

ORTONVILLE CITY COUNCIL MEETING MINUTES
REGULAR MEETING
CITY OFFICE MEETING ROOM
315 Madison Avenue, Ortonville, MN
Monday, December 15, 2008
7:00 P. M.

CALL TO ORDER AND ROLL CALL:

Mayor Blair Johnson called the Regular Meeting of the Ortonville City Council to order at 7:00 P.M. Roll Call was taken with the following Present: Mayor Johnson, Nick Anderson, Craig Randleman, Steve Berkner, Bob Meyer, John Cunningham, and Mike Dorry. Staff Present: City Administrator David Lang, Deputy City Clerk Susan Lundell, Golf Course Superintendent Travis Strasser, Building Inspector Roy Bailey. Media Present: Mike Swenson (*Ortonville Independent*). Others Present: Don Sherman, Neva Foster.

AGENDA AMENDMENTS/APPROVAL:

None.

CITY ATTORNEY REPORTS & RECOMMENDATIONS:

3.a. Update: David Meyer vs City of Ortonville dba Ortonville Area Health Services. One issue was identified to be handled at a closed session at the January 19, 2009 City Council Meeting. City Attorney Craig Ash will send the applicable emails regarding this matter.

3.b. Resolution Approving Master Agreement for Professional Engineering Services-Ulteig Engineers, Inc.

City Attorney Craig Ash reported that this agreement dictates all contract terms with Ulteig Engineering. Ash made changes to the agreement including: Section 4, invoices due within 30 days; Section 7.05 liability increased to \$1M irrespective of the size of the project. Discussion and questions followed.

Resolution 08-115 Approving Master Agreement for Professional Engineering Services-Ulteig Engineers, Inc.

Motion by Berkner, second by Cunningham to adopt Resolution 08-115 Approving Master Agreement for Professional Engineering Services-Ulteig Engineers, Inc.

Upon roll call vote the following voted Aye: Johnson, Anderson, Dorry, Meyer, Randleman, Cunningham, Berkner. Nay: None.

All in favor. 7-0. MCU.

3.c. First Reading: Ordinances 09-01 Through 09-05, Relating to the Regulation of Constructing Carports and Membrane/Tent Structures

City Attorney Craig Ash led the discussion regarding these Ordinances.

Motion by Randleman, second by Berkner to approve the first reading of Ordinances 09-01, 09-02, 09-03, 09-04, 09-05 Relating to the Regulation of Constructing Carports and Membrane Tent Structures.

Discussion and questions followed regarding pre-existing carports within the context of the zoning code. This would not affect commercial districts: only R-1, R-2, and R-3.

CITY ATTORNEY REPORTS & RECOMMENDATIONS: (CONT.)

3.c. First Reading: Ordinances 09-01 Through 09-05, Relating to the Regulation of Constructing Carports and Membrane/Tent Structures (cont.)

It was noted this is an effort to fill some gaps in the existing zoning ordinances. It was discussed that current carports and hoop buildings do not comply with planning and zoning regulations. Berkner stated that the carports and hoop buildings could be a hazard and a danger in windstorms. These Ordinances would regulate the construction of such structures.

Upon roll call vote the following voted Aye: Johnson, Anderson, Dorry, Meyer, Randleman, Cunningham, Berkner. Nay: None.

All in favor. 7-0. MCU.

CITIZENS TO BE HEARD:

Big Stone Arts Council Member Neva Foster asked that the Council donate \$500.00 to the Arts Council for its "Make An Impression Community Tile Project"-\$500.00. Citizens can bring valued items to be put in tiles for a wall at the hospital, the nursing home or park benches, etc.

CONSENT AGENDA:

8.a. Approve Minutes of City Council Regular Meeting December 1, 2008

8.b. Approve Minutes of TNT Special Meeting December 1, 2008

8.c. Approve Minutes of Joint Workshop OAHs December 1, 2008

8.d. Approve Minutes of Joint Workshop Meeting December 8, 2008

8.e. Resolution to Approve Big Stone Arts Council Request for "Make An Impression Community Tile Project"-\$500.00.

Resolution 08-116 Approving Big Stone Arts Council Request for "Make An Impression Community Tile Project"-\$500.00.

Motion by Anderson, second by Cunningham to approve the Consent Agenda as presented and Resolution 08-116 Approving Big Stone Arts Council Request for "Make An Impression Community Tile Project"-\$500.00.

Upon roll call vote the following voted Aye: Johnson, Anderson, Dorry, Meyer, Randleman, Cunningham, Berkner. Nay: None.

All in favor. 7-0. MCU.

RECOMMENDATIONS OF CITIZEN BOARDS, COMMITTEES AND COMMISSIONS:

9.a. Park Board Recommendation: Approving Concept Changes and Proposed Site Plan to Reflect: Closing Road, Locating the Playground, Park Pavilion and Parking Lot on South End of the Park-MN River Headwaters Trailhead Project

Park Board Liaison Steve Berkner led the discussion. Mike Dorry raised a concern about closing the southern half of the road. City Attorney Craig Ash questioned who owns the road on both sides. Concern was also expressed regarding the location of the turn-around at the Lakeside Apartment parking lot driveway. Nick Anderson noted it would be less

RECOMMENDATIONS OF CITIZEN BOARDS, COMMITTEES AND COMMISSIONS: (CONT.)

expensive to construct a cul-de-sac and not build a new through street on the east side of the parcel.

9.a. Park Board Recommendation: Approving Concept Changes and Proposed Site Plan to Reflect: Closing Road, Locating the Playground, Park Pavilion and Parking Lot on South End of the Park-MN River Headwaters Trailhead Project (cont.)

Motion by Randleman, second by Berkner *Approving Concept Changes and Proposed Site Plan to Reflect: Closing Road, Locating the Playground, Park Pavilion and Parking Lot on South End of the Park-MN River Headwaters Trailhead Project subject to successful vacation of the street.*

All in favor. 7-0. MCU. A Public Hearing will be called at a future date regarding the closure of the southern portion of the street in conjunction with this issue.

9.b. Golf Board Recommendation: Resolution Approving Retroactive Modification Paragraph 5 (1) of 2008 Club House Management Contract with Darwin Asmus-\$1,039.44. Discussion and questions followed. There was a concern with setting a precedent by making contract terms retroactive. Tabled by Consensus.

9.c. Golf Board Recommendation: Resolution Approving 2009 Club House Lease Modifications-Blair Johnson

An item-by-item discussion led by Mayor Blair Johnson ensued. Further discussion followed.

Resolution 08-117 Approving 2009 Club House Lease Modifications

Motion by Mayor Johnson, second by Cunningham *to approve Resolution 08-117 Approving 2009 Club House Lease Modifications as follows: approve the ten bullet items from the November 24th meeting, but not the \$400 item to have them collect and account for membership fees prior to April 15th. Instead, the City Office will continue to collect the membership fees Prior to April 15th. Discussion and questions followed.*

Upon roll call vote the following voted Aye: Johnson, Anderson, Dorry, Meyer, Randleman, Cunningham, Berkner. Nay: None.

All in favor. 7-0. MCU.

9.d. Golf Board Recommendation: Resolution Approving 2009 Golf Course Membership Fees**Resolution 08-118 Approving 2009 Golf Course Membership Fees**

Motion by Cunningham, second by Anderson *to adopt Resolution 08-118 Approving 2009 Golf Course Membership Fees.* Mayor Johnson led the discussion of this item.

Upon roll call vote the following voted Aye: Johnson, Anderson, Dorry, Meyer, Randleman, Cunningham, Berkner. Nay: None.

All in favor. 7-0. MCU.

9.e. Street Committee Recommendation: EDA and Other City Departments Pay for Snow Removal on a Cost Basis Yet to be Determined

Discussion and questions ensued whether or not all or any City Departments should pay for this service. Anderson stated that the Hospital should hire its own snow removal done as that is a separate entity. A Council Workshop on cost allocations will be scheduled during the first quarter of 2009.

RECOMMENDATIONS OF CITIZEN BOARDS, COMMITTEES AND COMMISSIONS: (CONT.)

9.f. Street Committee Recommendation: Defer Consideration of Purchase of New Front End Loader - \$61,643.00 (Refer to Budget Committee) Tabled by Consensus.

9.g. Street Committee Recommendation: Resolution Approving Hospital Signage from HWY 75 Onto County Rd 12 to Minnesota Street to Burdick Avenue to Orchard Street to Otto Avenue

Resolution 08-119 Approving Hospital Signage from HWY 75 on to County Rd 12 to Minnesota Street to Burdick Avenue to Orchard Street to Otto Avenue

Motion by Dorry, second by Randleman to adopt Resolution 08-119 Approving Hospital Signage from HWY 75 Onto County Rd 12 to Minnesota Street to Burdick Avenue to Orchard Street to Otto Avenue.

Upon roll call vote the following voted Aye: Johnson, Anderson, Dorry, Meyer, Randleman, Cunningham, Berkner. Nay: None.

All in favor. 7-0. MCU.

9.h. Utility Committee Recommendation: Resolution to Have City Attorney Proceed with Acquiring Easements for Sanitary Sewer Forcemain: Utility and Street Improvements-McCloud Street.

Resolution 08-120 to Have City Attorney Proceed with Acquiring Easements for Sanitary Sewer Forcemain: Utility and Street Improvements-McCloud Street.

Motion by Cunningham, second by Anderson to adopt Resolution 08-120 to Have City Attorney Proceed with Acquiring Easements for Sanitary Sewer Forcemain: Utility and Street Improvements-McCloud Street.

Upon roll call vote the following voted Aye: Johnson, Anderson, Dorry, Meyer, Randleman, Cunningham, Berkner. Nay: None.

All in favor. 7-0. MCU.

9.i. Utility Committee Recommendation: Wastewater Package Lift Station as Part of MN River Headwaters Regional Trailhead Project Utility Lines Extension

Discussion and questions followed.

Motion by Cunningham, second by Berkner to go to First Street with the sewer; either with or without a lift station for the Trailhead Pavilion.

All in favor. 7-0. MCU.

9.j. Utility Committee Recommendation: Marathon Water Heater Rebate Policy Be Applied to All Customers Without Respect to Where the Water Heater was Purchased. Marathon Brand only.

Motion by Anderson, second by Randleman to allow that Marathon Water Heater Rebate Policy Be Applied to All Customers Without Respect to Where the Water Heater was Purchased but must be Marathon Brand only.

Discussion and questions followed.

All in favor. 7-0. MCU

9.k. Utility Committee Recommendation: Resolution Approving Collection Agency Accounts-\$2,927.41.

Resolution 08-121 Resolution Approving Collection Agency Accounts-\$2,927.41.

RECOMMENDATIONS OF CITIZEN BOARDS, COMMITTEES AND COMMISSIONS: (CONT.)

9.k. Utility Committee Recommendation: Resolution Approving Collection Agency Accounts-\$2,927.41. (cont.)

Resolution 08-121 Resolution Approving Collection Agency Accounts-\$2,927.41.

Motion by Dorry, second by Cunningham to adopt Resolution 08-121 Approving Collection Agency Accounts-\$2,927.41.

Upon roll call vote the following voted Aye: Johnson, Anderson, Dorry, Meyer, Randleman, Cunningham, Berkner. Nay: None.

All in favor. 7-0. MCU.

9.l. Utility Committee Recommendation: Resolution Approving Levied Accounts/Unpaid Utility Bills-\$9,084.67.

Resolution 08-122 Approving Levied Accounts/Unpaid Utility Bills-\$9,084.67.

Motion by Anderson, second by Dorry to adopt Resolution 08-122 Approving Levied Accounts/Unpaid Utility Bills-\$9,084.67.

Upon roll call vote the following voted Aye: Johnson, Anderson, Dorry, Meyer, Randleman, Cunningham, Berkner. Nay: None.

All in favor. 7-0. MCU.

9.m. Utility Committee Recommendation: Resolution Approving Levied Accounts/Unpaid Merchandise and Labor Bills-\$3,256.64.

Resolution 08-123 Resolution Approving Levied Accounts/Unpaid Merchandise and Labor Bills-\$3,256.64.

Motion by Randleman, second by Cunningham to adopt Resolution 08-123 Resolution Approving Levied Accounts/Unpaid Merchandise and Labor Bills-\$3,256.64.

Upon roll call vote the following voted Aye: Johnson, Anderson, Dorry, Meyer, Randleman, Cunningham, Berkner. Nay: None.

All in favor. 7-0. MCU.

9.n. Utility Committee Recommendation: Resolution Approving New Residential Garbage Rate Increase of 3.7%.

Mayor Johnson reviewed the existing and proposed rate increases.

Motion by Randleman, second by Cunningham to adopt a Resolution Approving New Residential Garbage Rates. Upon roll call vote the following voted Aye: Johnson, Randleman, Cunningham. Nay: Dorry, Berkner, Meyer, Anderson.

3-4. Motion Failed.

Discussion and questions followed. It was determined that Waste Management has already raised the fees and the City needs to approve the raise or pay the difference out of city funds.

Resolution 08-124 Approving New Residential Garbage Rate Increase of 3.7%. Motion by Anderson, second by Berkner to approve Resolution 08-124 Approving New Residential Garbage Rate Increase of 3.7%. Upon roll call vote the following voted Aye: Johnson, Anderson, Meyer, Randleman, Cunningham, Berkner. Nay: Dorry.

6-1. MCU.

6-1. MCU.

6-1. MCU.

6-1. MCU.

RECOMMENDATIONS OF CITIZEN BOARDS, COMMITTEES AND COMMISSIONS: (CONT.)

9.o. Utility Committee Recommendation: Approve Energy Efficient T-8 Lighting Conversion for the Following Buildings-Community Center, Water Treatment Plant, Public Works Building, City Offices and Airport Terminal-Approximately 2-Year Payback.

Motion by Randleman, second by Cunningham *to secure a cost estimate for converting City Buildings to T-8 lighting.*

All in favor. 7-0. MCU.

9.p. Heritage Preservation Commission and Planning Commission Recommendation: Resolution Approving Ortonville Heritage Preservation Commission Policy Guidelines.

Resolution 08-125 Approving Ortonville Heritage Preservation Commission Policy Guidelines.

Motion by Randleman, second by Cunningham *to adopt Resolution 08-125 Approving Ortonville Heritage Preservation Commission Policy Guidelines.*

Discussion and questions followed regarding the scope of authority the Heritage Preservation Commission (HPC) has. It was noted the Ordinance passed in 2004 already gives the HPC authority. It was noted that any appeals for HPC decisions would go to the City Council. Craig Randleman reviewed the philosophy behind the Policy Guidelines. John Cunningham noted, in order to qualify for Historic Tax Credits, certain guidelines need to be followed. The Small Cities Development Grant Program needs guidelines set up in order to participate in their programs. Steve Berkner expressed concern about potential delays in getting approval for improvements as set out in the Guideline. He stated the Guideline is a good document, but he would like to see the City Ordinance governing the HPC reviewed. Randleman stated that the Commission values our historic aspects and wants the downtown to have a common philosophy regarding remodeling. Dorry expressed concern that the Guidelines were too restrictive. Building Inspector Roy Bailey stated he did not want to see business people have to wait a long time for a building permit while trying to comply with the Guidelines. He also was concerned that some of the Guidelines call for going back to older architectural and decorative details that might not be the best for the current business owner.

Upon roll call vote the following voted Aye: Johnson, Anderson, Meyer, Randleman, Cunningham. Nay: Dorry, Berkner.

5-2. MC.

Motion by Berkner, second by Dorry *to schedule a workshop with Planning & Zoning and the Heritage Preservation Commission to work out a time line and consider revisions to the City Ordinance governing the Heritage Preservation Commission.*

All in favor.7-0. MCU.

RECOMMENDATIONS OF CITIZEN BOARDS, COMMITTEES AND COMMISSIONS: (CONT.)

REPORTS FROM COUNCIL COMMITTEES:

10.a. EDA Board Update: Historic Columbian Hotel-Craig Randleman
Dan Johnson has received one roof replacement written estimate and is working with a videographer.

UNFINISHED BUSINESS:

11.a. MRES Distribution and Maintenance Annual Meeting 12-19-08.

NEW BUSINESS:

12.a. Approve Expenditures

Motion by Anderson, second by Randleman to approve the Expenditures as submitted. Discussion and questions followed. Dorry asked why the snowflake street decoration expenditure was taken from the sanitary sewer fund. Clerk-Administrator Lang reported that in the past, items that were not budgeted for were taken from the sewer fund. Lang stated that in the 2009 budget a line item would be included for miscellaneous expenditures.

Aye: Johnson, Anderson, Randleman, Cunningham. Nay: Dorry, Meyer. Abstain: Berkner. 4-2-1. Motion Carried.

12.b. Schedule Budget Committee Meeting to Discuss Potential Local Government Aids Unallotment

This meeting will be scheduled once the City knows the amount of the cut.

12.c. Resolution Authorizing Acceptance of a Traffic Safety Award under 2008 Safe & Sober Challenge Award Grant Program-\$2,500.00.

Resolution 08-126 Authorizing Acceptance of a Traffic Safety Award under 2008 Safe & Sober Challenge Award Grant Program-\$2,500.00.

Motion by Meyer, second by Dorry to adopt Resolution 08-126 Authorizing Acceptance of a Traffic Safety Award under 2008 Safe & Sober Challenge Award Grant Program-\$2,500.00.

Upon roll call vote the following voted Aye: Johnson, Anderson, Dorry, Meyer, Randleman, Cunningham, Berkner. Nay: None.

All in favor. 7-0. MCU.

CITY CLERK-ADMINISTRATOR REPORTS & RECOMMENDATIONS:

13.a. Update: Small Cities Development Grant Program-Wednesday Meeting

13.b. Update: Upper MN River Regional Park Improvement Project Grant

13.c. Update: Columbian Hotel

13.d. Ortonville TIF District Creation and Potential TIF Bond Issue-Mtg 12-17-Fairway View

13.e. Update: Acquisition of Water Meter Heads with Absolute Digital Encoders-2 Received

**CITY CLERK-ADMINISTRATOR REPORTS & RECOMMENDATIONS:
(CONT.)**

13.f. MRES Distribution Operations and Maintenance Annual Meeting-December 19

13.g. OAHS Bond Issue Financing-Pricing Date Tomorrow

13.h. Winter Public Nuisance Ordinance Reminder-Ad in Newspaper

13.i. Update: Quit Claim Deed-Outlot 184 from Big Stone County-Lakeside Park-
Completed

ADJOURNMENT:

The Mayor *adjourned the meeting by consensus at 9:10 P.M.*

APPROVED:

ATTEST:

Blair Johnson
Mayor

David A. Lang
Clerk-Administrator