

**MINUTES
CITY OF LONSDALE
REGULAR CITY COUNCIL MEETING
November 8, 2010**

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, Furrer, and Pelava

Absent: None

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

4. AGENDA

Mayor Rud asked if anyone had any additions, deletions, or corrections to the agenda.

Daleiden asked if the City's Personnel Policy could be added to the agenda.

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

5. APPROVAL OF MINUTES

None

6. PUBLIC HEARINGS

- a. Assessment of Delinquent Accounts Pertaining to Abatement of Violations of City Code § 91.04 Public Nuisances Affecting Health (K) (noxious weeds and tall grass) and Water and Sewer Accounts

Mayor Rud read the notice and opened the public hearing. Erickson said that at the October 14, 2010 meeting, the City Council motioned to schedule this public hearing. Erickson provided information on the process for public comments, objections, and appeals. He provided the City Council with a detailed list of outstanding/delinquent accounts, including the property address, parcel identification number, project code, amount owed, and proper owner contact information and address. Erickson also stated that 80% of the outstanding assessment levied from 2009 have been paid, totaling \$36,961.48.

Peg Cowart, Brandl Anderson Homes, 4555 Erin Drive, Eagan, MN, acknowledged that the City of Lonsdale sent out an initial warning letter and another warning letter as

described in the email she received from the City Planner on June 11th. She did not contest City of Lonsdale Invoice No. 101 (dated June 9, 2010) for mowing that took place in late May. However, she did question why the City of Lonsdale mowed all of their 23 lots in July, when Brandl Anderson's mowing contractor said that he mowed all of their lots around the 4th of July. Brian Nelson, contractor for Brandl Anderson, stated that he mowed the lots once in July and twice in August.

Rud thanked the representatives from Brandl Anderson for their comments, and he asked City staff if any written comments had been submitted to City Hall. Erickson said none had been received to date.

A motion was made by Kodada and seconded by Furrer to close the public hearing. Vote for: Daleiden, Kodada, Rud, Furrer, and Pelava. Against: None. Vote: 5-0. Motion carried. The public hearing closed.

7. PRESENTATION OF CITIZEN PETITIONS AND COMMENTS

Dave Anderson, 8th Avenue NE, passed out information to the City Council regarding ordinances from other cities and articles concerning the keeping of animals (farm yard animals). He stated that more than a dozen cities in Minnesota allow for chickens through different means (such as permits, setbacks, and regulating the number allowed). He stated that it is premature to outlaw chickens in Lonsdale, and he said that the Planning Commission has too much time on its hands. Anderson also said that more communication is needed between the City and its residents. He suggested that the entire City Council and Planning Commission packets be placed on the website prior to the meetings.

Erickson stated that the Council agenda is typically placed on the City's website on the Friday before a Council meeting. Rud stated that communication is important.

8. APPROVAL OF THE CONSENT AGENDA

None

9. OLD BUSINESS

- a. Consider Approval to Hire Eric Kline as a Part Time Police Officer at Grade 8 / Step 1 (\$17.64/hr.)

Police Chief Schmitz stated that the Human Resources (HR) Committee interviewed six applicants for two part-time police officer positions back on August 19, 2010. He stated that the HR Committee, including himself, recommended hiring Scott Kochendorfer and Eric Kline for the two positions. He said that the City Council approved hiring the two at their meeting on August 26, 2010 contingent on a passing background investigation. Schmitz stated that both Kline and Kochendorfer did pass the required background investigation, and he recommended hiring both Kline and Kochendorfer.

A motion was made by Kodada and seconded by Furrer to hire Eric Kline as a Part Time Police Officer at Grade 8 / Step 1 (\$17.64/hr.). Vote for: Daleiden, Kodada, Rud, Furrer, and Pelava. Against: None. Vote: 5-0. Motion carried.

- b. Consider Approval to Hire Scott Kochendorfer as a Part Time Police Officer at Grade 8 / Step 1 (\$17.64/hr.)
[See comments above under Agenda Item 9(a)]

A motion was made by Daleiden and seconded by Pelava to hire Scott Kochendorfer as a Part Time Police Officer at Grade 8 / Step 1 (\$17.64/hr.). Vote for: Daleiden, Kodada, Rud, Furrer, and Pelava. Against: None. Vote: 5-0. Motion carried.

10. NEW BUSINESS

- a. Consider Approval to Allow Minnesota SNAP to Use the City Maintenance Facility to Host Two Spay/Neuter Clinics - Holly Brezina

Erickson stated that Holly Brezina has been working with the Minnesota Spay Neuter Assistance Program (MNSNAP) to provide area residents with two low cost spay and neuter clinics over the next several months. He provide futher information on MNSNAP, and he said that the City has been requested by Brezina and MNSNAP to allow for the use of the City's Public Works/Maintenance Department facility to park MNSNAP's 33 foot mobile unit and use of electricity. Kodada and Pelava suggested that the City make up a hold harmless form for liability. Daleiden thanked Brezina for initiating the pet clinic idea.

A motion was made by Furrer and seconded by Pelava to allow MNSNAP to use the City's Maintenance Facility to host two spay/neuter clinics. Vote for: Daleiden, Kodada, Rud, Furrer, and Pelava. Against: None. Vote: 5-0. Motion carried.

- b. Consider Approval of the Feasibility Study for the Water Treatment Plant – BDM

Erickson provided the City Council with a feasibility study prepared by BDM Engineers for the proposed water treatment plant. BDM's John Stewart went through the feasibility study with the City Council, and he also projected a slide presentation up on the wall for everyone to see. He explained the pros and cons for three different capacity sized water treatment plant designs, including: 1) one 500gpm filter tank, 2) two 500gpm filter tanks, and 3) one 1,000gpm filter tank. He presented a site plan showing a 40 ft. x 60 ft. building. Stewart talked about different scenarios based on filter capacity, population size, and peak summer month demand. He also discussed water quality. He said that the filter tanks should last about 30 years. Stewart explained that backwashing would not provide any financial benefit to the City. After going through his presentation, Stewart asked the Council to provide feedback on tank size, and other alternatives, such as: mezzanine storage, outside appearance, backwashing, on-site power generation.

Rud explained that the City would like to be prepared for future growth and water demands, but he mentioned that the new treatment facility should not be overbuilt either. He suggested that the City may want to use PFA loans at a 1% interest rate instead of burning up the City's current reserves. Rud said that the City should look at getting bids on almost everything based on the current bidding environment that exists.

The Council discussed the different alternatives that were presented, and they agreed on the following:

- Backwashing Option – no (not financial feasible)
- Brick Veneer – no (rock-faced block preferred)
- On-Site Generator – yes (provide as an alternate)
- Well House / Shared Chemical Facility – yes (provide as an alternate)
- Mezzanine Storage – yes (provide as an alternate)

The Council also discussed the filter tank options, and they agreed on the following:

- One (1) 500gpm filter tank design
- Two (2) 500gpm filter tanks design (provide as an alternate)

A motion was made by Daleiden and seconded by Furrer to approve the feasibility study with the filter tank design options and alternates as stated above. Vote for: Daleiden, Kodada, Rud, Furrer, and Pelava. Against: None. Vote: 5-0. Motion carried.

c. Consider Approval of Resolution 2010-27, a Resolution Requesting Approval of the City of Lonsdale's Application for the Minnesota Department of Transportation's Community Destination Sign Program

Baker presented the Council with a City map showing four proposed community destination signs that would potentially go along Hwy 19 if approved by MnDOT. The four proposed signs are aimed at directing travelers to the 1) Industrial Park, 2) Public Library, 3) Downtown Business District, and 4) 3-R School (historic site). He explained that Resolution 2010-27, is a resolution approving an application for MnDOT's Community Destination Sign Program. Baker noted that according to MnDOT's Traffic Engineering Manual, the Compost Site and the M-L East Elementary School are not permitted under the Minor Traffic Generator Signing Program.

A motion was made by Kodada and seconded by Pelava to approve Resolution 2010-27, a resolution requesting approval of the City of Lonsdale's application for MnDOT's Community Destination Sign Program. Vote for: Daleiden, Kodada, Rud, Furrer, and Pelava. Against: None. Vote: 5-0. Motion carried.

d. Consider Approval of Ordinance 2010-238, an Ordinance Amending Lonsdale City Code § 90.01, Concerning Regulations for Specific Types of Animals

Baker read through the proposed ordinance amendment and provided background information on the subject. He stated that currently farm-type animals and honeybees are not specifically listed in Section 90.01 of the City Code, nor is there any mention of these animals in the zoning ordinance. He said that the Planning Commission researched the issue, and they would simply like to update and clarify the City Code to specifically address farm-type animals and honeybees so that an exact answer can be given to inquires that come in to City Hall.

Baker stated that the Planning Commission held a public hearing on October 21, 2010, and that they recommend approval of the proposed ordinance. Furrer asked about non-conforming properties, and Rud asked about comments received at the public hearing. Baker provided a copy of the draft Planning Commission Minutes, which entailed two public comments from the October 21, 2010 meeting along with a letter from the City Attorney (dated October 12, 2010) addressing non-conforming properties.

Pelava stated that it was the general consensus of the Planning Commission that the City Code needed to be updated so that these types of animals can be regulated. He noted that the Planning Commission had the foresight to address this issue before it became a bigger problem for City residents. He also said that people living in town don't expect hooved animals to be allowed within their residential neighborhoods. Kodada and Furrer agreed.

A motion was made by Kodada and seconded by Furrer to approve Ordinance 2010-238, an Ordinance Amending Lonsdale City Code §90.01, Concerning Regulation for Specific Types of Animals. Vote for: Daleiden, Kodada, Rud, Furrer, and Pelava. Against: None. Vote: 5-0. Motion carried.

- e. Consider Approval of Resolution 2010-28, a Resolution Adopting Assessments for Delinquent Accounts for Abatement of Violations Relating to City Code § 91.04 (K) – Nuisances and Water and Sewer Accounts

Erickson read through Resolution 2010-28, which states that the Council has passed on all objections/appeals, the assessments are payable in 2011, the assessments shall have an interest rate of 5.5%, and the total amount proposed to be assessed is \$31,083.36. The Council directed City staff to research Brandl Anderson's claim from the earlier public hearing.

A motion was made by Daleiden and seconded by Pelava to approve Resolution 2010-28, a resolution adopting assessments for delinquent accounts for abatement of violations relating to City Code § 91.04 (K) – Nuisances and water and sewer accounts. Vote for: Daleiden, Kodada, Rud, Furrer, and Pelava. Against: None. Vote: 5-0. Motion carried.

- f. Consider Approval of a Proposed Lonsdale Area Food Shelf Policy

Erickson provided the City Council with the proposed Lonsdale Area Food Shelf Policy/Guidelines. He highlighted eight key points of the policy, and he recommended approving the proposed food shelf guidelines. Rud explained the reasoning behind the need for a food shelf policy, and he said that hopefully a local church or community organization will take over the food shelf in the near future. He said that the food shelf is not really a function/service that should be provided by the City. Furrer agreed with the need for guidelines and with the idea that a local church or churches would take the food shelf over at some point.

A motion was made by Daleiden and seconded by Furrer to approve the Lonsdale Area Food Shelf Policy/Guidelines. Vote for: Daleiden, Kodada, Rud, Furrer, and Pelava. Against: None. Vote: 5-0. Motion carried.

g. Consider Approval to Lease a John Deere 544K Loader

Erickson explained that the Public Works Director has been working with RDO Equipment Co. (the dealership the current loader was purchased from) to find a solution to only having limited slip when driving less than 7 mile per hour. He explained that no retrofit solution has been found, except that the current loader could be traded in for a new one that has a foot pedal to push so both axels can be locked in. Erickson explained the current lease numbers/terms and the proposed lease number/terms to the Council for a new John Deere 544K Loader. Furrer asked if other companies could provide a loader for the City. Vlasak said that the offer from RDO is the City's best option. Rud agreed with the lower interest rate and no payments for one year.

A motion was made by Kodada and seconded by Pelava to approve a new lease for a John Deere 544K Loader in the amount of \$124,683.00 (four payments at \$16,999.00 and a balloon of \$56,723.00). Vote for: Daleiden, Kodada, Rud, Furrer, and Pelava. Against: None. Vote: 5-0. Motion carried.

h. Consider Approval of a Revised Snow Plowing Policy

Erickson said that in 2005, City staff created the initial snow plowing policy. He said that upon reviewing the existing 2005 policy before the upcoming snow season, City staff is recommending a few revisions be approved by the Council. Erickson went through the ten proposed amendments to the policy, and he mentioned that the proposed revisions will not have an effect on the way the City conducts snow removal. Furrer suggested that the TV and radio station's call letters (such as WCCO) be included along with the associated channel numbers.

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

i. Consider Approval to Terminate the Construction Contract Between the City of Lonsdale and Niles Weise Construction for the 2007 Street and Utility Improvement Project

Kawlewski explained that a bonding company has assumed control of the projects that Niles-Wiese has outstanding issues on. He said that cracks in the pavement have developed and the street is close to needing sealcoating. He mentioned that Niles-Wiese has not contacted the City or WSB to close out the project and address warranty related issues. He stated that \$11,077.43 still remains in retainage on the project, and he suggested terminating the contract and use the remaining retainage to perform crack sealing and minor warranty related repairs on the project. Members from the Council said that the the City should go after the bond company too.

A motion was made by Furrer and seconded by Pelava to terminate the construction contract between the City of Lonsdale and Niles Weise Construction for the 2007 Street and Utility Improvement Project. Vote for: Daleiden, Kodada, Rud, Furrer, and Pelava. Against: None. Vote: 5-0. Motion carried.

j. City of Lonsdale Personnel Policy Update

Erickson said that the Personnel Policy is mostly complete. Daleiden stated that he has been thoroughly going over the 60 page Personnel Policy with Administrator Erickson, and he suggested that City staff email a draft to the City Council for their review. Rud said that he would like to approve the policy by the end of the year.

11. OTHER BUSINESS

a. Reminder – The November 25th City Council Meeting is Rescheduled for Tuesday, November 23rd at 7:00 pm

Rud reminded everyone that the next City Council meeting will be on November 23, 2010.

b. Department Reports:

Council Member Daleiden

Daleiden provided a brief liquor store report.

Council Member Kodada

Kodada thanked LeRoy and Arline Sticha for adopting Bench # 13 (located the lumber yard) of the Lonsdale Adopt-a-Bench program. He mentioned that the Park Board will be meeting on November 9th at 6:00pm.

Council Member Furrer

None

Council Member Pelava

None

Council Member Rud

Rud mentioned that the Human Resources Committee met with the Police Union and came to a tentative agreement. He also announced that Veterans Day will be on Thursday, November 11th.

12. ADJOURNMENT

A motion was made by Furrer and seconded by Pelava to adjourn the meeting. Vote for: Kodada, Rud, Smith, Furrer, and Pelava. Against: None. Vote: 5-0. Motion carried. The meeting closed at 9:28 pm.

Respectfully Submitted:

Joel A. Erickson, City Administrator