

**MINUTES
CITY OF LONSDALE
CITY COUNCIL MEETING
JUNE 13, 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 Administrator Joel Erickson, City Planner Benjamin Baker
City Engineer John Powell, Public Works Director Russ Vlasak

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 Cherney to approve the agenda as presented.
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 20, 2019 Special Meeting and the May 30, 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

In regard to a recent site visit by an arborist and Administrator Erickson to the property at 326 Arizona Street SE concerning disputed vegetation and prohibited trees, Ros Carson, 326 Arizona Street SE, addressed the Council from the front podium about the situation. Carson mentioned that she doesn't get along with her neighbors, the Stienhouses, and she provided the Council with pictures of the disputed property line trees. Carson said that three small trees were tagged, and she said that they will be removed. Carson questioned why similar trees on the prohibited list can be found around town, and she said that everyone should be in compliance. John Carson, 326 Arizona Street SE, also came forward to address his displeasure with Erickson and the Council on this and other matters.

Rud stated that a ruling on the matter was made and should be followed.

8. APPROVAL OF THE CONSENT AGENDA

None

9. OLD BUSINESS

None

10. NEW BUSINESS

a. Minnesota District 20B Representative Todd Lippert

Local State Representative Todd Lippert introduced himself to the City Council from the front podium. He provided some information about himself and then he talked about the latest budget passed at the State Capital. He highlighted education funding, Local Government Aid, transportation funding, and affordable housing. He said that LGA should increase by \$47,000 annually for Lonsdale moving forward. Cherney asked about the politics involved at the state level. Lippert said that there is work done across the political aisle and they came to a compromise on the budget. He said that he wants state government to work. Rud thanked Lippert for recently organizing meetings concerning transportation funding/bonding. The Council thanked Lippert for attending their meeting.

b. Hiawathaland Transit Presentation – Tracy Holguin, Director of Transportation Three Rivers Community Action

Tracy Holguin, Director of Transportation for Three Rivers Community Action – Hiawathaland Transit provided information on herself and an update on the dial-a-ride initiative in Lonsdale. She provided ridership statistics for the Council to review. She said that they recently hired over 20 drivers. Holguin said that her team recently met with City Staff, and they set a goal to reach out, advertise, and promote the transit program and see how it goes until the end of the year. She said that service in Red Wing, Northfield, and Faribault account for the majority of rides in Southeast Minnesota. Furrer asked about age limits for riders. Holguin said that there is not a age limit, but they are not a babysitting service either. She said that the busses can take kids to the local pools. Holguin provided her contact information. She thanked the Council for allowing her time to talk about the transportation program.

- c. Update on “Lonsdale Dog Appreciation Day 2nd Year Fetching” at the Lonsdale Dog Park July 14th – Aleisha Holzinger / Lori Kubes
Aleisha Holzinger and Lori Kubes addressed the Council from the front podium. They explained that they were organizing another Dog Appreciation Day on July 14th at the Lonsdale Dog Park. The Council reviewed the associated information, pictures, and site map. They asked if the City could provide garbage cans, picnic tables, and a portable toilet. Holzinger described the event’s happenings. They talked about potentially including the local girl scout troop into the event since they are currently in the process of making improvements to the site. She said that there will be a donation station at the event again this year. Rud encouraged Holzinger and Kubes to attend the Park Board meeting as well.
- d. Consider Approval to Not Participate in Drainage Improvements and Trail Relocation Pertaining to 1314 and 1320 Deerview Ct. SE – Joel Erickson, City Administrator
Erickson read through the background portion of the Staff Report and referenced the attached documents pertaining to the rear yard issue at 1314-1320 Deerview Ct. SE. Rud said that the contractor and neighbors had requested to be on the Council Agenda. Rud invited contractor Jonathan Wood, of Pollock Construction, up to the front podium.

Wood said that sod was recently laid on the property at 1320 Deerview Ct. SE. He said that a berm was crated along the property line to slow down the water and erosion from entering the property at 1314 Deerview Ct. SE. He described his ideas to resolve the rear yard drainage problem, including a proposed solution from sub-contractor DSM.

Erickson explained that since the Council packets went out, the City Engineer reviewed the grading as built (GAB) survey, which showed that the house was not constructed according to the approved pre-construction survey proposed by Wood and approved by the City. He noted that a patio was added that was not accounted for and that the basement level was raised and the garage elevation was raised. He stated that the GAB showed more than double the slope than what was approved, which creates substantially higher velocity for water runoff.

Erickson said that it was unfortunate that this information was not disclosed prior to this and especially not to the Lonsdale Area News Review that published a story on this matter. He said it was a wet fall and this spring was the third wettest on record, with most of the precipitation falling when the ground was frozen. Erickson summarized the June 3, 2019 on site meeting when possible solutions were discussed. He said that the property owners and contractor were requesting the City relocate the trail that has been in place for at least fifteen years. Erickson said the City Engineer estimated the cost to relocate the trail at between \$15,000 and \$20,000. Erickson did not recommend the trail be relocated.

Erickson said the options to resolve the matter provided by the City Attorney were to not approve the Certificate of Occupancy for 1320 Deerview Ct. SE, not to approve the proposed grading as-built survey for 1320, direct Wood to resolve the drainage concerns at this expense and to the satisfaction of all parties involved and/or use the landscape

escrow to grade 1320 to the approved survey submitted with the building permit. Erickson stated that the City has no legal duty to resolve the drainage concerns.

Wood suggested that his sub-contractors, DSM and Advance Surveying & Engineering, can fix it. Wood said that he came into this project as a carpenter, and he relies on subs for expertise in setting elevations and grading. Kodada questioned that if Wood was the licensed contractor, who else would be responsible for the problem. Rud noted that the licensed surveyor was not showing the existing berm and patio on the GAB survey. Pelava told Wood that your name is on the permit as the contractor and that you need to take care of this issue. He described a related situation with his person business. He talked about sheet storm water runoff vs channelized runoff. Rud told Wood that it is his responsibility to fix the drainage problem right away, finish the project, and get a final certificate of occupancy. He encouraged Wood to get City Staff a plan in writing as-soon-as-possible. Kodada mentioned the unnecessary mud-slinging that has been going on, and he told Wood that he will be held accountable. Wood offered a public apology to Erickson and the Council. He said that this is a learning experience and that he takes responsibility. Powell stated that as the City Engineer, they will not be designing a fix to the problem, only reviewing any proposal that is submitted for review.

Rud invited Brandon Beyl, 1314 Deerview Ct. SE up front podium. Beyl asked the Council to think of how he feels about this situation, and he provided an overview of his family's military service. He said that his past comments were to drive results. Beyl also referenced City Code language pertaining to drainage. He questioned why the elevation level was not checked, and he talked about cracking in his basement foundation. Beyl stated that he has been dealing with this since March, and he is not in favor of tearing up any of his yard or landscaping. He also questioned why the Chief of Police was present during on a recent on-site meeting. Rud explained that he made the call for the police to attend for safety reasons due to heighten tensions and to create a calming effect.

Rud assured Beyl that the City does care about all the residents of Lonsdale. He suggested that Wood get a plan in place by the next Council meeting. Wood said that the results of the GAB caught him off-guard, and he said he would work towards resolving the matter as-soon-as-possible. Beyl asked Wood and the City to do right by us. Rud and the Council members thanked Beyl for his service to the country.

- e. Consider Approval of a Quote Submitted by S & S Tree Landscaping Specialists for Hauling and Disposal of Compost Material – Russ Vlasak, Public Works Director
The Council reviewed a quote/agreement from S & S Tree Landscaping Specialists for 1) removal and disposal of grass and leaves, 2) grind and haul away of brush pile, and 3) transportation and set up of related equipment. Vlasak provided a brief overview on the composite site and removal process.

A motion was made by Kodada and seconded by Cherney to approve a quote submitted by S & S Tree Landscaping Specialists for hauling and disposal of compost material. Vote for: Cherney, Kodada, Rud, Furrer, and Pelava. Vote against: None. Abstained: None. Vote: 5-0. Motion carried.

- f. Consider Approval of Resolution 2019-18, a Resolution Ordering Preparation of Report on the Improvement of the 2020 Street and Utility Improvement Project Which Includes 2nd Ave SW, Alabama St. SW (between 2nd Ave SW and Main St. S.), Colorado St. SW (between 2nd Ave SW and Main St. S.), Delaware St. SW (between 2nd Ave SW and Main St. S.), Florida St. SW (between 2nd Ave SW and Main St. S.) – John Powell, City Engineer

The Council reviewed the City Engineer’s memo, Resolution 2019-18, and associated location map for the proposed 2020 Street & Utility Improvement Project. Powell explained the proposed timeline for the feasibility study, neighborhood meetings, and early-2020 bidding. He said that since assessments would be used to help fund the project, that the 429 Process would need to be followed. He said that the scope of the project will be limited to \$2 million and would be a full reconstruction of the roads and underground utilities. Furrer asked if alleys would be included. Powell said that alleys were included in the scope of work, and Vlasak said that he would like to come back and pave the areas that weren’t paved in the Area No 5 Project. Cherney said that he will keep asking him along the way how oversight of the project is going.

A motion was made by Kodada and seconded by Pelava to approve Resolution 2019-18, a Resolution ordering preparation of report on the improvement of the 2020 Street and Utility Improvement Project which includes 2nd Ave SW, Alabama St. SW (between 2nd Ave SW and Main St. S.), Colorado St. SW (between 2nd Ave SW and Main St. S.), Delaware St. SW (between 2nd Ave SW and Main St. S.), Florida St. SW (between 2nd Ave SW and Main St. S.). Vote for: Cherney, Kodada, Rud, Furrer, and Pelava. Vote against: None. Abstained: None. Vote: 5-0. Motion carried.

- g. Consider Approval to Not Waive the Monetary Limits on Municipal Tort Liability Established by MN Statute §466.04 – Joel Erickson, City Administrator

Erickson explained that the City has not purchased extra liability coverage for the past 14 years. He said that there is no impact to the City unless the City purchases the excess liability coverage at around \$7,000. The Council agreed to not waive the monetary limits again this year.

A motion was made by Kodada and seconded by Furrer to approve to not waive the Monetary Limits on Municipal Tort Liability established by MN Statute §466.04. Vote for: Cherney, Kodada, Rud, Furrer, and Pelava. Vote against: None. Abstained: None. Vote: 5-0. Motion carried.

- h. Consider Approval of the Following Liquor Licenses: Lonsdale American Legion – On-Sale Club and Sunday Liquor; Whistle Stop Tavern & Grill – On-Sale and Sunday Liquor; Lonsdale Baseball Association – 3.2% On-Sale; Lonsdale Lions – 3.2% On-Sale and Lonsdale Liquor – Off-Sale – Joel Erickson, City Administrator

Erickson explained that renewal letters were sent out to the local organizations that current hold liquor licenses. Erickson said that the Police Chief has reviewed all of the application and Staff found no reason not to approve the renewals.

A motion was made by Furrer and seconded by Kodada to approve the following Liquor Licenses: 1) Lonsdale American Legion – On-Sale Club and Sunday Liquor; 2) Whistle Stop Tavern & Grill – On-Sale and Sunday Liquor; 3) Lonsdale Baseball Association – 3.2% On-Sale; and 4) Lonsdale Lions – 3.2% On-Sale and Lonsdale Liquor – Off-Sale. Vote for: Cherney, Kodada, Rud, Furrer, and Pelava. Vote against: None. Abstained: None. Vote: 5-0. Motion carried.

- i. Consider Approval of Martin Klein’s Letter of Resignation as Part Time Liquor Store Clerk – Joel Erickson, City Administrator

The Council reviewed Martin Klein’s Letter of Resignation from Lonsdale Liquor. Erickson explained that the League of Minnesota Cities recommends that cities approve resignation letters. Erickson said that after discussion, Staff is not recommending the clerk position be filled at this time. He said that current staff are looking to get more hours.

A motion was made by Pelava and seconded by Cherney to approve Martin Klein’s Letter of Resignation as Part Time Liquor Store Clerk. Vote for: Cherney, Kodada, Rud, Furrer, and Pelava. Vote against: None. Abstained: None. Vote: 5-0. Motion carried.

- j. Consider Approval of a Land Lease Agreement Between the City of Lonsdale and James Schmitz – Joel Erickson, City Administrator

The Council reviewed a bid of \$500 from James Schmitz for leasing the land in the Business Park for the cutting of alfalfa. Kodada said that the agreement has worked good in the past.

A motion was made by Kodada and seconded by Furrer to approve a Land Lease Agreement between the City of Lonsdale and James Schmitz. Vote for: Cherney, Kodada, Rud, Furrer, and Pelava. Vote against: None. Abstained: None. Vote: 5-0. Motion carried.

- k. Consider Approval of Resolution 2019-19, a Resolution Approving the Severance Agreement Relating to Severance of a Portion of Rolling Ridge Market Place, a Planned Community CIC No. 62, Rice County, Minnesota – Joel Erickson, City Administrator

The Council reviewed a severance agreement for NG Properties in the Rolling Ridge Market Place. The Council looked at an associated map which showed which properties would remain in the Rolling Ridge Market Place Owners Association and which properties have been/will be severed. Erickson said that the proposed request is very similar to the 2014 severance of the grocery store property. He said that the Association

approved the request at their May 6, 2019 meeting, and Erickson noted that the City Attorney reviewed the pertinent sections related to the City/Lonsdale Liquor. Erickson said that it is unknown if NG Properties and the RRMPOA will petition the City to take over ownership/maintenance of Ash Street NE in the future. The Council discussed Ash Street NE and the effect on the remaining RRMPOA members. Erickson said that adjacent land owners are still required to pay a proportionate amount of expenses related to Ash Street NE.

A motion was made by Kodada and seconded by Cherney to approve Resolution 2019-19, a resolution approving the Severance Agreement relating to severance of a portion of Rolling Ridge Market Place, a Planned Community CIC No. 62, Rice County, Minnesota the agenda as presented. Vote for: Cherney, Kodada, Rud, Furrer, and Pelava. Vote against: None. Abstained: None. Vote: 5-0. Motion carried.

l. Consider Approval of Sam Ceplecha's Letter of Resignation as Seasonal Public Works Employee – Joel Erickson, City Administrator

The Council reviewed Sam Ceplecha's Letter of Resignation from the Public Works Department. Vlasak said that he just wasn't the right fit for the job.

A motion was made by Pelava and seconded by Kodada to approve Sam Ceplecha's Letter of Resignation as Seasonal Public Works Employee. Vote for: Cherney, Kodada, Rud, Furrer, and Pelava. Vote against: None. Abstained: None. Vote: 5-0. Motion carried.

m. Consider Approval to Authorize Staff to Advertise for at Least One Seasonal Public Works Employee at Grade 1 / Step 1 (\$12.14/hr.) – Joel Erickson, City Administrator

Erickson asked the Council to consider advertising for at least one more seasonal employees for the Public Works Department. Cherney asked how many workers are needed to get the job done. Vlasak suggested two more seasonal employees should be hired.

A motion was made by Furrer and seconded by Cherney to authorize Staff to advertise for two (2) Seasonal Public Works Employee at Grade 1 / Step 1 (\$12.14/hr.). Vote for: Cherney, Kodada, Rud, Furrer, and Pelava. Vote against: None. Abstained: None. Vote: 5-0. Motion carried.

n. Consider Approval of a Data Practices Policy for the Public – Joel Erickson, City Administrator

The Council reviewed a proposed Data Practices Policy for the Public. Erickson said that the basis for the policy came from the Minnesota Department of Administration and is compliant with State Statute. He summarized the proposed policy. Erickson said that 7½ hours on Staff time was used to compile the last public request for information, which would equate to about \$1,200. Erickson explained that the request prior to that took even more time and money and no one ended up picking up the request. Furrer said that it was unfortunate, and Pelava said that it tends to be the same people that want lower taxes that are wasting time/money on requests that don't get picked up.

A motion was made by Cherney and seconded by Pelava to approve of a Data Practices Policy for the Public. Vote for: Cherney, Kodada, Rud, Furrer, and Pelava. Vote against: None. Abstained: None. Vote: 5-0. Motion carried.

o. Consider Approval of a Data Practices Policy: Requests for Data About You and Your Rights as a Data Subject – Joel Erickson, City Administrator

Similar to the previous agenda item, the Council reviewed a proposed policy related to data about you and your rights. Erickson highlighted the main points of the policy. Cherney asked if language about holding harmless for errors and omissions, and he also wondered if each page would need to be stamped.

A motion was made by Cherney and seconded by Furrer to approve a Data Practices Policy: Requests for Data About You and Your Rights as a Data Subject. 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

None

City Engineer

Powell provided project updates on the on-going projects including the Area 5 Project, Lift Station Decommissioning Project, 8th Avenue NE Mill & Overlay Project, and investigation into a water leak near the apartments along 1st Avenue SE.

City Administrator

Rud talked about the difficulty dealing with private neighbor disputes. Rud said that due to recent disputes that have turned violent, he has recommended that the police be present when Staff is visiting the site of a neighbor dispute issue. He said that it is important to protect Staff and the public. Rud thanked Erickson, and told him to keep up the good work.

City Planner

Baker announced the good news that the City of Lonsdale was recently notified that the Trcka Park Project was awarded the \$250,000 DNR Outdoor Recreation Grant. He said that the Park Board will be joining the City Council at the July 15th Budget Meeting to further talk about the grant project. Members of the Council, Staff, and audience applauded Baker and the Park Board for submitting a successful grant application.

Rud noted that between Erickson and Baker, that they have acquired \$3,000,000 in grants and other money over the years to help fund parks, trails, streets, and economic development projects. Rud said that is quite an accomplishment.

b. City Council Reports

Council Member Cherney

Cherney talked about an on-going mosquito control survey being conducted by concerned residents. He said that he met at the Library with members of Representative Minnesota 1st District Jim Hagedorn's office.

Council Member Kodada

Kodada provided a recap of the June 11th Park Board meeting, including the Main Street South Trail, Veterans Memorial paver update, the Trcka Park Project and signage, Lions Park, and celebration of the grant award.

Council Member Furrer

Furrer talked about the Library's Summer Reading Program pizza party.

Council Member Pelava

Pelava announced that the EDA will be hosting a B. R. & E. event on Thursday, June 18th from 5:00-7:00 pm at the American Legion.

Mayor Rud

Mayor Rud thanked Shanna and the Lonsdale Chamber for doing such a good job organizing Community Days. He said that it is a lot of work and many volunteers are needed. He also thanked Pelava for getting the Chris Hawkey Band to attend the event. Rud said that it may be the last year for July 3rd Freedom Fireworks.

12. ADJOURNMENT

A motion was made by Kodada and seconded by Cherney 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 9:44 pm.

Respectfully Submitted:

Joel A. Erickson, City Administrator