

**MINUTES
CITY OF LONSDALE
REGULAR CITY COUNCIL MEETING
JANUARY 31, 2008**

1. CALL TO ORDER

Mayor Rud called a meeting of the Lonsdale City Council to order at 7:00 pm in the Council Chambers at 415 Central Street West.

2. PLEDGE OF ALLEGIANCE

Everyone stood and recited the Pledge of Allegiance.

3. ROLL CALL

Present: Duban, Kodada, Rud, Smith and Furrer

Absent: None

Staff Present: City Administrator Joel Erickson, City Planner Benjamin Baker, Public Works Director Russ Vlasak and City Engineer Kevin Kawlewski

4. AGENDA

Mayor Rud asked if anyone wanted any items added or taken off the agenda. Administrator Erickson presented two additions to the agenda: (1) hourly rate increase for City's Prosecuting Attorney Kurt Fischer and (2) approval of the Fire Department's new recruits.

A motion was made by Duban and seconded by Kodada to approve the agenda with the noted additions. Vote for: Duban, Kodada, Rud, Smith and Furrer. Against: None. Vote 5-0. Motion carried.

5. APPROVAL OF MINUTES

A motion was made by Kodada and seconded by Smith to approve the minutes from the November 29, 2007 Regular Meeting, the December 13, 2007 Regular Meeting, the December 27, 2007 Regular Meeting, the January 7, 2008 Special Meeting and the January 10, 2008 Regular Meeting. Vote for: Duban, Kodada, Rud, Smith and Furrer. Against: None. Vote 5-0. Motion carried.

6. PUBLIC HEARINGS

- a. Ordinance 2008-219 – an Ordinance Amending Chapter § 10.99 of the City Code
Rud opened the public hearing at 7:03 pm. Rud read through the Staff report and presented the opportunity for anybody to speak on the matter. Erickson indicated that Staff had worked several months to draft an ordinance authorizing administrative fines in lieu of criminal penalties. He explained the purpose behind administrative fines is to provide the public and the City an informal, cost effective, and expeditious alternative to traditional criminal charges for violations of certain ordinance provisions. He also emphasized that administrative fines are both voluntary by the City and the violator. Erickson went through the list of fees for violations. Erickson explained that both Administrative staff and the Police Department would have the authority to issue tickets at their discretion. If an administrative fine is issued, the violator then has the option to pay the administrative fine within 7 days. If a fine is not paid within 7 days, it is disregarded and a traditional ticket is issued and a court date is set. Chief Schmitz stated that the current fine fee for a general speeding ticket is \$117, and the City receives two-thirds of the fine. Schmitz said that if the ticket is contested, the City loses out on approximately \$33 due to additional costs associated with appearing in court.

David Anderson, 408 7th Avenue NE, Lonsdale, MN, came up to the podium to express his viewpoint regarding the administrative fines ordinance proposal. He provided copies of his letter dated January 31, 2008 to the Council. His letter referenced related State Statutes, recent case law, and personal opinion. He stated that administrative fines do not necessarily present a win-win situation. He stated that fines should be used for deterring not for raising revenue.

Rud asked if anyone in the audience wanted to be on the public record. Erickson stated that no other written comments were received. Rud stated that the issue will be discussed

later in the meeting under Agenda Item 10-E, Approval of Ordinance 2008-219, an Ordinance Amending §10.99 of the City Code.

A motion was made by Kodada and seconded by Duban to close the public hearing. Vote for: Duban, Kodada, Rud, Smith and Furrer. Against: None. Vote 5-0. Motion carried. The public hearing closed at 7:15pm.

7. PRESENTATION OF CITIZEN PETITIONS AND COMMENTS

None

8. APPROVAL OF THE CONSENT AGENDA

Rud listed the six items on the consent agenda, and he explained that consent agenda items are typically routine and noncontroversial items. Rud asked Erickson to give a quick overview of the Local and Regional Trail Connection Program Gants. Erickson explained that the current trail loop around the city is about 5 miles, but there is a section missing along the CASH 33 curve. City Engineer Kawlewski said he was confident that the City would receive some kind of funding for the public trail project.

A motion was made by Duban and seconded by Kodada to approve the consent agenda. Vote for: Duban, Kodada, Rud, Smith and Furrer. Against: None. Vote 5-0. Motion carried.

9. OLD BUSINESS

a. Update on Proposed Assisted Living Facility – Patricia Vincent, Three Links Care Facility - CEO

Rud introduced Patricia Vincent, CEO of Three Links Care Facility. Vincent provided a project update regarding a proposed senior living campus to be located on the vacant land east of Fred's IGA. Vincent stated that Three Links has been meeting regularly with the City to consider all their options. She stated that Three Links has already spent quite a bit of money developing plans, but they have decided to dump the old plans and work with Winkelman Development Corporation. Three Links is currently in the process of brainstorming new ideas with Architect Ken Rivera. Vincent said that Three Links would also like to incorporate the needs of the City into the facility's design including a library and community meeting rooms. Vincent said they are planning to build a 58,000 square foot facility housing 57 dwelling units including 16 independent senior housing units, 27 assisted living units, and 14 memory care units. She also said they were considering other features such as a community library, dining room, family dining room, community meeting rooms, garages, guest rooms, chapel, a theater, beauty shop, fire place, exercise room, spa area, nursing office, activity space, an irrigation system, and a park area with a gazebo. She said she wants to provide the features that seniors are interested in but still keep rents affordable. She expects to start on the project this summer and finish construction by spring 2009. She also mentioned that Three Links would try to bid the project out locally.

Rud stated that the City has been working on locating a senior housing facility in Lonsdale for over two years. He said that it has been a long road but well worth it, and he thanked Vincent and Ted Kowalski, property owner. He stated that the facility may become the crown jewel of Lonsdale.

b. Consider Approval of Resolution 2008-07, a Resolution Adopting Assessment for Unpaid Refuse Bills for Certain Properties

Erickson explained that Waste Management sent notices by certified mail to certain properties with delinquent refuse bills. Erickson presented the Council with a spreadsheet, attached to Resolution 2008-07, listing each notified property along with the amount due. He stated that all unpaid refuse bills will be assessed against property. Erickson explained that according to the current contract with Waste Management, the City is responsible for collecting on past due accounts. He said that the delinquent amounts listed will need to be paid along with 2009 property taxes. Rud asked if residents still had time to pay off their debt. Erickson stated that the City would continue to accept payments and that Waste Management may consider payment plans in certain cases. Kodada stated that the City needs to renegotiate its current contract with Waste Management. Furrer asked how long the current contract runs for. Erickson stated that it

expires in 2010. Rud agreed that Waste Management should take care of delinquent bill issues on their own.

A motion was made by Kodada and seconded by Furrer to approve Resolution 2008-07, a resolution adopting assessment for unpaid refuse bills for certain properties in the City of Lonsdale. Vote for: Duban, Kodada, Rud, Smith and Furrer. Against: None. Vote 5-0. Motion carried.

10. NEW BUSINESS

- a. Presentation of Certificate of Appreciation to Kristen Glockner – Lonsdale Jaycees
Rud recognized Kristen Glockner for her volunteer work with the Lonsdale Jaycees. Rud read a letter of gratitude from the current Jaycee president thanking Glockner for her past service as president. Rud presented Glockner with a certificate of appreciation. Glockner said the Jaycees managed to raise about \$6,500 for a new playground at Jaycee Park and started fund raising for a warming house. She said that they recently lost their significant source of revenue in pull tabs at Flicek's. She stated that the Jaycees are always looking for new members. Rud mentioned that the Jaycees had the early vision for field lights at Jaycee Park. He thanked her for her service to the community.

- b. Presentation of Check in the Amount of \$486.60 to Cub Scouts Pack # 327 for the Green Team Recycling Program – Margo Underwood
Rud welcomed Cub Scout Pack # 327 and Margo Underwood from Waste Management to the front of the Council Chambers. Underwood stated that the Cub Scouts did a marvelous job helping recycle 24.2 tons of material during their term as the Green Team. She then presented Pack Leader Todd Christianson with a check for \$486.60 for managing the recycling program for the 4th quarter of 2007. Christianson stated that the Pack will use the funds to replenish the expenses from their first official Pinewood Derby. Underwood stated that their recycling efforts have helped save landfill space and wetlands.

- c. Consider Approval of Liquor Store Project Change Order C22-07 in the Amount of \$123.00
Donavan Smith, Construction Manager with Amcon, asked the Council to consider Change Order C22-07. Smith explained that there was an issue with the location of the roof curbing for the cooler units. He stated that the reason for the change order is because the City has a contract with the cooler contractor and not Amcon. Amcon has agreed to reimburse \$123.00 to the City, a 50/50 cost sharing for relocating the curb blocking.

A motion was made by Duban and seconded by Kodada to approve Change Order C22-07, in the amount of \$123.00. Vote for: Duban, Kodada, Rud, Smith and Furrer. Against: None. Vote 5-0. Motion carried.

- d. Consider Approval of Liquor Store Project Pay Application No. 8 in the Amount of \$7,190.00 for the Lonsdale Liquor Store Project
Donavan Smith, Amcon, asked the Council to consider a pay request in the amount of \$7,190.00 which represents payment to five different contractors. He said the request was reviewed and approved by Amcon. He also mentioned that an eleven-month walkthrough was conducted on January 28th with Council members Duban and Kodada, Administrator Erickson, and Liquor Store Manager Lynette Moe. Kodada said that the project looked good and that there was no warranty work left to be completed. Duban stated that he was satisfied except for the \$900 cooler issue. Public Works Director Russ Vlasak asked about the problem with the outside lights and electrical work. Kodada said they were installed correctly per the plans. Smith stated that items still on the punch list are minimal and that no contractor with outstanding work to be completed would be paid on the request.

A motion was made by Duban and seconded by Kodada to approve Pay Application Number 8 in the amount of \$7,190.00 for the Lonsdale Liquor Store Project. Vote for: Duban, Kodada, Rud, Smith and Furrer. Against: None. Vote 5-0. Motion carried.

Duban asked if the City had completed the sale of the previous Liquor store. Erickson stated that title work was still being completed and a letter from the closing attorney was sent out.

e. Consider Approval of Ordinance 2008-219, an Ordinance Amending §10.99 of the City Code

Rud stated that Ordinance 2008-219 correlates to the public hearing held earlier in the meeting. Police Chief Schmitz stressed that administrative fines will be given out at an officer's discretion. He said it will give violators another option compared to the uniform citation and court day. Schmitz stated that there are no quotas and fines will not go directly towards the police department. He said that Montgomery, and Dundas all have implemented administrative fines. Rud asked about concerns brought up at the public hearing. Erickson read from State Statue 169.022 and stated that he believes that the proposed ordinance amendment complies with the statue. Smith stated that things won't change. He said administrative fines will just add another tool for officers to use at their discretion. Duban asked where violators will pay their fine. Erickson said that Staff will still need to work on that but he is a firm believer in confidentiality. Furrer asked when administrative fines would be implemented. Schmitz said in March. Smith said as long as officers are able to use their discretion then it is okay. He also stated that revenue from the fines should go towards public safety projects. The Council debated whether to include moving violations in the ordinance. Erickson stated that he is very comfortable with approving Ordinance 2008-219 based on the City Attorney's opinion.

A motion was made by Kodada and seconded by Duban to approve Ordinance 2008-219, an ordinance amending §10.99 of the City Code. Vote for: Duban, Kodada, Rud, Smith and Furrer. Against: None. Vote 5-0. Motion carried.

f. Consider Approval of Resolution 2008-08, a Resolution Adopting Administrative Offenses and Penalties

Erickson stated that according to Ordinance 2008-219, Section 8, offenses and penalties shall be established by resolution of the City Council. He listed the offences and penalties. Smith stated that fines should be uniform. Rud stated that Staff has put a lot of research into the issue.

A motion was made by Kodada and seconded by Smith to approve Resolution 2008-08, adopting administrative offenses and penalties. Vote for: Duban, Kodada, Rud, Smith and Furrer. Against: None. Vote 5-0. Motion carried.

g. Consider Approval to Purchase (2) Digital In Car Video/Audio Recording Systems for Police Department Squad Cars in the Amount of \$8,635.00

Chief Schmitz stated that current police vehicles are not equipped with-in car cameras. He said that audio and video systems installed in the patrol vehicles help accurately document police events. He said that three quotes were received. He stated that representatives from Digital Ally and Watch Guard came to the Lonsdale Police Department and provided a demonstration. Schmitz recommend that the Council consider the Digital Ally technology at \$7999.00 for two patrol cars. Schmitz mentioned that system accessories would also need to be purchased.

A motion was made by Duban and seconded by Smith to approve the purchase of two (2) digital in-car video/audio recording systems and accessories in the amount of \$8,635.00 for Police Department Squad Cars. Vote for: Duban, Kodada, Rud, Smith and Furrer. Against: None. Vote 5-0. Motion carried.

h. Consider Approval of Pay Request No. 5 in the Amount of \$22,219.44 to BCM Construction, Inc. for the 2006 Street and Utility Improvement Project

City Engineer Kawlewski stated that Public Works Director Vlasak and Kevin Overby completed a walkthrough on approximately one-half of the 2006 Reconstruction Project. He said that the final walkthrough will be completed in the spring of 2008, and he doesn't anticipate any issues. He stated that sod and turf work were completed in the fall of 2006 and made it through one complete growing season. He also said that the final wear course was completed in August 2007. Kawlewski said the City will still retain a

performance bond for the construction and will acquire a two year maintenance bond once the project is final and complete. He recommended approval of Payment Number 5.

A motion was made by Duban and seconded by Kodada to approve Pay Request Number 5 in the amount of \$22,219.44 to BCM Construction, Inc for the 2006 Street and Utility Improvement Project. Vote for: Duban, Kodada, Rud, Smith and Furrer. Against: None. Vote 5-0. Motion carried.

i. Consider Approval of an External Market Study Proposal by Paul Ness in the Not-to-Exceed Amount of \$1,980.00

Erickson explained that the City received three proposals in response to a RFP for an External Market Study. He reviewed the three submitted quotes with the Council, and he recommended the Paul Ness quote in the not to exceed amount of \$1,980.00. He stated that the consulting companies will basically use the League of Minnesota Cities website to gather their information to see if the City lags, meets, or exceeds salary amounts compared to similar cities in the area. He mentioned that Staff could use the same information to produce a similar report. Kodada stated that the City should first get the health insurance issue under wraps. Furrer said that health insurance is a huge issue and it's not an emergency to conduct an external market study. Rud said that the Council should be ready and committed to follow through with the results from a study. Smith stated that an external salary study should be brought up again after the health insurance issue is resolved.

A motion was made by Duban and seconded by Kodada to reject the submitted quotes and table the external market study until a future date. Vote for: Duban, Kodada, Rud, Smith and Furrer. Against: None. Vote 5-0. Motion carried.

j. Consider Approval to Request Proposals to have a Business and Market Study Completed for a Proposed Business Park

Erickson stated that City staff met with a developer to construct a business park on the Rezac property, located southwest of the Hwy 19 and Garfield Avenue intersection. He said the City's financial advisor and a planning consultant were present at the meeting. Erickson said that the planning consultant was requested to provide a proposal for a business/market study. Erickson said that the City received and reviewed the proposal from the planning consultant, Municipal Development Group. Erickson summarized MDG's scope of services proposal for the Council. He said that the cost of the study would be \$7,000.00. Erickson suggested that since both the developer and City will benefit from the study, that 50/50 cost sharing be explored. Duban stated that obtaining more proposal quotes would take more time. Erickson said he is confident with MDG. The Council stated that the details and results of the study should go back to the Economic Development Authority.

A motion was made by Duban and seconded by Kodada to move forward with the market study proposal from Municipal Development Group. Vote for: Duban, Kodada, Rud, Smith and Furrer. Against: None. Vote 5-0. Motion carried.

k. Consider Approval of Hourly Rate Increase for City Prosecuting Attorney

Erickson stated that Kurt Fishcher, City Criminal Attorney, sent a letter stating that his billing rate for the year 2008 was going to increase to \$105.00 per hour. Erickson mentioned that the last rate increase was back in 2002. Duban said that the hourly rate increase was fair.

A motion was made by Smith and seconded by Kodada to approve an hourly rate increase of \$105.00 per hour for the City's Criminal Attorney Kurt Fishcher. Vote for: Duban, Kodada, Rud, Smith and Furrer. Against: None. Vote 5-0. Motion carried.

l. Consider Approval of Fire Department Recruits

Fire Chief Mike Yetzer asked the council to consider four new recruits: Harry Danielson, Casey Gregor, Kevin Hruby, and Mike Stopski. He also asked the council to consider extending the probationary period by three months for Joe Pumper and Shannon Morsching so they can attend one final class in order to receive their Firefighters Certificate.

A motion was made by Kodada and seconded by Duban to approve new fire department recruits Harry Danielson, Casey Gregor, Kevin Hruby, and Mike Stopski and extend the probationary period by three months for Joe Pumper and Shannon Morsching . Vote for: Duban, Kodada, Rud, Smith and Furrer. Against: None. Vote 5-0. Motion carried.

11. OTHER BUSINESS

a. Planning & Zoning Report

Planner Baker presented the results from the latest lot inventory to the Council. He stated that 453 lots were vacant and 74 homes were marked for sale. He said that 78% of the homes for sale were located in new residential developments.

b. Department Reports

Human Resources

Duban stated that the conversation was confidential.

Ambulance

Duban stated the Northfield Area Ambulance honored Don Novak for his years of service. He reported that there were 477 west side runs compared to the previous year's 343. He said that Thursday is usually the busiest day. Duban said that Elko-New Market may soon be covered by Northfield. Northfield Ambulance has 27 employees and two-thirds are paramedics. The budget for next year is 2.7 million.

Liquor Store

Kodada reported that they completed a walkthrough on Monday.

EDA

Smith stated that Harold Kuchincka is the new EDA chair

Planning & Zoning

Furrer said that a new sign ordinance will be in place soon.

Mayor

Rud said that the newly implemented flat fees were encouraged by the State and not a money maker for the City. He said that three flat fee permits have been issued this year. He also stated that Habitat for Humanity is still accepting applications for the future Habitat home in Lonsdale.

12. ADJOURNMENT

A motion was made by Kodada and seconded by Duban to adjourn the meeting. Vote for: Duban, Kodada, Rud, Smith and Furrer. Against: None. Vote 5-0. Motion carried. The meeting ended at 9:07 pm.

Respectfully Submitted:

Joel A. Erickson, City Administrator