

**MINUTES
CITY OF LONSDALE
CITY COUNCIL MEETING
JULY 11, 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, and Cindy Furrer

Members Absent: Scott Pelava

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. Erickson asked if Agenda Item (10)(e) could be added, concerning making a claim on a Maintenance Bond provided by Chard Tiling & Excavating, Inc. for the Area No. 5 / Phase 2 project.

A motion was made by Kodada and seconded by Cherney to approve the agenda with the noted addition. Vote for: Cherney, Kodada, Rud, and Furrer. Vote against: None. Abstained: None. Vote: 4-0. 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 June 27, 2019 Regular Meeting. Vote for: Cherney, Kodada, Rud, and Furrer. Vote against: None. Abstained: None. Vote: 4-0. Motion carried.

6. PUBLIC HEARINGS

None

7. PRESENTATION OF CITIZEN PETITIONS AND COMMENTS

None

8. APPROVAL OF THE CONSENT AGENDA

None

9. OLD BUSINESS

None

10. NEW BUSINESS

- a. Approval of an Encroachment Agreement Between the City of Lonsdale and the Property Owners of 1314 and 1320 Deerview Ct. SE - Joel Erickson, City Administrator

Erickson said that at the last several meetings the City Council has discussed having an agreement in place regarding the proposed storm sewer at 1314 and 1320 Deerview Ct. SE. Erickson provided an encroachment agreement for the Council to review, and he went through the intent of the agreement. Erickson said that the agreement addresses that the City will not be responsible for construction costs or long-term maintenance of the drainage improvement.

Amanda Beyl, 1314 Deerview Ct., asked about 1) assurity that project gets done, and 2) about wording in Paragraph 4 of the Easement Agreement. Erickson explained that the language was referencing small utilities. Rud and Erickson referenced the landscape escrow and final Certificate of Occupancy as leverage to help get the drainage improvement project completed. Rud said that it would only be fair if the builder has to pay for the bill that is running up on issues associated with the 1320 Deerview Ct. Cherney proposed some amendments to the agreement, including 1) relocation of the stormwater outlet and 2) not holding the Beyl's responsible for any future financial responsibility associated with maintenance of the drainage improvements. He said that the Beyl's will not sign the document if the amendments are agreed to. Kodada referenced the original grading plan that showed water draining through the rear yard of 1314 Deerview. Rud stated that the City is responsible for encroachments into the easement and not any other future maintenance agreements which can be agreed upon between the neighbors. Cherney said that he was in agreement with the encroachment agreement as long as due-diligence has been done. Powell explained that the City Engineer, he reviewed and commented on the proposed improvement but did not design the improvements.

A motion was made by Cherney and seconded by Furrer to approve an Encroachment Agreement between the City of Lonsdale and the Property Owners of 1314 and 1320 Deerview Ct. SE. Vote for: Cherney, Kodada, Rud, and Furrer. Vote against: None. Abstained: None. Vote: 4-0. Motion carried.

- b. Consider Approval of an Application and Permit for a 1 Day to 4 Day Temporary On-Sale Liquor License Requested by the Church of the Immaculate Conception – Joel Erickson, City Administrator

Erickson said that the IC Church submitted their annual application for a temporary liquor license in connection with the Parish Bazaar on August 4, 2019. He said that the Bazaar is social event sponsored by the IC Church, and the church has obtained the appropriate liquor liability insurance.

A motion was made by Kodada and seconded by Furrer to approve an Application and Permit for a 1 Day to 4 Day Temporary On-Sale Liquor License Requested by the Church of the Immaculate Conception. Vote for: Cherney, Kodada, Rud, and Furrer. Vote against: None. Abstained: None. Vote: 4-0. Motion carried.

- c. Consider Approval of an Agreement Between the City of Lonsdale and Safe Assure Consultants, Inc. in the Amount of \$4,379.31 for OSHA Compliance and Safety Training – Joel Erickson, City Administrator

Erickson asked the Council to consider approval of an annual agreement for OSHA compliance and safety training services with Safe Assure. He said that a few years back, OSHA did an audit of the City departments and the City was not cited for any violations. Furrer said that Safe Assure does a good job engaging employees during their training sessions. Erickson said that the price for 2019/2020 is going up 4%. Cheney suggested that the City look at locking in a longer-term agreement if the City is happy with Safe Assure.

A motion was made by Furrer and seconded by Cherney to approve an Agreement between the City of Lonsdale and Safe Assure Consultants, Inc. in the amount of \$4,379.31 for OSHA Compliance and Safety Training. Vote for: Cherney, Kodada, Rud, and Furrer. Vote against: None. Abstained: None. Vote: 4-0. Motion carried.

- d. Consider Approval of Application for Payment No. 1 in the Amount of \$127,752.11 to McNamara Contracting, Inc. for the 8th Ave NE Mill & Overlay Project – John Powell, City Engineer

Powell said that construction activity on the 8th Ave NE Mill and Overlay Project is complete. He commented that the project ran smoothly and McNamara Contracting did a wonderful job with the paving. He said that the project is tracking under budget, and he recommended payment of \$127,752.11 for work completed through June 25th. He noted that the payment reflects the standard 5% retainage.

A motion was made by Kodada and seconded by Furrer to approve Application for Payment No. 1 in the amount of \$127,752.11 to McNamara Contracting, Inc. for the 8th Ave NE Mill & Overlay Project. Vote for: Cherney, Kodada, Rud, and Furrer. Vote against: None. Abstained: None. Vote: 4-0. Motion carried.

- e. Consider Approval to Make a Claim on a 2-Year Constriction Maintenance Bond
Powell explained that the City contracted with Chard Tiling & Excavating on the Area No. 5 – Phase II Project, and since that time Chard has been bought out by Minnesota Paving & Materials (MPM). He said that due to the transition, project managers have changed, and a full punch list has not been completed. Powell said that the City Attorney has recommended that since the 2-year maintenance bond is due to expire soon, the City should send a letter making a claim on the bond to ensure that the punch list items get completed. Cherney asked if the City could hire someone else to complete the project. Powell said that probably isn't legal. Powell said that the water leak at the Landmark Apartments will be addressed as part of this process.

A motion was made by Kodada and seconded by Cherney to make a claim on the Maintenance Bond provided by Chard Tiling & Excavating for unfinished work pertaining to the Area No. 5 / Phase 2 Street and Utility Improvement Project. Vote for: Cherney, Kodada, Rud, and Furrer. Vote against: None. Abstained: None. Vote: 4-0. Motion carried.

11. OTHER BUSINESS

- a. City Staff Reports

Public Works Director

Vlasak said that the Public Works Department is no one applied for the latest seasonal position openings. Cherney suggested creating a volunteer list. Rud said that the Council should discuss this issue during the 2020 Budget meetings.

City Engineer

Powell provided an update on the Lift Station No. 1 Decommissioning Project. Powell talked about the difficulty that the contractor has had in battling against the high waters of Heath Creek, and he said that the project should be completed by the beginning of August.

Powell provided an update on the Area No. 5 – Phase IV Project. The Council discussed issues with the concrete and ways to reimburse the City for extra review time. Furrer said that the concrete work was less than terrific. In regard to slope concerns, Powell explained that an ADA expert was consulted with to determine sidewalk slopes and accessibility. Powell also said that he had a Cemstone representative on site to help with matching the current sidewalk panels.

City Administrator

Erickson said that he has been working on the 2020 Budget.

City Planner

Baker provided an update on new home permits. He mentioned that TCU school soccer is planning to play some games on Lonsdale's new Trcka Field this fall.

b. City Council Reports

Council Member Cherney

Cherney said he would be providing some information received from the League Conference, relating to dealing with difficult decisions, to the other Council members at a future date. He said that he appreciates the direction of where the City is going. Cherney said that he may help try to recruit volunteers to keep the July 3rd fireworks display going for future years.

Council Member Kodada

Kodada said that the Park Board will be joining the City Council at the July 15th Budget meeting.

Council Member Furrer

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

Council Member Pelava

N/A

Mayor Rud

Mayor Rud said that they are still trying to court interested businesses to building in the Lonsdale Business Park. He announced the upcoming community festivals in August. He reminded everyone of the July 15th Special City Council meeting.

12. ADJOURNMENT

A motion was made by Kodada and seconded by Cherney to adjourn the meeting. Vote for: Cherney, Kodada, Rud, and Furrer. Vote against: None. Abstained: None. Vote: 4-0. Motion carried. The meeting ended at 8:01 pm.

Respectfully Submitted:

Joel A. Erickson, City Administrator