

**MINUTES
CITY OF LONSDALE
CITY COUNCIL MEETING
JANUARY 12, 2017**

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

Everyone stood and recited the pledge of allegiance.

3. ROLL CALL

Members Present: Joe Daleiden, Kevin Kodada, Tim Rud, Cindy Furrer, and Scott Pelava

Members Absent: None

City Staff Present: City Administrator Joel Erickson, City Planner Benjamin Baker, City Engineer John Powell, Public Works Director Russ Vlasak, City Attorney Annette Margarit, and Police Chief Jason Schmitz

4. APPROVAL OF AGENDA

Mayor Rud asked if there were any additions, deletions or corrections to the agenda.

A motion was made by Daleiden and seconded by Pelava to approve the agenda as presented.

Vote for: Daleiden, Kodada, Rud, Furrer, and Pelava. Vote against: None. Abstained:

None. Vote: 5-0. Motion carried.

5. APPROVAL OF MINUTES

None

6. PUBLIC HEARINGS

a. Consider Zoning Enforcement Action Against the Property Located at 702 Florida St SW

Rud read the public hearing notice, and he opened the hearing. Erickson provided the Council with a staff report and seven associated documents pertaining to City Code violations at the property located at 702 Florida Street SW. He said that the Public Hearing was scheduled to take place on December 22, 2016, but it was rescheduled because the property owner contacted Staff and stated that he needed to deal with a family emergency. Erickson explained that at the November 28, 2016 meeting, the property owner was present and was informed that the City needed to proceed with the public hearing and to contact staff to work towards compliance or to apply for a variance. Erickson reviewed the timeline, and he said that multiple extensions were granted to allow the property owner to get into compliance. Erickson said that the City wasn't looking to pursue any criminal penalties, but pursuing an injunction to remedy the items in violation. Rud asked if anyone off the floor wanted to speak on the matter. No one

responded to the invitation. Erickson noted that there were no written comments received on the subject.

A motion was made by Kodada and seconded by Furrer to close the public hearing. Vote for: Daleiden, Kodada, Rud, Furrer, and Pelava. Vote against: None. Abstained: None. Vote: 5-0. Motion carried. The hearing closed at 7:06 pm.

Ryan Flynn, 702 Florida Street SW, arrived at the meeting/public hearing late. The Council informed Flynn that they would allow him to speak during Agenda Item 10(a).

b. Ordinance 2017-272 (2017 Fee Schedule), an Ordinance Amending Ordinance 2016-266 (2016 Fee Schedule)

Rud read the public hearing notice, and he opened the hearing. Erickson presented the Council with a copy of the proposed 2017 Fee Schedule and associated Staff Report. The Staff Report noted proposed changes compared to the 2016 Fee Schedule. Erickson explained the reasoning for the changes to the Fee Schedule. He noted that most of the proposed changes will not have an impact on the majority of community members. The Council also reviewed a Water & Sewer Billing FAQ sheet, which answered commonly asked questions by residents. The FAQ sheet also showed comparisons of Lonsdale's water rates compared to other neighboring communities. Rud asked if anyone off the floor wanted to speak on the matter. No one responded to the invitation. Erickson stated that no written comments were received.

A motion was made by Daleiden and seconded by Pelava to close the public hearing. Vote for: Daleiden, Kodada, Rud, Furrer, and Pelava. Vote against: None. Abstained: None. Vote: 5-0. Motion carried. The hearing closed at 7:13 pm.

7. PRESENTATION OF CITIZEN PETITIONS AND COMMENTS

None

8. APPROVAL OF THE CONSENT AGENDA

None

9. OLD BUSINESS

None

10. NEW BUSINESS

a. Consider Approval of Resolution 2017-01, a Resolution Approving Zoning Enforcement Action Against the Property Located at 702 Florida St. SW – Joel Erickson, City Administrator

Erickson provided a summary on the issue. He said that no one commented on the proposed zoning enforcement action at the public hearing held earlier in the meeting. The Council reviewed Resolution 2017-01, including the associated Findings of Fact.

Rud invited Flynn to the podium to speak on the matter. Flynn said that his rear yard platform and play structure had not been moved. He asked the Council if they were prepared to take action against other similar violations around town. He questioned if

there were enough City resources to handle complaints about other violations. He said that the City should be consistent with its enforcement. Flynn stated that he would volunteer his time to drive around town and find other violations of setback/easement encroachments.

City Attorney Annette Margarit explained that cities typically handle ordinance enforcement in one of two ways: 1) on a complaint basis or 2) by total enforcement. She explained that many Minnesota cities, like Lonsdale, rely on complaints to discover violations. Margarit explained what a judge may be looking for from a City pursuing an injunction, including: 1) demonstration that a violation does exist, and 2) showing that adequate notice was given to the violator. Daleiden asked what other cities do in similar situations. Margarit provided enforcement examples from other cities. She also suggested: 1) making sure that Code requirements are relevant to today, and 2) using various forms of media and communication to inform the public about City rules.

Flynn stated that his rear yard play structure was in place and the floating deck was about 90% completed when he was notified of the violation. He stated that he would be willing to work together with the City to get an encroachment agreement signed. Flynn stated that he would remove his structures and provide the City with a list of other similar violations to be enforced.

Rud stated that the City Council is just trying to resolve the issue, and he suggested that Flynn meet with City Staff to work something out. Rud said that the City needs to keep moving forward with a plan for resolution, and he said that if in the meantime there is an agreement worked out or compliance takes place, that the injunction process can be dropped.

A motion was made by Kodada and seconded by Furrer to approve Resolution 2017-01, a resolution approving zoning enforcement action against the property located at 702 Florida St. SW. Vote for: Daleiden, Kodada, Rud, Furrer, and Pelava. Vote against: None. Abstained: None. Vote: 5-0. Motion carried.

- b. Consider Approval of Ordinance 2017-272 (2017 Fee Schedule), an Ordinance Amending Ordinance 2016-266 (2016 Fee Schedule) – Joel Erickson, City Administrator
Erickson stated that a public hearing was held earlier in the evening, and he recommended approval of Ordinance 2017-272. Kodada asked if the deferred WAC/SAC fee option was still available. Erickson said yes, and he noted that deferral repayment is required to be paid back at the time of closing, occupancy, or one-year, whichever comes first. Rud noted that Lonsdale's water/sewer rates are up to 75% less than neighboring communities.

A motion was made by Kodada and seconded by Pelava to approve Ordinance 2017-272 (2017 Fee Schedule), an ordinance amending Ordinance 2016-266 (2016 Fee Schedule). Vote for: Daleiden, Kodada, Rud, Furrer, and Pelava. Vote against: None. Abstained: None. Vote: 5-0. Motion carried.

- c. Consider Approval of the Cannon River Drug and Violent Offender Task Force Joint Powers Agreement – Jason Schmitz, Chief of Police
Police Chief Schmitz presented the Council with a change to the Cannon River Drug & Violent Offender Task Force Joint Powers Agreement. He noted that the main reason for the proposed change to the joint powers agreement is that Le Sueur County and cities within Le Sueur County will be joining the multi-jurisdictional task force. Schmitz noted that multi-jurisdictional task forces are looked upon more favorably by the State when reviewing grant applications. The Council reviewed the proposed Joint Powers Agreement.

A motion was made by Pelava and seconded by Furrer to approve the Cannon River Drug and Violent Offender Task Force Joint Powers Agreement. Vote for: Daleiden, Kodada, Rud, Furrer, and Pelava. Vote against: None. Abstained: None. Vote: 5-0. Motion carried.

- d. Consider Approval of Resolution 2017-02, a Resolution Designating Official Depositories for City Funds – Joel Erickson, City Administrator
Erickson said that this is an annual resolution that needs to be adopted within 30 days of the new fiscal year. The Council reviewed the seven official depositories. He noted that the City does have an investment policy in place.

A motion was made by Daleiden and seconded by Kodada to approve Resolution 2017-02, a resolution designating official depositories for City funds. Vote for: Daleiden, Kodada, Rud, Furrer, and Pelava. Vote against: None. Abstained: None. Vote: 5-0. Motion carried.

- e. Consider Approval of Resolution 2017-03, a Resolution Designating the Official Newspaper for 2017 – Joel Erickson, City Administrator
Erickson said that MN State Statute §412.831 requires cities to designate an official newspaper at their first meeting of the year. He said that cities are required to first designate an official newspaper based on its location. Erickson stated that the Lonsdale Area News Review meets the requirements. Rud thanked Lori Nickel and the Lonsdale Area News Review for going such a good job.

A motion was made by Kodada and seconded by Furrer to approve Resolution 2017-03, a resolution designating the official newspaper for 2017. Vote for: Daleiden, Kodada, Rud, Furrer, and Pelava. Vote against: None. Abstained: None. Vote: 5-0. Motion carried.

- f. Consider Approval of Fritz Duban's Letter of Resignation From the Lonsdale Economic Development Authority (EDA) – Joel Erickson, City Administrator
The Council reviewed Fritz Duban's Letter of Resignation from the EDA. Rud said that Fritz Duban was the City Administrator for 39 years along with being a Council member for many years and previously serving on the EDA.

A motion was made by Daleiden and seconded by Pelava to approve Fritz Duban's Letter of Resignation from the Lonsdale Economic Development Authority (EDA). Vote for: Daleiden, Kodada, Rud, Furrer, and Pelava. Vote against: None. Abstained: None. Vote: 5-0. Motion carried.

g. Consider Approval of Shelly Narum's Letter of Resignation From the Lonsdale Park and Recreation Board – Joel Erickson, City Administrator

The Council reviewed Shelly Narum's Letter of Resignation from the Park Board. Erickson said that Narum was on the Park Board for seven years, and she was an advocate for a splash pad, a new ice rink, and the community center. Rud said that she did a very good job.

A motion was made by Kodada and seconded by Furrer to approve Shelly Narum's Letter of Resignation from the Lonsdale Park and Recreation Board. Vote for: Daleiden, Kodada, Rud, Furrer, and Pelava. Vote against: None. Abstained: None. Vote: 5-0. Motion carried.

Rud suggested recognizing past Advisory Board members at an upcoming Council meeting.

h. Consider Approval of Resolution 2017-04, a Resolution Designating Official Appointments – Joel Erickson, City Administrator

The Council reviewed the 2017 Advisory Board applications. Rud went through and listed his nominations for the various Advisory Board and City positions, including Park Board, Planning Commission, EDA, Library Board, Mayor Pro-Tem, City Council Liaisons to Departments, Human Resources Committee, Consultant City Engineer, Consultant City Attorney, and Consultant Building Inspector.

A motion was made by Kodada and seconded by Furrer to approve Resolution 2017-04, a resolution designating official appointments. Vote for: Daleiden, Kodada, Rud, Furrer, and Pelava. Vote against: None. Abstained: None. Vote: 5-0. Motion carried.

i. Consider Approval of Resolution 2017-05, a Resolution Transferring Up To \$4,200.00 per Month From the Liquor Fund to the Sewer Fund – Joel Erickson, City Administrator

Erickson summarized Lonsdale Liquor's numbers from 2016. He noted that it was another successful year for the liquor store. He said that gross profit was 2.84% higher than 2015, inventory decreased, \$50,400 was transferred to the sewer fund, customer count increased 3.7%, and sales increased 2.36%. He also said that the liquor store donated to the Fishing Pier project, July 3rd Fireworks, and Lonsdale Community Days. Erickson recommended that up to \$4,200 be transferred from the Liquor Fund to Sewer Fund on a monthly basis during 2017. He said that on December 31, 2016, the remaining balance due to the sewer fund was \$99,600. Rud said that the liquor store has been a tremendous accomplishment and asset for the community, valued at \$1.2 million.

A motion was made by Pelava and seconded by Furrer to approve Resolution 2017-05, a resolution transferring up to \$4,200.00 per month from the Liquor Fund to the Sewer

Fund. Vote for: Daleiden, Kodada, Rud, Furrer, and Pelava. Vote against: None. Abstained: None. Vote: 5-0. Motion carried.

11. OTHER BUSINESS

a. Department Reports

Vlasak said that the Public Works Department has been trying to keep the roads maintained through the recent rain, ice, and snow. He mentioned that the Public Works Department is now taking the lead on making and resurfacing the ice at Jaycee Park.

Erickson said that the City recently closed on the Dispatch Trucking lot in the Lonsdale Business Park, and he stated that Staff has been meeting with other potential businesses. He said that he will be meeting with Rice County EDA soon. He said that Hiawathaland Transit will start service in Lonsdale on January 30th. Erickson said that he has been working on annual reports.

Baker said that he has been working on annual website updates, annual reports, commission reports, and creating a new ordinance language for residential off-street parking.

b. Council Reports

Council Member Daleiden

Daleiden said that Lonsdale Liquor was profitable 6 months out of the year. He said that overall, the store saw \$55,000 in revenue.

Council Member Kodada

Kodada said that the Park Board will be meeting on January 17th.

Council Member Furrer

Furrer said that the Library Board and EDA will be meeting next week.

Council Member Pelava

Pelava said that the Planning Commission will be meeting on January 19th.

Mayor Rud

Rud stated that the Annual Chamber of Commerce Dinner will be held on January 31st where the 2016 Business of the Year will be announced. Rud listed off a few 2016 accomplishments that the City was involved in.

12. ADJOURNMENT

A motion was made by Daleiden and seconded by Kodada to adjourn the meeting. Vote for: Daleiden, Kodada, Rud, Furrer, and Pelava. Vote against: None. Abstained: None. Vote: 5-0. Motion carried. The meeting ended at 8:33 pm.

Respectfully Submitted:

Joel A. Erickson, City Administrator