P&Z was committed to moving this up on their list of code amendments.
Planner Carlson recommended the commission and council focus on amending the Code, irrespective of this specific application.
Motion by Eichhorst, seconded by Richards, to authorize 60 days extension on the Kuehn application; to direct staff/consultants to work on code amendment for Planning & Zoning consideration at the May 11 meeting; and to table the application and Public Hearing on Ordinance until the Council meeting on May 16.
Voice vote followed. Motion carried (5-0).

J. **PARKS & TRAILS**

1. *FYI: April 3, 2023, Unapproved Minutes
2. MNDOT – Lake Shady Peninsulas and Fencing (Mayor Eichhorst)
Mayor Eichhorst reported he is waiting on a response from the District Manager for Region 6.
3. Port-a-potties

Public Works Director Cain Dolan presented options for placement and services of port-a-potties in the city's parks.

Motion by Bergner, seconded by Krause, to approve Option 1 with On Site Companies at a cost of \$4,932.00 as presented in Public Works Director Dolan's submittal.

Voice vote followed. Motion carried (5-0).

K. PERSONNEL/COMMUNITY CENTER

1. *FYI: Ranae Rohe Report re: March MCFOA training (Rohe memo)

2. Stair Chair Lift (Mayor Eichhorst)

Mayor Eichhorst provided information and rough estimates for a stairlift to be installed at City Hall. Eichhorst also noted that the state of Minnesota does not allow any type of lift on stairs in any public buildings unless the state's Access Review Committee" determines differently.

Motion by Eichhorst, seconded by Bergner, to approve the proposal by Access Lifts, Inc. in the amount of \$6,750 as presented and to authorize application for a Waiver of Installation of a Stairway Chairlift with the Access Review Committee.

Voice vote followed. Motion carried (5-0).

3. Sign Replacement at Community Center (LED) with consideration of second sign on West side of 52
Mayor Eichhorst reported that he had gone out to four companies for proposals and received two responses, which were included in the agenda packet. The proposals are for two LED message signs, one at the community center along with a proposed second double-sided sign on the West side of 52. Discussion ensued, including Mayor Eichhorst referencing the Sign Ordinance. Eichhorst stated funding would come from ARP funding.

It was noted that the existing sign at the community center might be donated to the Lion's Club, which has expressed interest to the City Administrator.

Motion by Eichhorst, seconded by Krause, to table the message boards until the May 16 meeting.

Voice vote followed. Motion carried (5-0).

4. Staffing Update & Request for Authorization to hire seasonal staff (within budget)

City Administrator Bjorklund Schultz reported that the Administrative Assistant starts May 1; the Project Assistant job description will be tweaked and reposted; and requested that she and Cain be allowed to interview, make the offers, and hire the seasonal employees as soon as possible.

Motion by Eichhorst, seconded by Bergner, to authorize the City Administrator and the Public Works Director to interview and hire seasonal staff.

Voice vote followed. Motion carried (5-0).

5. Adopt City of Oronoco Organizational Chart – REVISED

Revision now includes a solid line for the Personnel Committee as an escalation step between the City Administrator and Council; the dotted line connects all employees to the City Administrator, and on to the Personnel Committee as warranted. The other thing the City Administrator noted is that she must authorize all consulting services and added her appreciation for the city's consultants in adhering.

Motion by Bergner, seconded by Richards, to adopt the revised City Organization Chart as presented.

Voice vote followed. Motion carried (5-0).

L. DOWNTOWN ORONOCO GOLD RUSH DAYS

1. FYI: No quorum on April 6; workshop only

2. Resolution 2023-13 Downtown Oronoco Gold Rush Designation of Right-of-Ways

Motion by Eichhorst, seconded by Bergner, to adopt Resolution 2023-13 Approving the Designated Use of Rights-of Way to Downtown Oronoco Gold Rush, Inc. for August 17-20, 2023.

Roll call vote followed. Motion carried (5-0).

VII) UNFINISHED BUSINESS

A. ARPA Funds usage

Mayor Eichhorst introduced Resolution 2023-18 defining how ARPA funds are used.

Motion by Richards, seconded by Eichhorst, to adopt Resolution 2023-18 as presented.

Roll call vote followed. Motion carried (5-0).

VIII) NEW BUSINESS

A. Council Attendance (City Attorney Flaherty)

City Attorney Mike Flaherty was available should any on Council have any questions to his Attorney-Client Privilege memo. Flaherty reiterated that when people are going to attend remotely, certain notice requirements apply, and Sunny needs the details. In answer to a question from Councilor Bergner, appearing by phone is not allowed, without exception including technological glitches. Pursuant to State Statute, participants must see and hear each other. If you cannot be present in accord with State Statute, do not vote.

B. LMC Training for Council, Planning & Zoning & EDA

Date is yet to be determined for this baseline training on Open Meeting Law, ethics, etc.

C. Stantec Development Services (ex. Pearson)

Mayor Eichhorst asked the City Administrator to speak to this issue.

Bjorklund Schultz said the issue is not specific to Stantec or Mr. Pearson but begs the question of how the City wants to handle these issues that could present a conflict of interest when individuals or developers wish to engage the services of the city's consulting staff.

D. Resolution 2023-14 in support of SF3087 (TMO)

Mayor Eichhorst introduced Resolution 2023-14.

Motion by Eichhorst, seconded by Bergner, to adopt Resolution 2023-14 in Support of SF 3087

Amendment for Appropriation; Transportation Management Organization (TMO) Development as presented.

Roll call vote followed. Motion carried (5-0).

E. Resolution 2023-15 in support of HF 1285 (TIF)

Mayor Eichhorst introduced Resolution 2023-15. Eichhorst noted that both resolutions are supported by the League of MN Cities.

Motion by Eichhorst, seconded by Krause, to adopt Resolution 2023-15 in Support of HF 1285 to

Remove Income Restrictions for Tax Increment Financing (TIF) in Nonmetropolitan Counties of Minnesota as presented.

Roll call vote followed. Motion carried (5-0).

F. Meeting etiquette

City Administrator Bjorklund Schultz stated that Councilors Richards and Phillips had requested this item be on the agenda.

Councilor Richards said that he thought residents should not be able to humiliate council members and would like to see some guidelines established to govern speech.

Councilor Phillips added that there were repercussions to speech at the last meeting and raising questions about a member's owning property. Phillips stated he had also heard through the grapevine that Sunny had supposedly said that no one could call the League of MN Cities; all contact had to go through her – Phillips acknowledged that he did know whether that was true or not but added that he thought anyone on council should be able to feel free to contact the League.

Mayor Eichhorst noted that when residents speak during Public Forum it is not always known what they might say, and free speech is a right.

Councilor Bergner would love to see everyone treat each other with more respect.

City Attorney Flaherty weighed in suggesting that if the council wanted to establish some rules, Sunny can bring a recommendation or bring examples for consideration. Key, however, is universal application. Councilor Richards asked Flaherty what his take on newspaper articles; should the city limit who can speak to the press, designate a single contact person? Eichhorst recommended simply responding with, “no comment.”

Flaherty said that each council member has free speech and can speak to whomever, have their own Facebook page, etc. Members cannot violate state law, ethics rules, etc.

Richards said just be decent.

G. Motion by Eichhorst, seconded by Bergner, to remove Items 3 and 4 from the Consent Agenda (they were inserted here).

Voice vote followed. Motion carried (5-0).

3. Taft Memo

- i. Resolution 2023-16 Consenting to the Amendments to the City’s Senior Housing Revenue
- ii. Allonge to Note
- iii. Note of Interest Rate Change

Motion by Eichhorst, seconded by Bergner, to adopt Resolution 2023-16 Consenting to Amendments to the City’s Senior Housing Revenue Refunding Note (Wedum Shorewood Campus, LLC Project) Series 2015A as presented.

Roll call vote followed. Motion carried (5-0).

4. EDA Correcting Resolutions

- i. Resolution 2023-05b Amending 2023-05 to align EDA Enabling Resolution to Statute
Motion by Eichhorst, seconded by Krause, to adopt Resolution 2023-05b Amending Resolution 2023-05 Enabling the Creation of an Economic Development Authority to align with State Statute 469.095 Subd. 2 as presented.
Roll call vote followed. Motion carried (5-0).
- ii. Resolution 2023-11b Amending 2023-11 to align Inaugural EDA Board to statutory terms
Motion by Eichhorst, seconded by Bergner, to adopt Resolution 2023-11b Amending Resolution 2023-11 Naming Inaugural Appointees to the EDA Board as presented.
Voice vote followed. Motion carried (5-0).

IX) CONSENT AGENDA

Motion by Bergner, seconded by Phillips, to approve the Consent Agenda as amended.

Voice vote followed. Motion carried (5-0).

1. *ACTION: Staab construction Pay Request #16 for 355,502.35 (cover pg. only in packet)
2. *ACTION: Fitzgerald Excavating & Trucking Pay Request #14 for \$180,245.70 (cover pg. only in packet)
3. ~~* ACTION: Taft Memo~~
 - ~~i. Resolution 2023-XX Consenting to the Amendments to the City’s Senior Housing Revenue~~
 - ~~ii. Allonge to Note~~
 - ~~iii. Note of Interest Rate Change~~
4. ~~*ACTION:~~
 - ~~i. Resolution 2023-5b Amending 2023-05 to align EDA Enabling Resolution to Statute~~
 - ~~ii. Resolution 2023-11b Amending 2023-11 to align Inaugural EDA Board to statutory terms~~
5. *APPROVAL OF MINUTES:
 - a. 12/20/22 City Council Special Meeting re: EDA
 - b. 12/20/22 City Council Regular Meeting
 - c. 01/17/23 City Council Regular Meeting
 - d. 02/21/23 City Council Regular Meeting

6. *ACTION: FINANCIALS

- a. *Water Summary for March 2023
- b. *Invoice Status Report for March 2023 totaling \$2,521,911.57
 1. General Fund 100 \$ 1,232,162.54
 2. WAC/SAC Fund 410 \$ 1,255,157.07
 3. Water Fund 600 \$ 34,591.96
- c. *Frandsen Bank & Trust – March 2023 checks 6874-6941 totaling \$2,529,124.30
- d. EFT Payments for March 2023 totaling \$48,084.54
- e. *Frandsen Bank & Trust Account Summary
- f. *Budget Comparison as of March 31, 2023 (with YTD actuals as %age of CY budget)

X) **ADJOURNMENT**

Motion by Eichhorst, seconded by Bergner, to adjourn the April 18, 2023, regular City Council meeting at 10:25 PM.

Motion carried unanimously.



Ryland Eichhorst, Mayor

Attest:



Sunny Bjorklund Schultz, City Administrator