

**ORTONVILLE CITY COUNCIL MEETING MINUTES**  
**REGULAR MEETING**  
**CITY OFFICE MEETING ROOM**  
**315 Madison Avenue, Ortonville, MN**  
**Monday, May 18, 2009**  
**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 Blair Johnson, Craig Randleman, Steve Berkner, John Cunningham, Mike Dorry, and Nick Anderson. Absent: Bob Meyer. Staff Present: City Administrator David Lang, Deputy Clerk Susan Lundell, Finance Officer Char Grossman, Public Works Director Tim Scherer, Police Officer Jason Mork, City Attorney Craig Ash, Airport Manager Todd Verheul, Community Development Coordinator Vicki Oakes, Hospital Administrator Rick Ash. Media present: Sue Kaercher Blake (*Ortonville Independent*). Others present: Bob Schliemann of Ulteig Engineering, Eric Hanson of Short, Elliot, Hendrickson, Tom Koop of Allen Larson, Hospital Board Members Mary Ann Ulrich, Marilyn Lindahl, and Bill Thyne, David Dinnel, Penny Baybridge, David Tonn, Jack Berghuis, Roger Oehler, Mark Swigerd, Loretta Swigerd, Cliff Marholz, Gary Voegtli, Dan Oakes, Norm Bryan, Chris Dorry, Kari Dorry, Ruth Strong, Tom Kaye, LaVerne Kaye, Roy Haugen, Don Johnson, Carol Taffe, Roman Taffe, Becky Parker, David Reupke, Julie Kunrath, Steven Kunrath, Don Nissen, Judy Nissen, William Lund Jr., William Lund Sr., Lana Sand, Pat Sester, Jim Sester, Lynette Wellendorf, John Bergwall and other interested citizens.

**AGENDA AMENDMENTS/APPROVAL:**

**Motion by Randleman, second by Cunningham** *to approve the Agenda as presented.*  
**All in favor. 6-0. MCU. (Motion Carried Unanimously).**

**CITY ATTORNEY REPORTS & RECOMMENDATIONS:**

**a. Second Reading of Ordinance 09-06, An Ordinance Amending Chapter 31.06 of the Administrative Code Pertaining to the Creation, Powers and Duties of the Health Care Board.**

**Motion by Anderson, second by Dorry** *to approve the second reading of Ordinance 09-06, An Ordinance Amending Chapter 31.06 of the Administrative Code Pertaining to the Creation, Powers and Duties of the Health Care Board with the word "may" replacing the word "shall" under Subdivision 2. Composition. (a) Membership in regards to how many members of the City Council shall serve on the Health Care Board.*  
**All in favor. 6-0. MCU.**

**b. Resolution Adopting Ordinance No. 09-06 An Ordinance Amending Chapter 31.06 of the Administrative Code Pertaining to the Creation, Powers and Duties of the Health Care Board.**

**Resolution 09-073 Approving Adopting Ordinance No. 09-06 An Ordinance Amending Chapter 31.06 of the Administrative Code Pertaining to the Creation, Powers and Duties of the Health Care Board.**

**CITY ATTORNEY REPORTS & RECOMMENDATIONS: (Cont.)**

**Motion by Randleman, second by Anderson to adopt Resolution 09-073 Ordinance No. 09-06 An Ordinance Amending Chapter 31.06 of the Administrative Code Pertaining to the Creation, Powers and Duties of the Health Care Board as amended.**

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

c.Update: Acquiring Easements-Sanitary Sewer Forcemain; Utility and Street Improvements-McCloud Street-Discussed later in the meeting.

d.Update: Obtain Easement(s) for Utility Line Repairs Beneath Dusty Lane-Tabled.

Mayor Johnson closed the Regular Meeting and called a Public Hearing to order at 7:05 P.M.

**PUBLIC HEARING:**

**a. McCloud Street Forcemain and Street and Utility Improvement Project**

This Hearing was called to give the Public an opportunity to give testimony regarding the proposed McCloud Street Forcemain and Street and Utility Improvement Project. An outline for the Public Hearing was distributed.

Discussion and questions followed with respect to storm water runoff, as well as the width of McCloud Street including curb and gutter. It was noted that a 32-foot wide street would accommodate parking on one side.

It was noted that very few infrastructure improvement projects have been done in Ortonville since large Local Government Aid reductions that took place in 2003. Infrastructure projects cannot continue to be deferred indefinitely.

Engineer Bob Schliemann stated that low interest loans plus a small amount of grant money was available for the project should the Council proceed. He stated other projects are getting low bid prices due to the economy.

Roman Taffe considers the forcemain to be part of the overall city infrastructure and did not want to see that portion of the project specially assessed. He is concerned about the lineal footage as a basis for allocation of the forcemain costs. The other option is on a per hookup basis. The City plans to assess 30% of the cost of the project with the exception of 100% of the cost of the concrete driveway aprons being assessed to property owners.

Jack Berghuis of 109 McCloud Street expressed concerns about the weeds in Big Stone Lake and run-off into the lake.

Estimated project costs, proposed assessment methodology, cost sharing breakdowns and assessment rates were reviewed. Assessment examples and proposed annual payment schedules were discussed. Concerns about the poor economy were expressed.

**PUBLIC HEARING: (Cont.)**

City Attorney Craig Ash spoke to the need for obtaining easements. The City can fix the existing lines via a prescriptive easement. Grant requirements make it necessary for written easements to be in place for the McCloud Street Project. Ash stated easement documents were available for property owner's signatures if they wanted to sign them after the meeting. A timetable for construction was discussed.

Mayor Johnson closed the Public Hearing at 8:13 PM.

Mayor Johnson called the Regular Meeting to order at 8:14 PM.

**RECOGNITIONS/PRESENTATIONS/INTRODUCTIONS:**

a. 2008 Audit Summary-Tom Koop, Larson Allen

Tom Koop noted the Council held a Workshop to discuss and review the 2008 Audit earlier this evening. The City received a clean opinion on the Audit except for delayed disbursements by 40 days or greater on two small disbursements under the Capitalization Grants for Clean Water State Revolving Funds Program. Overall financial condition of the City is stable. There is a 6-month General Fund cash balance on hand. All enterprise funds are in the black except the Golf Fund including funding depreciation.

b. Infrastructure Engineering Items-Bob Schliemann, Ulteig Engineers

Schliemann reviewed with the Council the following topics:

Wellhead Protection Plan requires Council approval of the DNR Water Supply Plan.

Optimizing the operation of the Water Treatment Plant.

Street Improvement Project Engineering Work is in progress

MDH inspection of the wells – no immediate action now

Engineering work on City Shop expansion

c. OAHS Administrator Rick Ash:

1. Healthcare Board April Minutes

2. OAHS May Report

March financials – Patient volumes and services provided are at budget or better. Net Income for March was \$262,032

a. Board Report-Robotics project will come before the OAHS Board next month. Legislative Funding cuts are a concern

b. Medical Staff-Nurse Call System approved

c. Healthcare Month-May is Healthcare Month-Staff Recognition Events

d. Building Project-Building progressing and CT Scanner installed  
Capital Campaign at \$1.9M out of a goal of \$2.1M has been met  
A Helipad will be considered.

**CITIZENS TO BE HEARD:**

a. Kari Dorry-Early Childhood Initiative-Use of City Parks

Kari Dorry representing the Ortonville Early Childhood Initiative asked that the playground equipment purchased for the proposed park project be installed in the parks for use this summer.

**CITIZENS TO BE HEARD: (Cont.)**

This group would like the MN River Regional Trailhead Project to proceed. The Council has this project on hold due to the prospective LGA cuts for 2009 and 2010. A City match is required. Mayor Johnson stated the project was in the budget but the Council is waiting to see what cuts the Legislature will make to the City's Local Government Aids before proceeding. Clerk-Administrator Lang stated the City cannot proceed with the installation until all terms of the grant agreement are met. Tara Gregor asked if the equipment could be installed in phases. Becky Parker stated it was unfortunate that the playground equipment is being stored by the City but cannot be installed for the summer. The Park Board will be asked to review this matter.

**b. Penny Baybridge-Correction of minutes and City Attorney approval of Resolution:**

Penny Baybridge asked that minutes of the April 6, 2009 City Council minutes be revised. She also asked that a Resolution from the November 17, 2008 City Council meeting be clarified. She stated the Resolution regarding the OAHs Clinic was approved contingent upon approval by the City Attorney. She asked where in the minutes was record of his approval of the Resolution. The Council explained that the approval by the attorney is done verbally.

**CONSENT AGENDA:**

- a. \*Approve Corrected Minutes of City Council Regular Meeting April 6, 2009**
- b. \*Approve Minutes of City Council Workshop Meeting May 4, 2009**
- c. \*Approve Minutes of City Council Regular Meeting May 4, 2009**
- d. \*Approve Ortonville Volunteer Fire Department Application for Exempt Permit for Gambling (Raffle) at Matador**
- e. \*Approve Hiring List and Hourly Wage Rates for 2009 Summer Recreation Employees**
- f. \*Approve Hiring Assistant Pool Directors**
- g. \*Approve Request of OFC Ortonville (Former Jaycees) to Use Foot of Lake Park for Fundraising Circus July 17, 2009**
- h. \*Approve 2009 Liquor License Renewals per List as Presented at Meeting Time**  
**Motion by Cunningham, second by Randleman to approve the Consent Agenda as presented. All in favor. 6-0. MCU.**

**RECOMMENDATIONS OF CITIZEN BOARDS, COMMITTEES AND COMMISSIONS:**

**a. Park Board Recommendation: Install a Water Hydrant in Central Park (Refer to Utility Committee).** It was proposed to install a water hydrant for use for the possible upcoming Ash Borer problem in the park.

**Motion by Anderson, second by Randleman to refer the installation of a water hydrant in Central Park to the Utility Committee.**

**All in favor. 6-0. MCU.**

**b. Park Board Recommendation: Installation of Playground Equipment at Lakeside Park.** Discussion and questions followed. City Clerk-Administrator Lang will call Interstate Engineering to contact the DNR regarding whether or not we can proceed

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

immediately.

**c. Park Board Recommendation: Cap 2009 Family Pool Pass Fee at \$160.00**

**\$100 up to 5 plus \$15 per person up to a maximum of \$160.**

**Motion by Anderson, second by Dorry to cap the 2009 Family Pool Pass Fee at \$160.00. Discussion and questions followed.**

**All in favor. 6-0. MCU**

**d. Police Commission Recommendation: Chief of Police and Hiring of Part-Time Officers. Approve Letter of Retirement**

**Motion by Randleman, second by Anderson to accept a Letter of Retirement for Chief of Police Curtis Hormann.**

**5-1. Nay: Berkner. MC.**

**Motion by Dorry, second by Randleman to approve the Police Commission recommendation to offer Gary Dinnel an interim Chief of Police position.**

**Discussion and questions followed.**

**5-1. Nay: Berkner. MC.**

**e. Utility Committee Recommendation: School District Heat Exchangers**

The surcharge to the school district would be \$85/hour. The School will invest \$250,000.

**Motion by Cunningham, second by Randleman to install a transformer and incidentals that allow the school to install the heating and cooling system via a dual meter that is controlled by the City so that we can turn off power when we need to and allow this system to be put into place with no demand charges to the school. The motion stipulates that the city will charge an extra monthly service charge at the current commercial rate for the extra electric service panel.**

Discussion and questions followed.

**All in favor. 6-0. MCU.**

**f. Golf Board Recommendation: Golf Ranger Policing Duties**

**Motion by Cunningham, second by Anderson to authorize the Golf Ranger to call the police and press charges against anyone playing on the golf course without paying, to charge the daily trail fee to anyone using a cart on the golf course without paying a trail fee and if that same person is caught a second time they will be prosecuted, and to remove a person from the golf course for the day if they are breaking the rules and/or do not comply with instructions.**

**Discussion and questions followed.**

**5-1. Nay: Dorry. MC.**

**g. Golf Board Recommendation: Bad Check Collection Policy**

**Motion by Berkner, second by Cunningham to approve a Bad Check Collection Policy whereby the City is responsible for bad checks for golf and the golf course lessee is responsible for bad checks for meals.**

**All in favor. 6-0. MCU.**

**h. Golf Board Recommendation: Resolution Approving Payment of Half the Golf Course Website Costs-\$60.00 Per Year**

**Resolution 09-074, Approving Payment of Half the Golf Course Website Costs-**

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

**\$60.00 Per Year.**

**Motion by Randleman, second by Berkner to approve Resolution 09-074, Approving Payment of Half the Golf Course Website Costs-\$60.00 Per Year.**

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

**All in favor. 6-0. MCU.**

**UNFINISHED BUSINESS:**

City Assessment Policy Review-Council Member Anderson

Council Member Anderson reported that upon review of what other cities are charging for fees he stated that Ortonville's proposed fees were high in comparison. The adoption of a City Assessment Policy was tabled.

**NEW BUSINESS:**

**a. Approve Expenditures**

**Motion by Randleman, second by Cunningham to approve the expenditures as submitted.**

**5-0-1. Abstain: Berkner. MC.**

**b. Resolution Approving Plans and Specifications and Ordering Advertisement for Bids- McCloud Street Forcemain and Street and Utility Improvement Project.**

Council Member Craig Randleman made reference to the City's Comprehensive Plan by saying it is a tool that encourages improvements to the City's infrastructure. He stated this project fits within the Comprehensive Plan. He sympathized with homeowners who are concerned about costs but said the City has to look to the future and the need for improvements. Discussion and questions followed. Dorry expressed concern for property owners who will receive a \$20,000.00 assessment and asked if the City can justify this expense without being sued. Berkner stated there needs to be community standards with respect to street construction having to do with street width as well as curb and gutter. Mayor Johnson stated curb and gutter is important for functionality and for uniformity. Nick Anderson expressed concern about storm water runoff into the lake.

City Engineer Bob Schlieman stated tabling the decision on the project would not affect the PFA Loan, but would jeopardize the possibility of federal stimulus funding.

**Resolution Approving Plans and Specifications and Ordering Advertisement for Bids- McCloud Street Forcemain and Street and Utility Improvement Project.**

**Motion by Randleman, second by Anderson to adopt Resolution Approving Plans and Specifications and Ordering Advertisement for Bids-McCloud Street Forcemain and Street and Utility Improvement Project.**

**Upon roll call vote the following voted Aye: Johnson, Anderson, Berkner, Cunningham, Randleman. Nay: Dorry. Motion failed due to lack of 4/5 vote as required by Minnesota State Statutes, Chapter 429.**

**NEW BUSINESS:(Cont.)**

**c. Resolution Accepting Bid for Airport 2009 Taxiway & Apron Project-\$450,027.25**

**Resolution 09-075, Accepting Bid for Airport 2009 Taxiway & Apron Project**

**Motion by Cunningham, second by Berkner to adopt Resolution 09-075, Accepting Bid for Airport 2009 Taxiway & Apron Project-\$450,027.25**

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

**All in favor. 6-0. MCU.**

**Resolution Approving Construction Management Contract with SEH for Airport 2009 Taxiway & Apron Project- \$46,400.00**

**Resolution 09-076, Approving Construction Management Contract with SEH for Airport 2009 Taxiway & Apron Project- \$46,400.00**

**Motion by Anderson, second by Randleman to adopt Resolution 09-076, Approving Construction Management Contract with SEH for Airport 2009 Taxiway & Apron Project- \$46,400.**

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

**All in favor. 6-0. MCU.**

**d. Recreational Fires-Craig Randleman**

Council Member Randleman stated the public needs to be more aware of how smoke from their recreational fires affect their neighbors. He asked the Clerk-Administrator to publicize the rules regarding recreational fires.

**e. Approval of Letter of Retirement from Police Chief Curtis Hormann-Acted on earlier in the meeting.**

**f. Resolution Approving Renewal of Waste Management Contract**

**Resolution 09-077, Approving Renewal of Waste Management Contract**

**Motion by Cunningham, second by Randleman to adopt Resolution 09-077, Approving Renewal of Waste Management Contract.**

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

**All in favor. 6-0. MCU.**

**g. Approve MN DNR Water Supply Plan**

**Motion by Cunningham, second by Randleman to approve Minnesota Department of Natural Resources Water Supply Plan.**

**All in favor. 6-0. MCU.**

**h. Resolution Appointing Council Member to Fill the Vacancy on the Ortonville City Council**

Mayor Johnson reported that he had 3 applicants for the impending vacant council seat as follows: Mary Gustafson, Dan Oakes, David Dinnel.

**Motion by Randleman, second by Anderson to adopt Resolution Appointing Dan Oakes to Fill the Vacancy on the Ortonville City Council.**

**NEW BUSINESS:(Cont.)**

Council Member Dorry reported the May 4<sup>th</sup> City Council minutes stated that the vacancy would be filled in June thus giving the Council time to interview and consider applicants. He asked that the Council wait to make the decision until all the Council members were present. Meyer was missing from this meeting. Berkner said he wanted more time to consider candidates and asked that the decision to name someone to the Council be delayed until the first meeting in June. He said he told a potential candidate that they had until the June meeting to apply. Randleman would like to move forward with an appointment this evening. Berkner stated it would create a separation on the Council if they decided on an appointment without the full council present. Dorry asked Attorney Ash if he (Dorry) and Council Member Berkner left the meeting if the Council would have a quorum. Anderson suggested waiting until Council Member Meyer returns to make a decision on the appointment.

Randleman withdrew his motion and Anderson withdrew his second. The matter was tabled.

Mayor Blair Johnson thanked John Cunningham for his years of service to the City.

**CITY CLERK-ADMINISTRATOR REPORTS & RECOMMENDATIONS:**

- 13.a.Update: Small Cities Development Grant Program
- 13.b.Update: Columbian Hotel
- 13.c.Ortonville TIF District Creation and Potential TIF Bond Issue
- 13.d.Update: Sanitary Sewer Forcemain Improvements along Big Stone Lake; Street and Utility Improvements on McCloud Street-Public Hearing 7:00 PM-05-18-09
- 13.e.Library Steps Grant Update
- 13.f. 2009-2010 Local Government Aid Update
- 13.g.MRES Bright Energy Solutions Rollout
- 13.h.Update: 2009 Taxiway and Apron Project-Ortonville Airport
- 13.i. Update: Central Park Erosion Control
- 13.j. UMVRD Know Your Region Training
- 13.k.2009 Ortonville Archery Deer Hunt
- 13.l.Update: Airport Window Replacement
- 13.k.UMVRD Entrepreneur Training Sessions

**ADJOURNMENT:**

**Mayor Johnson adjourned the meeting by Consensus at 9:55 PM.**

APPROVED:

ATTEST:

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Blair Johnson  
Mayor

\_\_\_\_\_  
David A. Lang  
Clerk-Administrator