

**MINUTES
CITY OF LONSDALE
CITY COUNCIL MEETING
NOVEMBER 28, 2016**

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: Kodada, Daleiden, Rud, Furrer, and Pelava

Members Absent: None

City Staff Present: City Administrator Joel Erickson, City Planner Benjamin Baker, Public Works Director Russ Vlasak, Police Chief Jason Schmitz, Fire Chief Mike Yetzer

4. APPROVAL OF AGENDA

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

A motion was made by Pelava and seconded by Furrer to approve the agenda as presented. Vote for: Kodada, Daleiden, Rud, Furrer, and Pelava. Vote against: None. Abstained: None. Vote: 5-0. Motion carried.

5. APPROVAL OF MINUTES

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

A motion was made by Kodada and seconded by Furrer to approve the Minutes from the October 27, 2016 Regular Meeting and the November 10, 2016 Regular Meeting. Vote for: Kodada, Daleiden, Rud, Furrer, and Pelava. Vote against: None. Abstained: None. Vote: 5-0. Motion carried.

6. PUBLIC HEARINGS

None

7. PRESENTATION OF CITIZEN PETITIONS AND COMMENTS

Ryan Flynn, 702 Florida Street SW, provided the Council with a few comments and questions regarding ordinance violation enforcement for a wooden platform and play structure that were constructed within his rear yard drainage and utility easement and within the five foot setback for similar structures. Rud thanked Flynn for his comments, and he said that the issue would be discussed in more detail later on in the meeting.

8. APPROVAL OF THE CONSENT AGENDA

A motion was made by Kodada and seconded by Pelava to approve the consent agenda as follows:

- a. Monthly Bills
- b. Treasurer’s Report
- c. Board and Commission Minutes

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

9. OLD BUSINESS

None

10. NEW BUSINESS

- a. Consider Approval to Schedule a Public Hearing on December 22, 2016 at 7:00 pm or Shortly Thereafter to Discuss Commencing Legal Action to Abate a Zoning Ordinance Violation at 702 Florida St. SW – Joel Erickson, City Administrator

Erickson provided the Council with background information regarding an ordinance violation at 702 Florida Street SW. He said that the City received a complaint about a deck/platform and play structure(s) located within the drainage and utility easement and within the 5 foot setback for similar structures. Erickson explained that he did meet on site with the property owner, Ryan Flynn, and he noted that Flynn was given plenty of time to comply with the ordinance. However, Erickson stated that the encroaching structures have still not been removed. He suggested that the City Council hold a public hearing at the December 22nd Council meeting as the next step in the process before commencing legal action to resolve the matter.

Ryan Flynn stated that he understood the City’s ordinance violation procedure, and he admitted that the structures were within the easement and setback area. He questioned why he was being singled out while other properties within Flynn’s neighborhood also have similar encroachment violations. Flynn stated that he didn’t think that constructing the structures near the property line was a problem because: 1) the structures were located within his fence posts and 2) other properties within his neighborhood also had structures located near the rear property line. Flynn stated that he spent a lot of time and money on constructing the structures. He explained that the platform was not anchored to the ground and was designed to allow for easy access to the catch basin.

Rud stated that the City does not doubt the quality of the craftsmanship done on the structures nor any drain tile improvements that Flynn made to the rear yard drainage area; however, he explained, that the City has no choice but to take action if there is a violation of a City ordinance. Rud suggested that Flynn conduct further research on the subject and possibly find other potential options, such as a variance, that may be available to resolve the issue. Kodada questioned why someone would build a structure on top of a

catch basin, and he stated that the pictures and survey show that part of the platform was constructed over the property line. Daleiden questioned why someone wouldn't want to know exactly where the property lines are before construction. Furrer asked why the structures cannot be moved to a different location in the back yard. Rud recommended that Flynn gather more data, go through the process, and work with City staff on a resolution.

A motion was made by Kodada and seconded by Furrer to schedule a Public Hearing on December 22, 2016 at 7:00 pm or shortly thereafter to discuss commencing legal action to abate a Zoning Ordinance violation at 702 Florida St. SW. Vote for: Kodada, Daleiden, Rud, Furrer, and Pelava. Vote against: None. Abstained: None. Vote: 5-0. Motion carried.

- b. Waste Management Green Team Check Presentation in the Amount of \$337.95 to the Knights of Columbus for Recycling 22.53 Tons of Cardboard and Mixed Paper – Jonathan Beseman, Waste Management

Jonathan Beseman, of Waste Management, thanked the Knights of Columbus for their work as the Third Quarter Green Team. He said that they managed to encourage 22.53 tons of cardboard and mixed paper to be recycled during their term. Beseman presented a check in the amount of \$337.95 to Lenny Smisek, representing the Lonsdale Knights of Columbus # 16225. The Council congratulated the Knights of Columbus for their recycling efforts.

- c. Update on Off-Street Parking Regulations Ordinance – Ben Baker, City Planner

Baker briefed the Council on the City's pursuit to update its regulations for residential off-street parking. The Council reviewed the presentation slides and pictures that were reviewed by the Planning Commission at their November 17th meeting. He went through the main goals of the ordinance update, along with ideas that were being considered to ultimately create a realistic ordinance in terms of compliance and enforcement. Rud asked about large RVs being parked within residential rear yards. Pelava stated that the Planning Commission was still in the process of defining size limits and number of allowed RVs on a property. The Council thanked Staff and the Planning Commission for the update.

- d. Consider Approval of Application for Payment No. 2 (Final) in the Amount of \$5,111.72 to Crane Creek Asphalt for the Northeast Area Mill & Overlay Project

Erickson asked the Council to consider approval of the final payment for the 2016 Northeast Area Mill & Overlay Project in the amount of \$5,111.72. He said that the project ended up approximately \$12,000.00 under budget. Rud stated that everyone seems satisfied with the project.

A motion was made by Kodada and seconded by Daleiden to approve Application for Payment No. 2 (Final) in the amount of \$5,111.72 to Crane Creek Asphalt for the Northeast Area Mill & Overlay Project. Vote for: Kodada, Daleiden, Rud, Furrer, and Pelava. Vote against: None. Abstained: None. Vote: 5-0. Motion carried.

- e. Consider Approval of Resolution 2016-62, a Resolution to Contract with a Councilmember – Joel Erickson, City Administrator

Erickson stated that three quotes were received by the Police Department for embroidery services to a 5.11 tactical jacket, including Galls, Streichers, and Five Star Embroidery. Erickson stated that Five Star was the low bid. He said that each time the City conducts business with a Councilmember, that a conflict of interest affidavit and resolution are required.

A motion was made by Kodada and seconded by Daleiden to approve Resolution 2016-62, a resolution to contract with a councilmember. Vote for: Kodada, Daleiden, Rud, and Pelava. Vote against: None. Abstained: Furrer. Vote: 4-0-1. Motion carried.

- f. Consider Approval of Resolution 2016-63, a Resolution Transferring a Total of \$1,700.00 From the Following Funds: Parks & Recreation, Water, Sewer and Road Bridge to the Police Fund for a 2007 Crown Victoria – Joel Erickson, City Administrator

Erickson explained that the Police Department does not need the 2007 Crown Victoria anymore because it has reached its useful life as a squad car. However, he said that the Public Works Department is in need of another vehicle given an increase in employees over the last several years. Erickson recommended that the Police Department be reimbursed for the value of the vehicle. Furrer asked why the City is now requiring that a fund transfer take place. Erickson said that the proposed transfer is actually the correct procedure for this type of inter-departmental transaction.

A motion was made by Kodada and seconded by Pelava to approve Resolution 2016-63, a resolution transferring a total of \$1,700.00 from the Parks & Recreation Fund, Water, Sewer Fund and Road Bridge Fund to the Police Fund for a 2007 Crown Victoria. Vote for: Kodada, Daleiden, Rud, and Pelava. Vote Against: Furrer. Abstained: None. Vote: 4-1. Motion carried.

- g. Consider Approval to Reappoint Scott Sticha as Captain of “Company D” of the Lonsdale Fire Department – Mike Yetzer, Fire Chief

Fire Chief Mike Yetzer stated that interviews were held for two Captain positions in the Lonsdale Fire Department. He stated that the hiring committee recommended reappointing Scott Sticha as Captain of Company D and appointing Dave Mohn as Captain of Company A. Yetzer stated that Sticha has been a Captain for 4 years and that Mohn has been with the Department for approximately 13 years.

A motion was made by Daleiden and seconded by Furrer to reappoint Scott Sticha as Captain of “Company D” of the Lonsdale Fire Department. Vote for: Kodada, Daleiden, Rud, Furrer, and Pelava. Vote against: None. Abstained: None. Vote: 5-0. Motion carried.

- h. Consider Approval to Appoint Dave Mohn as Captain of “Company A” of the Lonsdale Fire Department – Mike Yetzer, Fire Chief
This Agenda Item was discussed as part of Agenda Item 10(g).

A motion was made by Furrer and seconded by Pelava to appoint Dave Mohn as Captain of “Company A” of the Lonsdale Fire Department. Vote for: Kodada, Daleiden, Rud, Furrer, and Pelava. Vote against: None. Abstained: None. Vote: 5-0. Motion carried.

11. OTHER BUSINESS

a. Staff Reports

Public Works Director

Vlasak said that the Public Works Department is in the process of finishing up projects before the snow season comes. He said that he met with Rice County earlier in the day to discuss culvert replacement along Co. Rd. 33.

City Engineer

N/A

City Administrator

Erickson stated that he has been working on items related to the Rolling Ridge Market Place Association, Area No. 5 - Phase III Street Reconstruction Project, EDA grant applications, and property closing for 817 Colorado Street SW.

City Planner

Baker said that he has been working on the annual Tree City USA application, Dog Park Project, and zoning letters.

b. Council Reports

Council Member Daleiden

Daleiden provided an update on Lonsdale Liquor.

Council Member Kodada

Kodada said that the Park Board will be meeting on December 13th.

Council Member Furrer

Furrer said that the EDA will be meeting on December 1st, and that the Library Board meeting was rescheduled to December 14th.

Council Member Pelava

Pelava stated that the Planning Commission will be meeting on December 15th to discuss off-street parking, a land use application, and creation of a sexual offender ordinance.

Mayor Rud

Rud announced that Chamber of Commerce is accepting applications for the annual Business of the Year award. He said that the Advisory Board applications are due on December 5th. Rud stated that the Lonsdale Fire Department is bringing Santa Claus to town on Sunday, December 4th for the 13th Annual Firehouse Pancake Breakfast.

12. ADJOURNMENT

A motion was made by Kodada and seconded by Furrer 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 8:16 pm.

Respectfully Submitted:

Joel A. Erickson, City Administrator