

**MINUTES
CITY OF LONSDALE
REGULAR CITY COUNCIL MEETING
October 30, 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: Daleiden, Kodada, Rud, Smith, and Furrer

Absent: None

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

4. AGENDA

Mayor Rud asked if anyone had any additions, deletions, or corrections to the Agenda. Rud added "Park & Recreation Advisory Board appointment" to the agenda.

A motion was made by Smith and seconded by Kodada to approve the agenda with the noted addition. Vote for: Daleiden, 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 September 11, 2008 Regular meeting, the September 25, 2008 Regular meeting, and the October 9, 2008 Regular meeting. Vote for: Daleiden, Kodada, Rud, Smith, and Furrer. Against: None. Vote 5-0. Motion carried.

6. PUBLIC HEARINGS

None

7. PRESENTATION OF CITIZEN PETITIONS AND COMMENTS

Fritz Duban, president of the Northfield Ambulance, presented a third quarter report to the Council. He said that calls were up 14 percent since last year and the west side jumped from 343 to 424. He reported that the new truck was back in service. He said that there are now 31 members on staff. He mentioned that an ambulance may soon be sitting in Lonsdale 24 hours a day.

Duban thanked the public works department for their maintenance work on the Skywarn building.

Jeanette Morgan, president of the Lonsdale Jaycees, updated the Council on the Jaycees' warming house fundraising project. She mentioned that the Jaycees have been struggling to raise funds for a new warming house at Jaycee Park. She said that the last four fundraising events actually lost money. She mentioned that Kym El-Wailli, Hockey Association, Kevin Kodada, Park & Recreation Advisory Board Chair, Tim Rud, Joel Erickson, and herself met earlier in the day to discuss other options for raising money. She said that they have an outdated cost estimate of \$10,000 - \$12,000 for the project but plan on obtaining an updated quote. She said that they are hoping to build the warming house within the next year.

Rud thanked Morgan and Duban for presenting.

8. APPROVAL OF THE CONSENT AGENDA

A motion was made by Kodada and seconded by Furrer to approve consent agenda items (a)-(f) as follows:

- a. Monthly Bills
- b. Treasurer's Report
- c. Board and Commission Minutes
- d. Consider Approval to Schedule a Special Meeting for Monday, November 17, 2008 at 6:30 pm to Finalize the 2009 Budget
- e. Consider Approval of Police Officer Dave Dols Letter of Resignation as Part Time Police Officer
- f. Consider Approval to Terminate Part Time Police Officer Jerry Duchene

Vote for: Daleiden, Kodada, Rud, Smith, and Furrer. Against: None. Vote 5-0. Motion carried.

- g. Consider Approval to Reject a Bid Submitted by Randy Vlasak in the Amount of \$325.00 for a Forfeited 1992 Saturn SL2 and to Authorize Staff to Advertise the Vehicle on Ebay or propertyroom.com

Furrer asked if the item could be pulled for discussion. Rud asked Police Chief Schmitz if the City established a minimum bid for the forfeited car. Schmitz said no, but he said that the City could put a minimum amount on the car. Furrer stated that there were some disgruntled bidders. She also asked if interested parties could test drive the car. Schmitz said that prospective bidders could only look at the car.

- h. Consider Approval to Authorize Staff to Advertise a Forfeited 2001 Honda Civic on Ebay or propertyroom.com

Furrer also asked if this item could be pulled for discussion. The Council directed staff to establish a minimum bid.

A motion was made by Kodada and seconded by Furrer to approve consent agenda items (g)-(h) and place a minimum bid on the cars. Vote for: Daleiden, Kodada, Rud, Smith, and Furrer. Against: None. Vote 5-0. Motion carried.

9. OLD BUSINESS

a. Discuss the Draintile Project Between 11th Ave NE 12th Ave NE

Erickson stated that this issue has been before the Council a couple of times. He said that Jenny Weyandt, of 526 11th Avenue NE, initially petitioned the City to help resolve the drainage issues behind her home. Erickson stated that the City Council did agree to hire a contractor to fix the problem only if the affected property owners signed a right-of-entry agreement. He said that it was the City's intention that the property owners be responsible to remove their sprinkler system heads, fences from the easement area and reestablish grass after the project is completed. Erickson said that so far only 14 of 26 property owners have signed and returned the agreement to the City. He said that Weyandt went around to the affected property owners to encourage them to sign the agreement.

Jenny and Steve Weyandt approached the podium. Jenny Weyandt said that everyone along 11th Avenue NE was willing to sign the agreement, but she mentioned that most owners along 12th Avenue NE were unwilling to sign due to concerns with turf reestablishment, interference with sprinkler systems, and cost of restoration. Weyandt pleaded with the Council and her unwilling neighbors to proceed with the project for reasons of safety and foul odor.

Todd Moore, 608 11th Avenue NE, stated that he paid a lot of money for his lot and new house. He said that he would have never moved to Lonsdale if he knew that a drainage problem existed in his rear yard and that it would smell like a sewer pit. Moore said that he and one of his neighbors already spent money taking out sprinkler heads on their property in preparation for the project.

Rud clarified that drainage problems were not a result of initial development grading work but stemmed from contractors and home owners grading their individual lots incorrectly after the City approved the final development grading work. Vlasak stated that a platted drainage and utility easement does exist along the rear yards. Rud said that the City needs property owners to sign the right-of-entry agreements.

Marcia Rivas, 321 12th Avenue NE, stated that she lives 3 houses from the corner and that the drainage problem entails the entire block. She emotionally claimed to have a case of the West Nile Virus due to the large number of mosquito born in the stagnant water standing next door.

Furrer and Rud asked if the project could be completed in clusters instead of an entire block long project. The rest of the Council agreed with the clustering ideas so that properties that have signed off on the right-of-entry agreement can be completed without having to wait for the remaining unsigned properties.

Rick Costephens, 421 12th Avenue NE, stated that he would not sign the agreement because he contacted his home contractor and the contractor stated that the drainage problem was a City issue. Costephens said that his home warranty is now up, and he doesn't believe that he should be responsible for restoration costs after spending a lot of money on new sod. Rud said that problems arose when contractors filled in rear yard swales not in compliance with the approved grading plan. Rud explained that the City now requires as-built surveys because of past drainage issues. Rud stated that it is a home builder problem, but the City would like to help solve the drainage issues. He said that the City is willing to pay for drain tile work at no cost to the property owners.

A motion was made by Smith and seconded by Kodada to have City staff obtain a new quote for drain tile work around the southernmost and northernmost catch basin areas between 11th Avenue NE and 12th Avenue NE. Vote for: Daleiden, Kodada, Rud, Smith, and Furrer. Against: None. Vote 5-0. Motion carried.

b. Discuss Purchase Options for a Street Sweeper

Erickson stated that the sweeper issue has been discussed in detail at the least two City Council meetings. Erickson provided a summary outlining the sweeper information. He said that the City currently has \$60,000 budgeted for a sweeper and \$30,000 will be designated in 2009 for a total of \$90,000. Kodada said that it is not wise to purchase a new sweeper and dip into reserves. The Council agreed that the City should spend within its means. Daleiden asked if the City would need to purchase a sweeper at all considering the cost of contracting it out. Daleiden asked what the public works department's thoughts were. Vlasak suggested letting the issue go for awhile since fall cleanup was already complete. He said that although the scooping method was time consuming, it worked. Rud asked Vlasak to estimate the number of hours that Public Works would actually use a sweeper. Vlasak estimated 300-500 hours a year without including seal coating cleanup. Rud suggested bringing in different sweeper demos in right away and not pushing the issue off. He said that the City needs to live within the approved budget. He stated that certified rebuilds that include a warranty may be another option to consider. Furrer asked public works to obtain another quote on a used machine. Daleiden suggested it might be best to contract out for sweeping and bypass potential liability issues.

No action was taken.

10. NEW BUSINESS

a. Presentation of Waste Management "Youth Recycling Green Team" Check in the Amount of \$337.05 to the Lonsdale Little League Baseball – Margo Underwood

Margo Underwood, of Waste Management, presented a check to Kim Kes, representing Lonsdale Little League Baseball, in the amount of \$337.05. She mentioned that all together 22.47 tons were recycled. Kes said that the older kids monitored the bins, and the younger ones learned about recycling. She said the money will go towards new equipment.

b. Montgomery/Lonsdale School Referendum Presentation – Citizens Supporting ML Schools

Lori Schwarz and other members of the Citizens Supporting Montgomery-Lonsdale Schools campaign presented a vote yes message to the Council and audience in regards to the two referendum questions on the upcoming 2008 general election ballot. Schwarz headed up the presentation which discussed the definition of an operating levy, what the current budget situation is, what is at stake if no action is taken, what a “yes” vote will cost the average property owner, and clarifying misconceptions. Schwarz thanked the Council for allowing time to present. Rud and Kodada offered good luck to the group.

c. Cap X 2020 Presentation – Randy Fordice

Randy Fordice, a Cap X 2020 representative, presented an informational presentation including handouts to the Council regarding the Cap X 2020 project. He summarized the background behind the project, stating that new transmission lines are needed to meet current and future electrical demands in the area. He reviewed the proposed routes for the Brookings, SD to Twin Cities line. He mentioned that one of the proposed routes is shown along Lonsdale’s northwest boundary. Fordice reviewed the Minnesota Public Utilities Commission permitting and decision making process. He also reminded the Council that there will be more opportunities for the public and City to voice their opinions at future public hearings and work group meetings. Rud thanked Fordice for his presentation, but he stated that the City is strongly opposed to any route running within two miles of City limits. The Council asked Fordice if they had considered Lonsdale’s future land use plans when determining their routes. Fordice stated that he was just providing information, and he encouraged the City to stay involved throughout the process. Erickson said that he would be attending all future meetings on behalf of the City.

d. Consider Approval of Revisions to the Lonsdale Fire Department Hiring and Promotion Policy

Fire Chief Yetzer suggested a couple of minor changes to Sections 3, 10, and 11 of the Fire Department’s Hiring and Promotion Policy.

A motion was made by Duban and seconded by Kodada to approve said revisions to the Lonsdale Hiring and Promotion Policy. Vote for: Daleiden, Kodada, Rud, Smith, and Furrer. Against: None. Vote 5-0. Motion carried.

Furrer asked Fire Chief Yetzer if it is necessary to park so erratically along Railway Street SW during fire calls. Yetzer said that irregular parking is usually determined the type of emergency. Yetzer said he would raise the issue at their next meeting.

e. Consider Approval of Ordinance 2008-225, an Ordinance Amending the Official Zoning Map – Showing Planned Unit Developments (PUD’s) as Overlay Zones on Top of Associated Underlying Zoning Districts

Baker said that Lonsdale’s current official zoning map shows all the Planned Unit Developments (PUDs) as one common zone without an underlying zoning classification. He mentioned that Lonsdale has four PUDs including: Eagle Creek, Rolling Ridge

Market Place, Harmony Meadows 1st Addition, and Willow Creek Heights 2nd Addition – Villas. He said that each PUD was approved with different regulations such as setbacks, permitted uses, and architectural controls that were negotiated from a specific base zoning such as B-3 or R-2. He explained that since the official zoning map currently does not show PUD underlying zoning classifications or specifically labeled PUD zones, the map should be amended to reflect the original intentions of the PUDs. Baker said that the Planning Commission and City staff recommend amending and clarifying the official zoning map. Baker also mentioned that the Planning Commission held a public hearing on the issue with no written or verbal objections to the amendment.

A motion was made by Smith and seconded by Kodada to approve Ordinance 2008-225, an ordinance amending the official zoning map as follows:

1. Eagle Creek shall be officially zoned as “R-2, Single Family Detached Residential” along with a “Planned Unit Development (PUD)” overlay zone specifically known as “PUD-EC”.
2. Harmony Meadows 1st Addition shall be officially zoned as “R-2, Single Family Detached Residential” along with a “Planned Unit Development (PUD)” overlay zone specifically known as “PUD-HM”
3. Willow Creek Heights 2nd Addition - Villas shall be officially zoned as “R-2, Single Family Detached Residential” along with a “Planned Unit Development (PUD)” overlay zone specifically known as “PUD-WCHV”
4. Rolling Ridge Market Place shall be officially zoned as “B-3, Central Business” along with a “Planned Unit Development (PUD)” overlay zone specifically known as “PUD-RRMP”
5. Rolling Ridge Market Place 3rd Addition shall be officially zoned as “B-3, Central Business” along with a “Planned Unit Development (PUD)” overlay zone specifically known as “PUD-RRMP”

Vote for: Daleiden, Kodada, Rud, Smith, and Furrer. Against: None. Vote 5-0. Motion carried.

- f. Consider Approval of a Quote Submitted by American Legal Publishing in the Not to Exceed amount of \$3,300.00

Baker mentioned that the last time Lonsdale’s Code of Ordinances was updated was in 2006. He said that in order to maintain an up-to-date ordinance book, the City should consider codification every two years. He explained that codification organizes and updates the recently approved ordinances into the correct locations of the City Code. He said that codification also removes code language and sections that are no longer valid. Erickson said that process could take a few months to complete.

A motion was made by Kodada and seconded by Furrer to approve a quote submitted by American Legal Publishing in the not to exceed amount of \$3,300.00 for codification services. Vote for: Daleiden, Kodada, Rud, Smith, and Furrer. Against: None. Vote 5-0. Motion carried.

- g. Consider Approval of a Quote Submitted by American Legal Publishing in the Not to Exceed Amount of \$795.00 for Conversion of the Updated City Code into Folio Views and Hosting of the City's Code on the Internet

Baker said that American Legal Publishing Corporation offers two user-friendly applications that would be extremely helpful to elected and appointed community leaders, city staff, citizens, and other interested parties when trying to search specific items of the City Code: (1) Folio Views and (2) Internet Hosting. He mentioned that Folio Views is a search and retrieval program that allows users to get instant access to the Code by typing in a word, phrase, section number, date, or anything you want. He also mentioned that the Internet Hosting service places the updated Code on the internet, making it easy for residents and other parties to search, browse, or navigate important municipal documents on the web.

A motion was made by Kodada and seconded by Smith to approve of a quote submitted by American Legal Publishing in the not to exceed amount of \$795.00 for conversion of the updated City Code into Folio Views and hosting of the City's Code on the internet. Vote for: Daleiden, Kodada, Rud, Smith, and Furrer. Against: None. Vote 5-0. Motion carried.

- h. Consider Approval of Resolution 2008-49, a Resolution Pertaining to a Business Development Infrastructure Grant Application

Erickson stated that the EDA contracted with Municipal Development Group (MDG) to write a grant in the amount of \$300,000.00 to off-set the cost of the infrastructure associated with the proposed business park. Erickson reviewed the main points of the grant application resolution with the Council. He said that the City is the sponsor of the grant and the developer will commit \$2,318,000.00 through public and/or private financing towards the project. Erickson said that based on meetings and approvals already approved for the project, it is City staff's recommendation to approve the resolution. Kodada asked if it was a competitive grant. Erickson said that staff feels that the City has a strong chance of being funded. Smith asked when the grant would be awarded. Erickson said that within six weeks, the City will know the status of the application.

A motion was made by Smith and seconded by Furrer to approve Resolution 2008-49, a resolution pertaining to a business development infrastructure grant application. Vote for: Daleiden, Kodada, Rud, Smith, and Furrer. Against: None. Vote 5-0. Motion carried.

- i. Consider Approval to Schedule a Public Hearing for November 13, 2008 at 7:00 pm to Consider Special Assessments Totaling \$48,195.39 for Unpaid Charges for Abatement of Violations Relating to City Code § 91.04 (K - Nuisances) and Water and Sewer Accounts

Erickson explained that the City needs to certify all special assessments to Rice County by November 15th of each year. He said that this year the City will be certifying delinquent account for noxious weeds/tall grass and water-sewer accounts. Erickson said that staff sent out the proper notices to the newspaper and property owners regarding the proposed assessments and public hearing.

A motion was made by Kodada and seconded by Smith to approve to schedule a public hearing for November 13, 2008 at 7:00 pm to consider special assessments totaling \$48,195.39 for unpaid charges for abatement of violations relating to City Code § 91.04 (K - Nuisances) and water and sewer accounts. Vote for: Daleiden, Kodada, Rud, Smith, and Furrer. Against: None. Vote 5-0. Motion carried.

j. Consider Approval of an Agreement Between the City of Lonsdale and Rice County for Yard Waste Composting

Erickson reviewed the key points of the agreement between the City of Lonsdale and Rice County for yard waste composting. He said that the agreement provides the City with revenue equal to about 20% of the actual cost of operation. Erickson also said that he asked Rice County to update Lonsdale's population so that City would receive an extra \$120.

A motion was made by Kodada and seconded by Furrer to approve an agreement between the City of Lonsdale and Rice County for yard waste composting. Vote for: Daleiden, Kodada, Rud, Smith, and Furrer. Against: None. Vote 5-0. Motion carried.

k. Consider Approval of Resolution 2008-50, a Resolution Entering Into a Joint Snow Removal Agreement Between the City of Lonsdale and the Minnesota Department of Transportation

Erickson mentioned that the City has entered into a reimbursement agreement each year for snow removal along Hwy 19, between 1st Avenue NE and 2nd Avenue SW, with the Minnesota Department of Transportation. He said the City is responsible for the hauling and disposal, and MnDOT is financially responsible for accumulating and loading the snow. He said that the rate went up \$10 this year to \$130. Erickson said that the agreement has worked out well in the past, and he recommended approval of the resolution.

A motion was made by Kodada and seconded by Smith to approve Resolution 2008-50, a resolution entering into a joint snow removal agreement between the City of Lonsdale and the Minnesota Department of Transportation. Vote for: Daleiden, Kodada, Rud, Smith, and Furrer. Against: None. Vote 5-0. Motion carried.

l. Consider Approval of a Quote Submitted by Niles-Wiese in the Amount of \$13,606.50 for Completion of the Willow Creek Commons 3rd Addition

City Engineer Kawlewski stated that inaction on the part of Bakken Development has lead the City to draw on the associated letter of credit in the amount of \$43,998.20 to finish the gravel turnaround and final wear course paving for Commerce Drive SE. Kawlewski provided a history of the project. He said that the City tried to receive a

couple of quotes for the unfinished work but only Niles-Wiese Construction submitted a bid. He recommended that the City award the contract to Niles-Wiese Construction in the amount of \$13,606.50. He mentioned that everything is in place and legal counsel has been given. Rud asked if there was enough money to cover inspections and staff time. Kawlewski said yes. Kodada asked about the surface of the turn-around. Kawlewski said that it would not be paved but it would be constructed with a heavier grade of crushed rock to last for awhile.

A motion was made by Kodada and seconded by Smith to approve a quote submitted by Niles-Wiese in the Amount of \$13,606.50 for completion of the Willow Creek Commons 3rd Addition. Vote for: Daleiden, Kodada, Rud, Smith, and Furrer. Against: None. Vote 5-0. Motion carried.

m. Consider Appointment for Park and Recreation Advisory Board

Rud stated that the City received two Park & Recreation Advisory Board applications for the current vacancy. He mentioned that both applicants were extremely qualified, but he recommended nominating Mary Ziskovsky for the open position on the board. Rud said that he talked with Park Board Chair Kodada regarding the decision, and Kodada suggested Ziskovsky too.

A motion was made by Kodada and seconded by Daleiden to approve Mary Ziskovsky to the Park & Recreation Advisory Board and therefore filling former member Chad Vosejпка's term ending December 31, 2010. Vote for: Daleiden, Kodada, Rud, Smith, and Furrer. Against: None. Vote 5-0. Motion carried.

11. OTHER BUSINESS

a. Project Updates

Engineering

City Engineer Kevin Kawlewski stated that work on the CSAH 33 trail project has started, and he said that all the required permits should be in by next week. He also mentioned that work on Willow Creek Commons will start next week.

b. Department Reports

Baker provided a third quarter building permit report to the Council which showed permit totals up through September 2008. He mentioned that Mattamy Homes was the top builder with 4 new single-family detached homes built. He also mentioned that decks, re-roofs, finished basements, and lawn irrigation systems were the top permit types thus far. Erickson stated that although Verizon Wireless obtained a building permit for a new tower and is currently paying rent, they will not be constructing a new tower this year.

Council Member Daleiden

Daleiden said that the Liquor Store committee had a two hour discussion the other night regarding various store issues. He said that he has been doing his homework trying to get up-to-speed and looking at other municipal liquor stores as examples. He said that the group decided to decrease inventory throughout the store by promoting holiday sales such as buy 2 get 1 free. He said that after store inventory is reduced then they can focus on

profit potential. He said that he can offer his help, but the store managers will be responsible for calling the shots. Daleiden presented sale event calendars to the Council for review. He said that there will be another meeting in a month to discuss profitability and work with the employees. Rud said that a full-time position was recently cut, he said the holiday season is typically more profitable. Erickson said that Liquor Store numbers will be in place by the November 17, 2008 budget meeting for the Council to review. He said that the store's computer system is able to track volume and products that are purchased. He said that they are going to focus on getting rid of the bottom shelf inventory. Daleiden suggested that the City explore incentives or increased salary option for the Liquor Store's staff without upsetting other City staff. Rud thanked Daleiden for his efforts and for thinking outside of the box.

Council Member Kodada

Kodada mentioned that Kym El-Wailli, Hockey Association representative, and Jeanette Morgan, President of the Lonsdale Jaycees, met earlier in the day to discuss funding options for a warming house at the Jaycee Park ice rink. He said that they would meet again in one week.

Council Member Smith

None

Council Member Furrer

None

Mayor Rud

Rud said that the City received a thank you from Pat Rezac for the comments of appreciation and plaque. He mentioned that the Habitat for Humanity home turned out nice. He asked the Park Board to explore the possibility of a dog park in town. Kodada said that the Board has already selected a potential site. Rud said that the City should start taking a more aggressive and direct approach to recruiting and retaining viable businesses along Main Street. He said it should be a top priority of the City to fill vacant buildings downtown so that they do not become neglected.

Erickson provided an update on the abatement orders that were issued over the past year. He said that a contractor will soon be starting work on the 5th Avenue NE issue and that some improvements have been made at the Bartusek property. He also said that the Parish Marketing properties along Bluff Heights Drive SE have been mitigated.

12. ADJOURNMENT

A motion was made by Kodada and seconded by Smith to adjourn the meeting. Vote for: Daleiden, Kodada, Rud, Smith, and Furrer. Against: None. Vote 5-0. Motion carried. The meeting closed at 9:25 pm.

Respectfully Submitted:

Joel A. Erickson, City Administrator