

**MINUTES
CITY OF LONSDALE
CITY COUNCIL MEETING
MAY 30, 2019**

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: Steve Cherney, Kevin Kodada, Tim Rud, Cindy Furrer, and Scott Pelava

Members Absent: None

City Staff Present: City Planner Benjamin Baker, Public Works Director Russ Vlasak, City Engineer John Powell, and Police Chief Jason Schmitz

4. APPROVAL OF AGENDA

Mayor Rud asked if there were any corrections, additions, or deletions to the agenda. Powell asked if the Payment to BCM Construction could be removed from the agenda, since required documents were not received.

A motion was made by Pelava and seconded by Cherney to approve the agenda with the noted deletion. Vote for: Cherney, Kodada, 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 May 9, 2019 Regular Meeting. Vote for: Cherney, Kodada, 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

Rud stated that there is a meeting scheduled for June 3, 2019 at 5:30 pm to address the drainage situation at Deerview Ct SE, and he said that the City Council has been informed not to comment on the matter by the City Attorney.

Jonathan Wood, Pollock Construction, contactor for 1320 Deerview Ct SE, provided the Council member with a 2-page memo, with the associated building permit attached, along with a quotes from DSM excavating and CM Contacting Inc., and surveys for 303 15th Ave SE, 1314 Deerview Ct SE, and 1320 Deerview Ct SE. The memo provided an overview the construction process, drainage concerns, discussion, and two proposals to remedy the drainage issue. From the front podium, Wood encouraged the Council to add the drainage issue to the Council Agenda for a first reading. He said that he only got his attorney involved to close on the property, and he said that he no longer has a lawyer involved. Wood said he simple wants to be heard. There was discussion about the final grade. He thanked the Council for the time.

Brandon Beyl, 1314 Deerview Ct SE, said that his family purchased a foreclosed home in 2013 and the City hasn't heard from him until the recent drainage issue. He referenced a well-known phrase in the United States Declaration of Independence. He expressed his frustration with hitting a wall in regard to inaction on getting the drainage issue resolved. Beyl talked about his military experience and what he fights for. He acknowledged the Council's advice from the City Attorney. He asked for documents to be emailed to him by 0900 tomorrow. Amanda Beyl, 1314 Deerview Ct SE, said that their family of five has lived in Lonsdale for years. Beyl said that the issue was brought to Building Official Chris Chandler and City Administrator Joel Erickson, but their concern with the drainage was brushed off. Beyl referred to the 4-plus month process as bureaucratic crap. Beyl asked that the issue be put on the Council Agenda for further discussion. Beyl asked if the City would be proud of the result of a customer survey for this matter.

Cherney said that he did see the document from the City Attorney, but he said that the Council has the ability to unanimous vote to allow the item to be discussed on the Council Agenda.

Rud reassured everyone that the City Council does care about the matter, but due to advice from the City Attorney, the City cannot comment. He reminded everyone that an on-site meeting is scheduled for 5:30 pm on Monday, June 3, 2019 with the City Administrator and City Engineer.

8. APPROVAL OF THE CONSENT AGENDA

A motion was made by Kodada and seconded by Cherney to approve the Consent Agenda as follows:

- a. Monthly Bills
- b. Treasurers' Report
- c. Board and Commission Minutes

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

9. OLD BUSINESS

None

10. NEW BUSINESS

- a. Presentation of a Certificate of Appreciation to Jeff Smisek for Service on the Lonsdale Fire Department – Tim Rud, Mayor

On behalf of the City Council, Rud presented recently retired firefighter Jeff Smisek with a Certificate of Appreciation for 20-plus years of service on the Lonsdale Fire Department. He said that Smisek was a pump operator, training officer, EMS Captain, and served as secretary of the LFRA. Rud said that Smisek took the lead in saving the July 3rd Freedom Fireworks display by raising money, securing shooting sites, and going through the permitting process.

Smisek thanked Mayor Rud and the Council. He said that it has been an honor to serve on the Fire Department. Smisek said that he grew up looking up to his heroes on the Department, including his father, Don Smisek Senior, Jim Kodada, Harold Vosejka, and others. He said that he was proud to bring fireworks to Lonsdale for 22 years. Smisek said that he is sad to see it come to an end, but Smisek said that he is proud of his service and what he has done. He said that the certificate was completely unbelievable and unexpected.

The Council thanked Smisek, and everyone applauded.

- b. Consider Approval of Resolution 2019-17, a Resolution Designating an Official Appointment to the Lonsdale Public Library Board – Tim Rud, Mayor

The Council reviewed an application for the Library Board from Barbar Uhl. Rud said that Uhl interviewed very nicely, and he said that the Interview Committee recommended appointing her to the Board. He said that Uhl is excited to get involved in the community.

A motion was made by Furrer and seconded by Pelava to approve Resolution 2019-17, a resolution designating an official appointment to the Lonsdale Public Library Board.

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

- c. Consider Approval to Accept Jason Culotta's Letter of Resignation From the Planning Commission and Authorize Staff to Advertise the Vacancy – Ben Baker, City Planner
The Council reviewed a Letter of Resignation from the Planning Commission from Jason Culotta. Baker said that Culotta was moving out of state. He said that Culotta did an excellent job on the Commission. Baker also asked the Council to consider advertising for the vacancy on the Advisory Board.

A motion was made by Furrer and seconded by Pelava to authorize City Staff to advertise for the Advisory Board position. Vote against: None. Abstained: None. Vote: 5-0. Motion carried.

- d. Consider Approval of Ordinance 2019-296, an Ordinance Amendment to City Code Title 7, Traffic Code, Amending Chapter 73, Motorized Golf Carts (Ordinance 2018-285) – Ben Baker, City Planner & Police Chief Jason Schmitz

Schmitz stated that the City passed an ordinance last year to make it legal for golf carts to be allowed on City streets. He said that 16 permits were issued last year, and asked the Council to consider increasing the term of the permit from 1 to 3 years. He said that permit fees would be prorated: \$30/3-years, \$20/2-years, and \$10/1 year. He said that the 3-year permit will help save on administration time and associated permitting costs. Schmitz said that it will also be more convenient for permit holders. He noted that infractions and complaints went down after the permitting process took place last year. Schmitz talked about some of the equipment required for making golf carts street legal.

A motion was made by Pelava and seconded by Cherney to approve Ordinance 2019-296, an ordinance amendment to City Code Title 7, Traffic Code, amending Chapter 73, Motorized Golf Carts (Ordinance 2018-285). Vote for: Cherney, Kodada, Rud, Furrer, and Pelava. Vote against: None. Abstained: None. Vote: 5-0. Motion carried.

e. Consider Approval of Ordinance 2019-297, an Ordinance Amending the Official Zoning Map – Ben Baker, City Planner

Baker said that City Staff typically reviews the Official Zoning Map for potential changes and updates every couple of years or sooner. He stated that Staff found multiple parcels that should be rezoned, including recent land sold by the City, recently acquired and developing parks, and mislabeled parcels. While referencing the attached maps, Baker went through and explained the reason for rezoning a list of 17 parcels throughout town, including 13 parcels being zoned as “Parks & Open Space”, 3 parcels proposed to be zoned as “Single Family Detached Residential – Medium Lots”, and 1 parcel as “Public Facilities & Government. Cherney asked about the future expansion of the Waste Water Treatment Facility. Baker said that should be rezoned to Public Facilities once the time comes to expand the plant and split the parcel. Baker said that the Planning Commission did hold a public hearing and recommended approval of the proposed rezones at their May 20th meeting.

A motion was made by Pelava and seconded by Cherney to approve Ordinance 2019-297, an ordinance amending the Official Zoning Map. Vote for: Cherney, Kodada, Rud, Furrer, and Pelava. Vote against: None. Abstained: None. Vote: 5-0. Motion carried.

f. Consider Approval of Change Order No. 2 and Application for Payment No. 7 in the Amount of \$120,608.20 to Holtmeier Construction, Inc. for the Area No. 5 / Phase 4 Street and Utility Improvement Project – John Powell, City Engineer

Powell asked the Council to consider two action items: 1) Change Order No. 2 and 2) Application for Payment No. 7. Powell provided a status update on the project. He said that letters were sent out to property owners and businesses along the project route requesting notification of any issues. Powell said that he has met with 15-20 people along the project route so far. He talked about the punch list and items including in Change Order No. 2. Based on questions from Kodada, Powell explained the mill and overlay consistency mix, the effect on the loop-detectors, and boring work. Vlasak talked about trench settlement. Powell said that the proposed payment represents 81% of the original contract, and he noted that a 5% retainage amount is included. Rud brought up sidewalk cracking. Powell explained that a list was provided to the contractor in the fall. Rud suggested holding off to until a hot day in late-June or July to pave.

A motion was made by Kodada and seconded by Furrer to approve Change Order No. 2 and Application for Payment No. 7 in the amount of \$120,608.20 to Holtmeier Construction, Inc. for the Area No. 5 / Phase 4 Street and Utility Improvement Project. Vote for: Cherney, Kodada, Rud, Furrer, and Pelava. Vote against: None. Abstained: None. Vote: 5-0. Motion carried.

11. OTHER BUSINESS

a. City Staff Reports

Public Works Director

Vlasak said that the Public Works Department has been busy with mowing and spring duties. He said that the 8th Avenue Mill & Overlay Project should be taking place over the next two weeks. Powell said that they are still waiting on a permit for that project.

City Engineer

Powell said that Staff recently met to start discussions on potential road/utility improvement projects to the southwest section of Lonsdale. Powell estimated that the first phase would cost about \$2,000,000 with multiple phases to be completed. He said that a decision in June is needed in order to hit the January early-bid season. Powell provided an update on the Lift Station Decommissioning Project. Rud and Powell discussed the Hwy 19 & 8th Avenue intersection study. Powell also said that the 2019 Pavement Rating Project was now underway.

City Administrator

N/A

City Planner

Baker provided an update on new home permits. He said that he recently attended the Rice County SHIP meeting. Baker said that the Czech 100 Committee will soon be planting a Linden Tree at Lions Park, and he invited anyone on the Council who was interested to be part of that event.

b. City Council Reports

Council Member Cherney

Cherney said that the two ladies who recently attended the May 9, 2019 Council meeting concerning mosquito control are busy accumulating data and will be providing a summary on the topic. He said that the Planning Commission discussed the golf cart ordinance change and zoning map update at their May 20th meeting.

Council Member Kodada

Kodada provided a recap of the May 14th Park Board meeting. He thanked Laura Carpentier for planting the beautiful welcome sign flowers again this year. Kodada suggested recognizing Scotty & Micki Ziskovsky for their years of volunteering to plant and maintain the flowers/landscaping at the Fire Department.

Council Member Furrer

Furrer provided an update on the public library and Library Board.

Council Member Pelava

Pelava provided an update on the EDA meeting, including the new Business, Retention, and Expansion initiative with the University of Minnesota Extension Office.

Mayor Rud

In honor of Memorial Day, Rud thanked all the veterans and service members, and said that they deserve all our respect. In reference to the drainage topic from earlier in the meeting, Rud said that the Council has to make a lot of tough decisions, and he explained that it isn't always easy. He said that the City of Lonsdale has a terrific staff and department heads. He said that not everyone is going to be happy with their decisions, and he said that certain procedure needs to be followed. Rud ended the meeting by stating that the Council may not always agree on everything, may not even get along, but overall, the Council cares about the community and desires the greater good for the community of Lonsdale.

12. ADJOURNMENT

A motion was made by Kodada and seconded by Pelava to adjourn the meeting. Vote for: Cherney, Kodada, Rud, Furrer, and Pelava. Vote against: None. Abstained: None. Vote: 5-0. Motion carried. The meeting ended at 8:00 pm.

Respectfully Submitted:

Joel A. Erickson, City Administrator