

**MINUTES
CITY OF LONSDALE
REGULAR CITY COUNCIL MEETING
MARCH 27, 2008**

1. CALL TO ORDER

Mayor Rud called a meeting of the Lonsdale City Council to order at 7:01 pm in the Council Chambers at 415 Central Street West.

2. PLEDGE OF ALLEGIANCE

Everyone stood and recited the Pledge of Allegiance.

3. ROLL CALL

Present: Duban, Kodada, Rud, Smith, and Furrer

Absent: None

Staff Present: City Administrator Joel Erickson, City Planner Benjamin Baker, Public Works Director Russ Vlasak, Police Chief Jason Schmitz, and City Engineer Kevin Kawlewski

4. AGENDA

Mayor Rud asked if anyone had any other additions, deletions, or corrections to the Agenda. Mayor Rud added Item 10(k), Discussion of Business Park RFPs and 10(l), Discussion of Trendera Memorial Park Sewer Line.

A motion was made by Duban and seconded by Kodada to approve the agenda with said additions. Vote for: Duban, Kodada, Rud, Smith, and Furrer. Against: None. Vote 5-0. Motion carried.

5. APPROVAL OF MINUTES

A motion was made by Kodada and seconded by Duban to approve the City Council meeting minutes from February 14, 2008, February 28, 2008, and March 13, 2008. Vote for: Duban, Kodada, Rud, Smith, and Furrer. Against: None. Vote 5-0. Motion carried.

6. PUBLIC HEARINGS

None

7. PRESENTATION OF CITIZEN PETITIONS AND COMMENTS

None

8. APPROVAL OF THE CONSENT AGENDA

Rud invited Tim Kes of the Lonsdale Youth Baseball Association to talk about Item 8(f). Kes thanked the City for past support and donations. He said approximately 250 children, from ages 4 – 14, participated in the youth baseball program last year (not including girls softball). He estimates that the program will grow to 275 this year. He asked the Council to consider donating \$1,000 to the Lonsdale Youth Baseball Association.

A motion was made by Kodada and seconded by Smith to approve the Consent Agenda. Vote for: Duban, Kodada, Rud, Smith, and Furrer. Against: None. Vote 5-0. Motion carried.

9. OLD BUSINESS

a. Consider Approval of a Land Lease Agreement Between the City of Lonsdale and Verizon Wireless (VAW)

Erickson stated that staff has been working with Jim Nelson of Buell Consulting, representing Verizon Wireless, to negotiate a land lease agreement for a new telecommunications tower at 415 4th Avenue SE (water tower site). He went through 33 key points of the lease agreement. He said the initial term would be for 5 years at \$19,200 for the first year and an increase of 3% per year. He stated that there may be up to four-5 year term extensions that could renew automatically. Erickson said the agreement is basically the same as lease agreements the City has had with other telecommunication providers. He said in this case rent is higher than other rents the City is currently receiving. He said the agreement was reviewed by the City Attorney. Rud said that the lease would provide a good source of revenue for the City.

A motion was made by Kodada and seconded by Furrer to approve the land lease agreement between the City of Lonsdale and Verizon Wireless. Vote for: Duban, Kodada, Rud, Smith and Furrer. Against: None. Vote 5-0. Motion carried.

Mayor Rud, Administrator Erickson, and Jim Nelson signed the agreement. Nelson said that tower construction should begin within the next 6 months.

10. NEW BUSINESS

a. Presentation of a Certificate of Appreciation to Karmin Stanley

Rud presented a certificate of appreciation to Karmin Stanley for her commitment to Community Days and the Lonsdale Ambassador and Pageant Program.

b. Consider Approval of an EDA Revolving Loan Fund Request by Children's Learning & Adventure Center in the Amount \$8,684.00

Erickson said the EDA approved a Revolving Loan Fund (RLF) application submitted by Tyler and Krista Hustad, Children's Learning & Adventure Center, in the amount of \$8,684.00. He said the loan will be used to finance a security system (cameras, keyless entry and alarm system) for the daycare facility. He said the EDA recommend a loan term of five years instead of ten years.

A motion was made by Kodada and seconded by Furrer to approve an EDA RLF request by Tyler and Krista Hustad, Children's Learning & Adventure Center, in the amount of \$8,684.00 for a term of five (5) years and an interest rate of 4.00%. Vote for: Duban, Kodada, Rud, Smith and Furrer. Against: None. Vote 5-0. Motion carried.

c. Consider Approval of Resolution 2008-12, a Resolution of Support for the MN Highway 19 Lonsdale Area Access Management Safety Plan (AMSP)

Erickson said that access management planning for Hwy 19 (from State Hwy 13 to I-35) started back in January 2007. He said MnDOT's planning process incorporated input from the City Council, Planning & Zoning Commission, and area residents. Erickson said Chris Moates, MnDOT District 6 Planner, presented a draft plan at the June 25, 2007 City Council meeting.

Moates asked the City Council to consider formally adopting the Lonsdale Area Access Management Plan. He said a draft overlay ordinance for Hwy 19 will be presented at a future Planning & Zoning Commission public hearing meeting. He said that MnDOT has been working with the City of Lonsdale to come up with a plan to eliminate driveway accesses in the City's urban core along with skewed intersections like CSAH 4. He asked if anyone had any specific questions about the plan or overlay ordinance. Moates presented a brief summary of the overlay ordinance including the 5 key purpose points. Moates asked if anyone had questions.

Rud asked if the Hwy 19 mill and overlay project was still scheduled for 2010. Moates said that the project was still on the list for 2010. He said MnDOT's Traffic Engineer would review all additional turn lane requests. Duban and Rud asked if infrastructure and sidewalks could be incorporated with the mill and overlay project. Moates said that additional items would be at the City's cost and need to be communicated to the project manager. Rud said the City should schedule a meeting with the project manager in the future. Rud said that a business park may be constructed this summer, and he asked about possible traffic impacts to Hwy 19. Moates stated that MnDOT is recommending that a traffic impact study be submitted to them for review. He suggested having the developer of the project produce the study. City Engineer Kawlewski said that access management can be a touchy subject and lead to some heated discussion. He asked Moates who would make the final decision about accesses. He asked if the City adopted the proposed overlay zone ordinance, would the City become the enforcing agent or would MnDOT continue that role. He also asked what liability does MnDOT have and at what point will MnDOT step in. Moates said that MnDOT would work together with the City, but they would continue to be the access permit authority.

A motion was made by Duban and seconded by Kodada to approve Resolution 2008-12, a resolution of support for the MN Highway 19 Lonsdale Area Access Management Safety Plan (AMSP). Vote for: Duban, Kodada, Rud, Smith and Furrer. Against: None. Vote 5-0. Motion carried.

d. Consider Approval of Ordinance 2008-220, an Ordinance Amending Chapter 153.079 of the City Code (Signs)

Baker stated that the Planning & Zoning Commission has been working on drafting new sign ordinance language since the fall of 2007. He said the Planning & Zoning Commission held a public hearing at their March 19, 2008 meeting, and they recommended approval of Ordinance 2008-220 with the conditions listed on the staff report. Baker said that the City Attorney reviewed the proposed ordinance and staff incorporated her comments into the draft. Baker said it was important to read through Section One, Findings and Purpose, in its entirety. Baker also reviewed the definition of

an abandoned sign and the requirements for a sign permit. He read through the five types of signs exempt from the permit requirements. He stated that it is wise to have a detailed definition of a sign area calculation like Section 6. He reviewed the eight types of prohibited signs and the related exemptions. Baker also highlighted the main points in the General Standards Section. He mentioned that the ordinance allowed for residential and commercial/business signage with specific regulations. Baker said that Section 15, Temporary and Portable Signs may be the most controversial part of the ordinance. He read through the entire section. He said that the Planning & Zoning Commission decided not to place a time limit on temporary signs, however each temporary sign would still need to meet the other regulations listed in the ordinance. Rud asked if there would be a time limit for garage sale signs. Baker said according to the draft, garage sale signs need to be removed within one day after the conclusion of the sale. Rud asked where garage sale signs could be placed. Baker said all off-premise garage sale signs are prohibited, but on-premise signage is allowed. Kodada said regulating garage sale signs is silly. Rud asked about campaign signs. Baker said Section 12(b) addresses non-commercial speech signs. Furrer said that the ordinance needs to be enforceable. Rud asked if there was a fee for temporary signs. Baker said temporary signage was listed with no fee according to the fee schedule that the Council adopted at their annual meeting in January. Kodada suggested that the Planning & Zoning Commission revisit the details of off-premise signs. Dave Dols, Planning Commission Chair, said that the Commission was trying to decrease clutter, and he asked the Council what the difference was between allowing garage sale signs and not allowing home for sale signs. The Council directed staff and the Planning and Zoning Commission to clarify language related to off-premise signs exemptions like civic organizations and garage sale signs.

e. Consider Approval of the Proposed Temporary Development Directional Signage

Baker showed pictures of current sign cluttered areas along Hwy 19. Baker explained that the Planning Commission came up with an 8' x 10' sign concept that could advertise up to four - 4' x 4' development/builder signs on one side and replace the need for other temporary signs. He said the Commission recommended locating one of the signs at Hwy 19 and 8th Avenue NE (location # 1) and another sign at Hwy 19 and 15th Avenue SE (location # 2). Baker explained that all future off-premise development directional signs would need special approval from the Planning Commission and the City Council.

A motion was made by Kodada and seconded by Furrer to approve locations # 1 and # 2 for a City approved off-premise temporary directional development sign. Vote for: Duban, Kodada, Rud, Smith and Furrer. Against: None. Vote 5-0. Motion carried.

A motion was made by Duban and seconded by Kodada to approve an 8' x 10' temporary directional development sign design and directing staff to obtain additional quotes. Vote for: Duban, Kodada, Rud, Smith and Furrer. Against: None. Vote 5-0. Motion carried.

f. Consider Approval of a Quote Submitted by HD Supply Waterworks in the Amount of \$6,250.00 for a Water Meter Reader Equipment Package

Erickson said staff received a quote from HD Waterworks in the amount of \$6,250.00 for a water meter reader package. He said the proposed equipment is compatible with the

City's Banyon accounting system. He mentioned that the equipment included a hand held device, charger, and auto gun. He said the item was budgeted for in 2007. He said staff recommends approving the quote submitted by HD Waterworks.

A motion was made by Kodada and seconded by Duban to approve a quote submitted by HD Supply Waterworks in the amount of \$6,250.00 for a water meter reader equipment package. Vote for: Duban, Kodada, Rud, Smith and Furrer. Against: None. Vote 5-0. Motion carried.

g. Discuss Attendance at the League of MN Cities (LMC) Annual Conference and Marketplace – June 11-13, 2008 – Rochester, MN

Erickson presented the Council with information regarding the 2008 League of Minnesota Cities Annual Conference. He said the conference would be held in Rochester from June 11th – 13th. He said some of the sessions relevant to Lonsdale include: property maintenance codes, community visioning, community entrepreneurship, alternate revenue streams, working with concerned citizens, and transforming services through new technologies.

A motion was made by Duban and seconded by Smith to authorize staff and elected officials to attend the League of MN Cities (LMC) annual conference and marketplace (June 11-13, 2008). Vote for: Duban, Kodada, Rud, Smith and Furrer. Against: None. Vote 5-0. Motion carried.

h. Consider a Settlement Agreement Between the City of Lonsdale and Gary and Joyce Skluzacek

Erickson presented the Council with a settlement agreement between the City of Lonsdale and Gary and Joyce Skluzacek regarding a 1,600 sq. ft. accessory building. Erickson asked if anyone had any particular questions regarding the agreement. Kodada asked if the proposed building is 1,600 sq ft., wouldn't that be 28 sq ft too big. Erickson said yes. Kodada read through paragraph # 3 of the settlement, and he asked if Exhibit-C lists a metal roof. Erickson said yes. Kodada asked if a metal roof should not be allowed because it is not of similar building materials. Erickson said yes. Kodada asked if the waterline issue was created by the City. Erickson said that it was part of the County Road 4 reconstruction project.

Duban stated that we have been going at this for so long now, back and forth and so on. He said the main issue that has come up is the waterline. He said we have got other things that are more important than running this issue backwards and forwards. He said the issue has caused a lot of animosity between everyone up and down the line. He said he feels that the Council should turn around and get the issue straightened up. He asked didn't the City receive a letter from the attorney authorizing the 1,600 sq ft building. Erickson said under the settlement agreement, the City was willing to interpret the non-conforming and conforming issues. He explained that approximately 977 sq ft was currently conforming uses, but adding a 1,600 sq ft would push the allowed amount over the limit. Erickson said that under the settlement agreement the City was willing to interpret the ordinance that way and allow the 1,600 sq ft building.

Kodada asked if this agreement was to be agreed upon by the City, wouldn't that essentially create a whole new zoning district within Lonsdale that is nowhere else in town. Erickson said currently the property is zoned R-2 which allows for agriculture uses such as crops and forestry, however the animals on the site are legal non-conforming. Erickson said that there were no similar properties like the Skluzachek property in the City.

A motion was made by Duban and seconded by Smith to approve the settlement agreement. Rud asked if there were further comments.

Furrer asked if the Code specified types of building materials. Kodada said the Code states like materials. Furrer asked if the Council if they were clear that they were approving Exhibit C, which listed a metal roof, when the other buildings on the property have shingles. She said we would kind of be mixing if we approved a metal roof and not follow the Code. She asked if we need to be clearer or doesn't matter. Kodada said absolutely it would matter. Smith asked if there was contrasting colors. Erickson said the proposed building would have white lap siding with a green metal roof. Gary Skluzacek said a lot of the builders are going to steel roofs now because of pollution. He said steel roofs are being approved more than ever and they actually want to see steel roofs. He said it doesn't matter one way or the other. He said since he has lived at the subject property, he has replaced the roof twice. He said he can just about imagine all the singles in the landfills. He said steel can be recycled, and that is the only reason I would want a steel roof. He said he has no problem going with asphalt shingles. Duban suggesting changing the wording to asphalt shingles. Furrer said to me it doesn't matter if he uses asphalt or steel, but she suggested following the Code. Duban said since there has been no change in the Code, the agreement should state asphalt shingles. Duban directed staff to eliminate steel roofing from Exhibit C and add asphalt shingles. Duban said he wanted to amend his earlier motion to reflect the change. Rud asked if there was any further discussion.

Vote for: Duban, Smith, and Furrer. Against: Kodada, Rud. Vote 3-2. Motion carried.

i. Consider Approval of Resolution 2008-13, a Resolution Approving the Renewal of Charitable Gambling License for the Lonsdale Firemen's Relief Association

Erickson said the Fireman's Relief Association has a charitable gambling license, and they are required to request a renewal of their gambling license to the Minnesota Gambling Control Board. He said the Association has met or exceeded all local requirements for the issuance of a charitable gambling license.

A motion was made by Kodada and seconded by Duban to approve Resolution 2008-13, a resolution approving the renewal of charitable gambling license for the Lonsdale Firemen's Relief Association. Vote for: Duban, Kodada, Rud, Smith and Furrer. Against: None. Vote 5-0. Motion carried.

j. Consider Approval to Commit to the Transfer of Four (4) Acres of JOBZ Certified Land in Lonsdale to Rice County for an Economic Development Project

Erickson read an email from Deanna Kuennen, Rice County Economic Development Director, requesting Lonsdale to transfer four acres of JOBZ land for an economic development project. Erickson reported that the City currently has 60 acres of JOBZ available. Erickson said that Kuennen assured the City that being a good neighbor would pay off by landing a large manufacturing business within the county. Rud said Kuennen is fairly active county-wide. Erickson said the JOBZ program will sunset in 2015.

A motion was made by Duban and seconded by Kodada to commit to the transfer of four (4) acres of JOBZ certified land in Lonsdale to Rice County for an economic development project with appropriate stipulations if determined necessary by the City Administrator. Vote for: Duban, Kodada, Rud, Smith and Furrer. Against: None. Vote 5-0. Motion carried.

k. Discussion of Business Park Request For Proposals (RFPs)

Rud said some Council members and City staff met with a potential developer of a business park. He said it is a large scale project including new infrastructure and streets. He said it is a big concern of the City's to get a reasonable price in today's market. He said it is important to take bids. He said it is not a slight at WSB, but a way to get the best prices. He said there are a lot of advantages to RFPs. He suggested getting proposal requests out quickly so construction can start in late summer.

A motion was made by Duban and seconded by Kodada to advertise RFPs for engineering services for a proposed business park. Vote for: Duban, Kodada, Rud, Smith and Furrer. Against: None. Vote 5-0. Motion carried.

l. Discussion of Trender Memorial Park Sewer Line Extension

Duban asked if the Trender Memorial Park sewer line extension project had been bid before. Erickson said the City budgeted \$90,000 in 2006 and \$68,000 in 2007 based on cost estimates. Kawlewski stated that WSB prepared a pre-design. Rud asked if WSB could put together a proposal for the next Council meeting. Duban said that everyone is crying for work. Erickson said the project is not budgeted for in 2008, but he said he would check the balance fund.

11. OTHER BUSINESS

a. Planning & Zoning Report

None

b. Council Comments & Department Head Reports

Council Member Duban

Duban said that human resource committee will be looking at 26 applications for part-time positions open at the municipal liquor store.

Council Member Kodada

Kodada stated that a resident complained at the Meeting with the Mayor about potholes along local roads including Deer Ridge Court. Public Works Director Vlasak said he would take care of the problem.

Council Member Smith

Smith reported that the EDA discussed the revolving loan fund at their last meeting. He said Municipal Development Group also presented a market study for the proposed business park too.

Council Member Furrer

Furrer said she also attend the EDA meeting. She said the Planning Commission has been working on the new sign ordinance.

Mayor Rud

Erickson reported that he met with a prospective business looking to relocate out of Burnsville to somewhere south of the Metro area. He also met with Principal Dooley from Montgomery-Lonsdale East Elementary to provide information and help the school apply for a Jefferson Grant totaling \$19,000 for the proposed nature center. Rud said the proposed assisted living facility is moving forward. He said they should be closing on the property within the next six weeks. Rud mentioned that Mary Malecha, the oldest resident in Lonsdale, recently had a birthday and he called her to wish her a happy birthday. Rud asked staff to advertise the upcoming Clean-Up Day at Jaycee Park. Erickson said that single sort recycling may be coming in towards the end of summer. Rud said people have complained about the couch behind the Fire Department, and he asked the Fire Department to take care of the problem.

12. ADJOURNMENT

A motion was made by Duban and seconded by Kodada to adjourn the meeting. Vote for: Duban, Kodada, Rud, Smith and Furrer. Against: None. Vote 5-0. Motion carried. The meeting ended at 9:14 pm.

Respectfully Submitted:

Joel A. Erickson, City Administrator