

ORTONVILLE CITY COUNCIL MEETING MINUTES
REGULAR MEETING
CITY OFFICE MEETING ROOM
315 Madison Avenue, Ortonville, MN
Monday, January 5, 2009
7:00 P. M.
DRAFT

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, City Attorney Craig Ash. Media Present: Mike Swenson (*Ortonville Independent*). Others Present: Marcy Stotesbery, Alice Radermacher, Ron Frauenshuh.

AGENDA AMENDMENTS/APPROVAL:

Add Item 10.a. Golf Board Minutes

Add Item 10.b. EDA Minutes

Add Item 11.k. Library Grant

Motion by Berkner, second by Cunningham to approve the Agenda as amended.

All in favor. 7-0. MCU (Motion Carried Unanimously)

CITY ATTORNEY REPORTS & RECOMMENDATIONS:

3.a. Closed Meeting Scheduled: David Meyer vs City of Ortonville dba Ortonville Area Health Services-Tuesday, January 20, 2009 Meeting. Allegations against an employee are the correct characterization of the purpose of this meeting.

CONSENT AGENDA:

8.a. Approve Minutes of City Council Workshop Meeting December 15, 2008

8.b. Approve Minutes of City Council Regular Meeting December 15, 2008

Motion by Anderson, second by Randleman to approve the Consent Agenda as presented.

All in favor. 7-0. MCU.

RECOMMENDATIONS OF CITIZEN BOARDS, COMMITTEES AND COMMISSIONS:

9.a. Golf Board Recommendation: Resolution Approving Retroactive Modification Paragraph 5 (1) of 2008 Club House Management Contract with Darwin Asmus-\$1,039.44. Mayor Johnson spoke against a retroactive amendment of said Contract. He stated that the City should not set a precedent of approving contracts retroactively. Discussion and questions followed.

The recommendation died for lack of a motion.

REPORTS FROM COUNCIL COMMITTEES:

10.a. November Golf Board Minutes – Dorry asked if the Golf Course Manager would be collecting 15% from all tournaments whether he collected the fees or not. It was not intended to be the tournaments that the clubhouse managers do not collect the monies on. Attorney Ash will see that the issue is covered in the renewed contract with the Golf Course Manager.

10.b. Council Member Dorry asked that the EDA Minutes be clarified in regards to marketing the Lundell Property. Mayor Johnson explained that a Site Plan needs to be developed for the Lundell Property and that the EDA will be marketing other vacant lots. Dorry also asked who owns the Too Mad Corner Property. Mayor Johnson stated Big Stone Area Growth sold the Too Mad Corner back to the EDA.

UNFINISHED BUSINESS:

11.a. Second Reading: Ordinances 09-01 through 09-05, Relating to the Regulation of Constructing Carports and Membrane/Tent Structures. Discussion and questions followed. These changes will not allow carports, whether attached to a garage or home or unattached to a home or garage. Craig Randleman spoke in favor of all of the Ordinance changes.

Motion by Randleman, second by Berkner to approve the second reading of Ordinances 09-01 through 09-05.

Upon Roll Call Vote the following voted Aye: Johnson, Anderson, Dorry, Meyer, Randleman, Cunningham, Berkner.

All in favor. 7-0. MCU

11.b. Resolution Approving Adoption of Ordinance 09-01 An Ordinance Adding Definitions for “Carports” and “Membrane/Tent Structures” to Section 150.002 of the Zoning Chapter.

Resolution 09-001 Approving Adoption of Ordinance 09-01 An Ordinance Adding Definitions for “Carports” and “Membrane/Tent Structures” to Section 150.002 of the Zoning Chapter.

Motion by Randleman, second by Berkner to adopt Resolution 09-001 Approving Adoption of Ordinance 09-01 An Ordinance Adding Definitions for “Carports” and “Membrane/Tent Structures” to Section 150.002 of the Zoning Chapter.

Upon Roll Call Vote the following voted Aye: Johnson, Anderson, Dorry, Meyer, Randleman, Cunningham, Berkner.

All in favor. 7-0. MCU

11.c. Resolution Approving Adoption of Ordinance 09-02 Amending Sections 150.022 (E) (1) and 150.023 (E) (1) of the Zoning Chapter to Remove Carports from the Allowable Accessory Uses

Resolution 09-002 Approving Adoption of Ordinance 09-02 Amending Sections 150.022 (E) (1) and 150.023 (E) (1) of the Zoning Chapter to Remove Carports from the Allowable Accessory Uses

Motion by Cunningham, second by Randleman to adopt Resolution 09-002 Approving Adoption of Ordinance 09-02 Amending Sections 150.022 (E) (1) and 150.023 (E) (1) of

UNFINISHED BUSINESS: (CONT.)

the Zoning Chapter to Remove Carports from the Allowable Accessory Uses

Discussion and questions followed.

Upon Roll Call Vote the following voted Aye: Johnson, Anderson, Meyer, Randleman, Cunningham, Berkner. Nay: Dorry.

6-1. Motion carried.

11.d. Resolution Approving Adoption of Ordinance 09-03 Amending Section 150.075 (F) (2) & (3) of the Zoning Chapter Regarding Building Design Standards for Garage Accessory Buildings.

Resolution 09-003 Approving Adoption of Ordinance 09-03 Amending Section 150.075 (F) (2) & (3) of the Zoning Chapter Regarding Building Design Standards for Garage Accessory Buildings.

Motion by Meyer, second by Dorry to adopt Resolution 09-003 Approving Adoption of Ordinance 09-03 Amending Section 150.075 (F) (2) & (3) of the Zoning Chapter Regarding Building Design Standards for Garage Accessory Buildings.

Discussion and questions followed.

Upon Roll Call Vote the following voted Aye: Johnson, Anderson, Dorry, Meyer, Randleman, Cunningham, Berkner.

All in favor. 7-0. MCU

11.e. Resolution Approving Adoption of Ordinance 09-04 Adding a New Section to 150.074 of the Zoning Chapter to Prohibiting Carports as an Integral Part of the Principal Structure in Residential Zoning Districts.

This Ordinance will prohibit attached carports.

Resolution 09-004 Approving Adoption of Ordinance 09-04 Adding a New Section to 150.074 of the Zoning Chapter to Prohibiting Carports as an Integral Part of the Principal Structure in Residential Zoning Districts.

Motion by Randleman, second by Cunningham to adopt Resolution 09-004 Approving Adoption of Ordinance 09-04 Adding a New Section to 150.074 of the Zoning Chapter to Prohibiting Carports as an Integral Part of the Principal Structure in Residential Zoning Districts.

Upon Roll Call Vote the following voted Aye: Johnson, Meyer, Randleman, Cunningham, Berkner. Nay: Dorry and Anderson.

5-2. Motion carried.

11.f. Resolution Approving Adoption of 09-05 Amending Section 150.075 of the Zoning Chapter by Adding a New Section Prohibiting Carports and Membrane/Tent Structures in the R-1, R-2, and R-3 Districts.

Resolution 09-005 Approving Adoption of 09-05 Amending Section 150.075 of the Zoning Chapter by Adding a New Section Prohibiting Carports and Membrane/Tent Structures in the R-1, R-2, and R-3 Districts.

Motion by Berkner, second by Cunningham to adopt Resolution 09-005 Approving Adoption of 09-05 Amending Section 150.075 of the Zoning Chapter by Adding a New Section Prohibiting Carports and Membrane/Tent Structures in the R-1, R-2, and R-3 Districts.

UNFINISHED BUSINESS: (CONT.)

Discussion and questions followed.

Upon Roll Call Vote the following voted Aye: Johnson, Anderson, Dorry, Meyer, Randleman, Cunningham, Berkner.

All in favor. 7-0. MCU.

11.g. City Council Committee Structure-Mayor Blair Johnson

This was the topic of the December 15, 2008 workshop. The restructuring of committees will be considered at the next regular meeting.

11.h. Library Grant: Council Member Dorry asked if BSAG helped to pay part of the grant writing cost for upgrading the library basement. Council Member Cunningham stated BSAG decided not to fund a portion of the grant preparation. Discussion and questions followed.

NEW BUSINESS:

12.a. Approve Expenditures

Motion by Cunningham, second by Randleman to approve the expenditures.

Council Member Dorry asked Clerk-Administrator David Lang to review a utility bill refund in the amount of \$619.71. The refund seemed excessive.

6-0-1. Abstain: Berkner. Motion carried.

12.b. Schedule Budget Committee Meeting to Discuss 2008 Local Government Aids Unallotment-\$52,827. A Budget Committee meeting was set for 5:00 PM Monday, January 12, 2009 at the City Office Meeting Room. The Mayor called for a Workshop Meeting at 6:00 PM Tuesday, January 20, 2009 to consider the findings of the Budget Committee meeting.

12.c. Resolution Approving Appointed Officials/Committees/Commissions & Boards Resolution 09-006 Approving Appointed Officials/Committees/Commissions & Boards.

Motion by Anderson, second by Cunningham to adopt Resolution 09-006 Approving Appointed Officials/Committees/Commissions & Boards.

Discussion and questions followed.

Upon Roll Call Vote the following voted Aye: Johnson, Anderson, Dorry, Meyer, Randleman, Cunningham, Berkner.

All in favor. 7-0. MCU.

12.d. Resolution Approving Official Depositories, Newspaper, City Attorney, Radio Station.

Resolution 09-007 Approving Official Depositories, Newspaper, City Attorney, Radio Station.

Motion by Randleman, second by Cunningham to adopt Resolution 09-007 Approving Official Depositories, Newspaper, City Attorney, Radio Station.

Upon Roll Call Vote the following voted Aye: Anderson, Dorry, Meyer, Randleman, Cunningham, Berkner. Nay: None. Johnson abstained due to the fact he serves on the Board of the MinnWest Bank.

6-0-1. MC.

NEW BUSINESS: (CONT.)

12.e. Reschedule Next Regular Council Meeting to Tuesday, January 20, 2009.

Motion by Anderson, second by Berkner to set the next Regular City Council Meeting at 7:00 PM on Tuesday, Jan. 20, 2009 with a Workshop before the meeting at 6:00 PM.

All in favor. 7-0. MCU.

12.f. Midcontinent Digital Phone Service-Refer to Technology Committee

Motion by Cunningham, second by Meyer to refer to the Technology Committee the Midcontinent Digital Phone Service proposal for telephone services.

All in favor. 7-0. MCU.

12.g. Resolution Approving Engineering Services Agreement with Interstate Engineering for Sanitary Sewer Service for MN River Headwaters Trail Head Project-Not to Exceed \$7,625.00.

Resolution 09-008 Approving Engineering Services Agreement with Interstate Engineering for Sanitary Sewer Service for MN River Headwaters Trail Head Project-Not to Exceed \$7,625.00.

Motion by Cunningham, second by Anderson to adopt Resolution 09-008 Approving Engineering Services Agreement with Interstate Engineering for Sanitary Sewer Service for MN River Headwaters Trail Head Project-Not to Exceed \$7,625.00.

Discussion and questions followed.

Upon Roll Call Vote the following voted Aye: Johnson, Anderson, Dorry, Meyer, Randleman, Cunningham, Berkner.

All in favor. 7-0. MCU.

12.h. Local Board of Appeal and Equalization Meeting-Tentative Date & Time-Wednesday, April 2, 2009-5:00 PM- Courthouse

Motion by Meyer, second by Berkner to set the Local Board of Appeal and Equalization Meeting-Tentative Date & Time-Wednesday, April 2, 2009-5:00 PM-Courthouse.

All in favor. 7-0. MCU.

**12.i. Resolution Approving Equipment Service Agreements with Milbank Communications, Inc. for City, Ambulance, Fire and Power Departments
Resolution 09-009 Approving Equipment Service Agreements with Milbank Communications, Inc. for City, Ambulance, Fire and Power Departments.**

Motion by Anderson, second by Randleman to adopt Resolution 09-009 Approving Equipment Service Agreements with Milbank Communications, Inc. for City, Ambulance, Fire and Power Departments.

Discussion and questions followed.

Upon Roll Call Vote the following voted Aye: Johnson, Anderson, Dorry, Meyer, Randleman, Cunningham, Berkner.

All in favor. 7-0. MCU.

NEW BUSINESS: (CONT.)

12.j. Resolution Approving VFW Post 3964 Gambling License

Resolution 09-010 Approving VFW Post 3964 Gambling License

Motion by Berkner, second by Meyer to adopt Resolution 09-010 Approving VFW Post 3964 Gambling License.

Upon Roll Call Vote the following voted Aye: Johnson, Anderson, Meyer, Randleman, Cunningham, Berkner. Nay: None. Abstain: Dorry. 6-0-1. MC.

CITY CLERK-ADMINISTRATOR REPORTS & RECOMMENDATIONS:

13.a. Update: Small Cities Development Grant Program

13.b. Update: Upper MN River Regional Park Improvement Project Grant-Engineering Contract approved.

13.c. Update: Columbian Hotel

13.d. Ortonville TIF District Creation and Potential TIF Bond Issue-Pay As You Go format has the least amount of risk.

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

13.f. MRES Distribution Operations and Maintenance Annual Meeting-Needs Rescheduling

13.g. OAHS Bond Issue Financing-Sold

13.h. Snow Removal Policy-Refer to Street Committee

13.i. Heritage Preservation Commission-Application Format in packet

13.j. Economic Stimulus Information-Those projects that have the engineering reports complete will be more likely to be funded.

ADJOURNMENT:

Mayor Johnson adjourned the meeting at 8:00 P.M.

APPROVED:

ATTEST:

Blair Johnson
Mayor

David A. Lang
Clerk-Administrator