

City of Oronoco City Council
Approved Meeting Minutes
21 November 2023
Regular Meeting @ 6:30 PM
<http://us02web.us/j/8757004539>

I. CALL TO ORDER

Mayor Eichhorst called the November 21st, 2023 regular Council meeting to order at 6:30 p.m.

II. ROLL CALL

Members Present: Mayor Ryland Eichhorst, Councilor Jim Richards, and Councilor Jim Phillips

Members Absent: Councilor Carl Krause

Guests (in person): City Deputy Clerk Ranae While, City Attorney Mike Flaherty, City Engineer Joe Palen, EDA Coordinator Rebecca Charles, and John Giesen on behalf of Marquee Construction.

Guests (via ZOOM) EDA Coordinator Rebecca Charles, Sunny Bjorklund Schultz, Annie Johnson, Jackie Milnes, Dana Bergner, Matt Harter, Kathy Gabel, Malachi Johnson, Paul Pendegrass and David Meyer

III. APPROVAL OF AGENDA

Following a review of the agenda, Councilor Richards made a “MOTION TO APPROVE THE NOVEMBER 21ST MEETING AGENDA WITH THE ADDITION OF: LINE ITEM VII. L(3) INTRIM CITY ADMINISTRATOR REPLACEMENT, LINE ITEM VII. L(4) PTO PAYOUT FOR EMPLOYEES, AND LINE ITEM VII. L(5) AS A CLOSED SESSION TO DISCUSS PENDING LITIGATION WITH MINNESOTA DEED”. Motion was seconded by Mayor Eichhorst with all present members voting “AYE”.

Motion Carried: 3-0

IV. PUBLIC HEARING: To discuss the Cannabis Moratorium was opened by Mayor Eichhorst at 6:31 PM. Following three unanswered calls for those wishing to speak, Mayor Eichhorst closed the public hearing at 6:35 PM.

V. NEW COUNCIL MEMBER APPROVAL AND SWEARING IN: The new council member is Paul Pendegrass, who was interviewed last night to fill the vacancy whose term limit will end in December 24. A “MOTION TO APPROVE PAUL PENDEGRASS AS THE NEWEST MEMBER OF THE ORONOCO CITY COUNIL”. Motion was seconded by Councilor Phillips, with all present members voting aye.

Motion Carried 3-0

Paul Pendegrass executed his oath of office. And took his seat with the board.

VI. PUBLIC FORUM: Mayor Eichhorst provided instructions for participation in the Public Forum and invited residents to speak. Each resident will have three minutes to address the Council.

A. Jackie Milnes: 425 Eagle View Lane SE

Attending today because in shock and disbelief over the firing of the city administrator. She worked with Sunny on a number of projects and feels it is important that it is on record that Sunny was always very pleasant, and had a really good experience.

B. Dana Bergner: 760 River Park Road SE

D. Bergner stated that she had intended to come about the abrupt firing of the city administrator at the last council meeting. Then she saw the video of the last planning and zoning meeting that took place on November 15th and believes it is important that she share some of the derogatory remarks that raised major concern.

In the meeting video found on the city's YouTube page, the board was discussing a potential proposed apartment complex. At 32 minutes 15 second a council and zoning member stated: "My concern, and I come from Southern California for 45 years, is just that I want to maintain that we get the right type of families, that there are, that are associated with that. If I can say that politely. You know? And that's where an association can make a difference."

D. Bergner continued asking what makes up the right type of family. Gender? Race? Sexual Orientation? Religion? She is thankful to live in a country with laws that protect citizens from discrimination. This includes discrimination regarding race, color, creed, religion, national origin, sex, marital status, disability, public assistance, sexual orientation, gender identity or familial status. It is her hope that going forward, council will better serve the civil rights of its residents. Not just the "right type" of residents. She has provided for the Council, a handout explaining how the Human Rights Act protects all residents of Minnesota, not just the "right type".

C. Matt Harter: Harter Disposal in Stewartville

In attendance today to submit a proposal for services. M. Harter explained that residents are getting charged more than the current city contract allows. There was supposed to be a 4% increase, but instead it was actually 30%, he provided a copy of a resident's bill as evidence of the rate increase. Would like to offer a new bid for trash and recycling. This would include dual bin trucks that can do both trash and recycling in one pass, which is better for city streets. When they provide a price, they will stick to it. Thankful for the opportunity to provide a bid to the city.

D. Kathy Gabel: 115 2nd Avenue NW

Kathy is new to the community and wanted to come in and commend you all for such a good city staff. She is very disappointed because she had been instrumental in getting a number of projects completed over this past summer. Now that she is gone, her projects are all stalled because she knew all the history and details of the project. Requests some information on what to do now since there is no city admin, and its cold outside.

E. Malachi Johnson: 475 River Park Road

The comment recorded on November 15th starting at the 32 minute mark during the last Planning and Zoning meeting, by a member of City Council, "My concern, and I lived out in Southern California for 45 years, is just that I want to maintain that we get the right type of families, that there are. If I can say that politely. Johnson continued stating "Here is the deal, you can't say that politely. Contrary to what many people hope for and bet on is the simple fact that racism and bigotry is never polite. Over the past several months I have watched as this Council body has made increasingly suspect moves both the silence any decent, sometimes going to the extreme of violating Constitutional rights of community members, as well as install a slate of members to vote on, ask a block, to push a specific agenda. These decisions that impact our personal lives and the wellbeing of our community and are being made by council members who are entirely out of their league. And now this. A clear directive by a council member that we need to make sure that the "right" families

live in Oronoco. There was a very distinct point made about living in southern California. So I would really love, if you could please explain what helps you decide who the right families are. Is it families like mine, with brown skin? Or other members of the LGBTQ Community? Or is it the family that flies the F*#% Your Feelings flag. I really want to know what you define the right family as. It seems almost too convenient, not to be planned, that the Council moved to remove dissenting voices, and then boldly made proclamations like this knowing that the chance of being called out is slim to none. That's where you are wrong. Racism and bigotry, no matter how polite, has no place on our city council. We are here paying attention and we want you know hate has no place here.

F. David Meyer, LRS in Rochester

Have a lot of experience with Oronoco and have submitted their bid for services. He thanked the board for the opportunity to bid the contract..

VII. PETITIONS, REQUESTS & COMMUNICATIONS

- A. FYI* Erv DeVlaeminck re: Safety and Security of Residents: A complaint was filed with the city by Erv De Vlaminck that suggests the city place cameras on Minnesota Avenue and Lake Shady Avenue as he believes it will help prevent and solve crimes by capturing vehicle identification information.

Board members discussed the city's current cameras and will look into some other potential locations and costs. They would offer every other week recycling.

- B. Discussion: City Meeting Requirements (page 117-119 in packet)

1. Councilor Richards led this discussion and noted it to include getting packets to Councilors ahead of meetings with adequate time to review them. This is not currently happening and has been a reoccurring request of the Council. Councilor Richards stated he would like to have at least five days to review packets.

No other residents were interested in speaking at this time.

Forum closed at 6:52

VIII. DEPARTMENTS & COMMITTEE REPORTS

- A. Oronoco County Law Enforcement: No updates to report.

- B. Water & Sewer: City Engineer, Joe Palen was in attendance.

1. Update: WWTF Contract 1 Project
2. Update: Sanitary Sewer Collection System and Watermain Improvements. Contracts 2-3
3. Action: a resident has requested a fee removal in the amount of \$18.09. The resident has been late five times before but has never asked for fees to be waived before. Mayor Eichhorst made a "MOTION TO DENY THE REMOVAL OF FEES". Motion was seconded by Councilor Richards with all present members voting "AYE".

Motion Carried 4-0

4. Acton: Need to set up a hearing to discuss delinquent water bills for December 19th, 2023. A memo from Ranae is in the packet. Mayor Eichhorst made a

“MOTION TO MOVE FORWARD WITH SCHEUDLING THE PUBLIC HEARING FOR DECEMBER 19TH AT 6:35 PM”. Motion was seconded by Councilor Phillips with all present members voting “AYE”.

Motion Carried 4-0

5. Oronoco Auto Salvage is located physically in the township. They do have water and curb stop. They have paid off their water bill but have not paid any of the fines from the overdue bills. The city is unable to assess the property because it is in the township, and outside of city limits. The city can turn off the curb stop. This will be discussed further at another meeting.

C. Streets & Roads:

1. A request has been made for four street lights to be added on Lake Shady Avenue North for \$610. The lack of light is a safety issue currently. Lights would be LED. Councilor Richards made a “MOTION TO APPROVE THE PURCHASE OF FOUR STREET LIGHTS TO BE ADDED TO LAKE SHADY AVE. N. AT THE RATE OF \$610. Motion was seconded by Councilor Pendegrass with all present members voting “AYE”

Motion Carried 4-0

2. West Center Street Stop Signs at 9th Avenue NW.
A petition was completed requesting this sign. Discussion regarding the identified intersection took place focusing on safety and consistency. Could also place a radar feedback sign which could help slow traffic. Following discussion, Councilor Pendegrass made a “MOTION TO REMOVE BOTH STOP SIGNS WESTBOUND AND RELOATE THE READER FEEDBACK SIGN CLOSER TO THE 20 MPH SIGN”. Motion was seconded by Councilor Phillips with all present members voting “AYE”.

Motion Carried 4-0

3. 5th Street Speeding Review: Eastbound traffic is the larger concern with speeding. Public Works Director Cain Dolan stated that they could put up a new speed sign in both directions, or just Eastbound. Final decision is to put one up for the eastbound traffic only.
4. Discussion: Removal of Snow Ordinance 94.06: Public Works has had an issue of snow being pushed into the right of way and onto others properties, obstructing drivers vision. Mayor Eichhorst suggested the addition of Minnesota Statute #160.2715 to the city ordinance. This statute includes the right of way. It was noted that it may help, but it will be difficult to enforce it. No further discussion.

D. Planning & Zoning:

1. Discussion: Mobile Home: This item was placed on the agenda at Councilor Krause’s request. He is not here this evening.
2. Update: RFP Planning Services: It was a unanimous decision by the P&Z decision to go with the WSB proposal. WSB was preferred due to the many recommendations from other cities. Mayor Eichhorst noted that the WSB quote seemed a bit low, he wants to be sure that the city is getting a good deal and a full evaluation. Following discussion, Councilor Pendegrass made a “MOTION TO

DIRECT CITY STAFF TO BEGIN NEGOTIATIONS TO ACCEPT WSB TO REWRITE THE CODE". Motion was seconded by Councilor Richards. Councilors Richards, Phillips and Pedegrass voted "AYE" and Mayor Ryland Voting "Nay" due to concerns over the low price.

Motion Passed 3-1

3. Consider or Approve Ordinance Restricting the public use of cannabis: Following a review of ordinances,
 - Mayor Eichhorst made a "MOTION TO APPROVE ORDIANANCE 23.05". Motion was seconded by Councilor Pendegrass with all present members voting "AYE".
Motion Carried 4-0
 - A review of ordnance 23.06A and 23.06B took place. Following discussion Councilor Pendegrass made a "MOTION TO APPROVE ORDIANCE 23.06 A" Motion was seconded by Councilor Phillips, with all present members voting "AYE".
Motion Carried 4-0

E. Fire Department:

1. Payroll Approval: Following a review, Mayor Eichhorst made a "MOTION TO APPROVE FIRE DEPARMENT PAYROLL FOR THE AMOUNT OF \$9,770 AGSINST THE BUDGET OF \$8,000". Motion was seconded by Councilor Phillips with all present members voting "AYE".
Motion Carried 4-0
2. Lighting Quote: The council reviewed a lighting quote for Brush in the amount of \$2,140. "A MOTION TO APPROVE" was made by Councilor Phillips. Motion was seconded by Councilor Pendegrass with all present members voting "AYE".
Motion Carried 4-0
3. Review used Pumper Truck Purchase: Department is seeking to replace the existing 30 yr. old engine that is non-compliant with a newer, used engine. Suggested that the department develop and keep to a schedule when it comes to replacing large equipment and vehicles. Executive summary on page 40 of the packet holds the full request. They would also like to add two more seats inside the cab to increase the number of team members that can get to a fire in one vehicle. The new truck has a 1,500 gallon capacity whereas the current truck only has 1,000 gallon capacity. Truck payments have never been included in the budget before; the department would like to request an annual allotment to put towards saving for trucks in future budgets. For this purchase the one time payment from the state of \$79,000 can be used for this purpose. A "MOTION TO APPROVE THE PURCHASE OF THE USED ENGINE AND MOVE FORWARD WITH FINANCE NEGOTIATION" was made by Councilor Phillips. Motion was seconded by Councilor Richards with all present members voting "AYE"
Motion Carried 4-0

F. First Responders: Payroll Review.

A "MOTION TO APPROVE FIRST RESPONDERS PAYROLL" was made by Mayor

Eichhorst. Motion was seconded by Councilor Richards with all present members voting "AYE"

Motion Carried 4-0

G. Emergency Operations: No new updates.

H. Economic Development Authority: The EDA will be receiving onboarding training from CEDA. Councilor Pendegrass will also become a member of this board to fill the vacant council seat.

I. Parks & Trails: No October Meeting.

J. Gold Rush: The donor list requires approval. Mayor Eichhorst made a "MOTION TO APPROVE THE GOLD RUSH DONOATION LIST". Motion was seconded by Councilor Phillips, with all present members voting "AYE".

Motion Carried 4-0

K. Public Works: Public Works Director Can Dolan explained six different budget line items for next year. The board took time to review each one. Following discussion, R. Eichhorst made a MOTION TO APPROVE ITEMS 1, 2, 5 AND 6 FOR FUNDING. Motion was seconded by Councilor Richards with all present members voting "AYE"

Motion Carried 4-0

L. Personnel/Community Center: A discussion took place regarding insurance for a new city administrators and administrative assistant. Contract for new employee will need to have some amendments made.

1. PTO Payout for Employees: Discussion took place on vacation/sick days, their use and the final advice from Attorney Mike Flaherty
2. Cory Mansky vs. City of Oronoco

This portion of the meeting is scheduled to be closed. During this time absolute confidentiality will allows the city and legal advisor the ability to have an open and candid conversation.

A "MOTION TO COSE THE MEETING" was made by Councilor Phillips. Motion was seconded by Councilor Richards with all present members voting "AYE".

Motion Carried 4-0

Meeting moved to a closed session at 9:04 PM

-Closed Session-

Meeting reopened

IX. UNFINISHED BUSINESS

- A. Demo permit and building permit was requested by 115 3rd Street SW. Project has not taken place yet.

- B. 2023 Outstanding Citizens Award Nominations: two final candidates have been selected out of all of the applicants. Discussion between candidates A and B took place. Councilor Phillips made a “MOTION TO APPROVE CANDIDATE A FOR THE 2023 OUTSTANDING CITIZEN AWARD”. Motion was seconded by Councilor Phillips with all present members voting “AYE”.

Motion Carried 4-0

X. NEW BUSINESS

- A. Action: 2024 Tobacco License Renewal. Following review, Councilor Richards made a “MOTION TO APPROVE THE RENEWAL OF TOBACCO LICENCE FOR CASEYS GAS STATION”. Motion was seconded by Councilor Phillips, with all present members voting “AYE”.
- Motion Carried 4-0**
- B. Action: Garbage Hauling Proposals: There were three companies that turned in proposals for garbage hauling. Board members took time to review the documents. Proposals were received by Waste Management, LRS (formerly sunshine) and Carters. Discussion took place on the strengths and weaknesses of each proposal. Mayor Eichhorst made a “MOTION TO APPROVE THE CITY TO NEGOTIATE WITH WASTE MANGEMENT TO FINALIZE A CONTRACT FOR THE NEXT THREE YEARS”. Motion was seconded by Councilor Pendegrass, with all present members voting “AYE”.
- Motion Carried 4-0**
- C. City Meeting Requirements – Item is tabled until the November meeting
- D. Budget Workshop: Mayor Eichhorst sent out an email to all board members with potential dates for holding the workshop. Following discussion, Councilor Phillips made a “MOTION TO SET THE BUDGET WORKSHOP FOR WEDNESDAY, DECEMBER 6TH AT 6:30 PM”. Motion was seconded by Councilor Roberts with all present members voting “AYE”.
- Motion passed 4-0**

XI. CONSENT AGENDA

- A. Consent Agenda items for November 21st include the following:
1. *ACTION: Staab construction Pay Request #23 for \$84,391.44 (cover pg. only in packet)
 2. *ACTION: Fitzgerald Excavating & Trucking Pay Request #21 for \$702,846.06
 3. *ACTION: City Council meeting minutes 5/16/23 approval
 4. *ACTION: City Council meeting minutes 10/26/2023 approval
 5. *ACTION: City Council meeting minutes 11/3/23 approval
 6. *FYI: First Responder meeting minutes 11/6/2023
 7. *FYI: Water & Sewer meeting minutes 11/14/23
 8. *FYI: EDA meeting minutes 6/26/23
 9. *FYI: EDA meeting minutes 7/24/23
 10. *FYI: EDA meeting minutes 8/22/23
 11. *FYI: Resident Notice #33 available to public at City Hall and on City Website & Facebook
 12. *FYI: New water hook up instructions
 13. *FYI: First Responder Calls: 1 city, 15 township

14. *FYI: Fire Department Runs: 2 (10/18 Lift Assist, 11/3 Fire Alarm)
15. *FYI: Stairlift denial letter
16. *FYI: Building permit YTD report
17. *ACTION: FINANCIALS

Motion to "APPROVE THE CONCENT AGENDA" was made by Mayor Eichhorst.
Motion was seconded by J. Richards, with all present members voting "AYE".

Motion Carried: 4-0

XII. ADJOURNMENT

A "MOTION TO ADJOURN" was made by Mayor Eichhorst.

Motion was seconded by J. Richards with all present members voting "AYE"

Meeting was adjourned at 10:15 p.m.

Next meeting will be held on Tuesday, December 19th, 2023 at 6:30 PM.

Meeting Notes Submitted by:



EDA Coordinator, Rebecca Charles

