

**MINUTES
CITY OF LONSDALE
REGULAR CITY COUNCIL MEETING
APRIL 24, 2008**

1. CALL TO ORDER

Mayor Rud called a meeting of the Lonsdale City Council to order at 7:02 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, Building Inspector Jim Filipek, and City Engineer Kevin Kawlewski

4. AGENDA

Mayor Rud asked if anyone had any additions, deletions, or corrections to the Agenda. Erickson asked if Lonsdale Liquor signage could be added to the agenda.

A motion was made by Duban and seconded by Kodada to approve the agenda with said addition. 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 Furrer to approve the minutes from the March 13, 2008 City Council Meeting and March 27, 2008 City Council Meeting. 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

A motion was made by Duban and seconded by Kodada 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 the City's 2009 MN Dept. of Health Drinking Water Revolving Loan Fund Application and Project Priority List Application Submittal – Kevin Newman – WSB & Associates, Inc.

Kevin Newman, WSB & Associates, summarized a schedule and procedure for application to Public Facilities Authority (PFA) for a Drinking Water Revolving Loan and other funding possibilities for the Well No. 4 Water Treatment Facilities project. Newman said the first step is to request placement on the Minnesota Department of Health (MDH) Project Priority List (PPL). He mentioned that there was a deadline of May 2, 2008, and he went through the list of requirements needed. He said if the City is serious about construction, then the next step is to request placement on the PFA Intended Use Plan (IUP). He mentioned that there was a deadline of June 6, for 2008 construction projects expecting to need funding. He also recommended submitting for placement on the PPL at the same time. He said the City can ask to be removed from IUP consideration if a project won't be ready by 2009. Newman ran through the specifics and timeline process for Intended Use Plans. He also mentioned other possibilities for funding sources through entities like Rural Development and Minnesota Rural Water Association. Newman briefed the Council on the radium situation. He said the MDH will work with the City to make every effort to remedy the problem. He also said if nothing is being done, it can turn into a Federal Environmental Protection Agency problem, and then fines could be imposed.

Rud asked if the Council was ready to proceed with the application and possible construction. Furrer said this is all happening very quickly, and she asked how many problems does the City really have. Erickson said that the Council made it very clear from Monday's special meeting, that grant funding will be needed, and he said this is the first step to see if the City qualifies for grant funding. City Engineer Kawlewski assured the Council that they can have their name taken off the list, if construction doesn't look feasible for 2009.

A motion was made by Kodada and seconded by Duban to approve the City's 2009 Minnesota Department of Health Drinking Water Revolving Loan Fund Application and Project Priority List Application Submittal. Vote for: Duban, Kodada, Rud, Smith, and Furrer. Against: None. Vote 5-0. Motion carried.

Rud addressed the audience saying the City will probably be conducting a rate study soon, and he assured the City's residents that the Council will move very cautiously before spending any money on infrastructure projects.

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

Planner Baker said that at their March 27th meeting, the Council discussed Ordinance 2008-220 and provided comments for the Planning & Zoning Commission to review. They suggested adding additional and more specific language regarding garage sale signs so the regulations are enforceable. The Council also suggested allowing civic events signage. Baker said City staff and the Planning Commission made some revisions to Section 15 of Ordinance 2008-220. He presented the changes to the Council to

Subsections (F) garage sale, rummage sale, and yard sale signs, (G) private party and celebration signs, and (H) community event and public information signs. Rud asked Baker to run through Subsection (I) real estate signs too. Baker read through and explained the requested section. Rud thanked the Planning & Zoning Commission for efforts in creating the ordinance.

A motion was made by Smith and seconded by Furrer to approve Ordinance 2008-220, an Ordinance Amending City Code Chapter 153.079 (Signs). Vote for: Duban, Kodada, Rud, Smith, and Furrer. Against: None. Vote 5-0. Motion carried.

10. NEW BUSINESS

- a. Consider Approval of the 2008 Community Days Committee Requests for Funding
Rud welcomed Eve Buckingham & Chastity Sticha, Co-Chairs of the Lonsdale Community Days Executive Board of Directors, to the podium. Buckingham and Sticha asked the Council to consider helping with portable restrooms expenses, extra hours for Police and Street Department employees, liability insurance policy, liquor license for Main Street, and use of the City's portable bleachers. Erickson said the requests are similar to last year and he presented the Council with last year's expenses related to Community Days. Erickson recommended that the City pay for portable bathrooms and staff overtime. The Committee decided not to do fireworks this year.

A motion was made by Duban and seconded by Smith to approve \$2,500 for portable restrooms and City staff overtime during Community Days and a temporary on-sale liquor license. Vote for: Duban, Kodada, Rud, Smith, and Furrer. Against: None. Vote 5-0. Motion carried.

Vlasak asked if someone could be responsible to maintain the detour signage this year. He said last year the signage blew over and traffic drove down the closed roads. Erickson said that staff will handle the issue at a future meeting.

- b. Discuss Lonsdale Ambassador Organization Program Requests
Angela Erickson, Lonsdale Ambassador Organization, was not present at the meeting to relay her requests to the Council. Rud mentioned that it would be pretty hard for the City to get involved in a scholarship program.

No action was taken.

- c. Consider Approval of a Conditional Use Permit Request by Malecha Trucking for a Ten Thousand (10,000) Gallon Diesel Fuel Storage Tank to be Located at 131 Florida St. SE
Baker went through the staff report including applicant, request, zoning, land use, applicable code requirements, and specific project information. He said the tank will be double-walled, and the second wall will work as a containment barrier. He said that a certified contractor will be installing the tank according to MPCA and State Fire Marshal regulations. Baker said the Planning Commission held a public hearing on April 17, 2008 and recommended approval of the CUP request. Baker presented the Council with one written letter of concern from the property owner at 615 4th Circle Drive SE. Furrer

said that the Planning Commission addressed each item written on the letter from the concerned citizen at their meeting.

A motion was made by Duban and seconded by Kodada to approve a Conditional Use Permit for a Ten Thousand (10,000) Gallon Diesel Fuel Storage Tank to be located at 131 Florida Street SE with the following conditions:

1. Requirements for above-ground storage tanks by the Federal Government, including SPCC (Spill Prevention, Control, and Countermeasure), shall be met.
2. Requirements for above-ground storage tanks by the Minnesota Department of Public Safety – State Fire Marshal Division shall be met.
3. Requirements for above-ground storage tanks by the Minnesota Pollution Control Agency shall be met.
4. A 20 ft. wide grass buffer shall be maintained along the entire southern property line.

Vote for: Duban, Kodada, Rud, Smith, and Furrer. Against: None. Vote 5-0. Motion carried.

d. Consider Approval of Resolution 2008-17, a Resolution Approving the City's Finding of Fact, Conclusions of Law and Order for Abatement for the Property Located at 514 3rd Ave NW

Erickson said that everyone already is familiar with the blight and safety issues at 514 3rd Avenue NW. He said that the City has tried to work with the property owner for quite some time to clean up his property and make the necessary repairs to the house. He said the property owner was issued several citations and ordered by the Judge to clean up the property to no avail. Erickson said that the City has not been able to work towards a resolution of the situation without it coming to this point. Rud agreed, and he said it's pretty clear the property is in an unsafe condition. He said the City really doesn't have a choice but to proceed with the abatement process.

Jim Bartusek, property owner of 514 3rd Avenue NW, admitted that he received certified mail from the City, and he asked the Council to give him more time. He said he was currently taking care of the problems on his property. Rud said that for over 2½ years the City has been trying to work with Mr. Bartusek, and he said the City has no choice but to follow through with the process. Rud guided Bartusek to work with City staff to resolve the issues.

A motion was made by Duban and seconded by Smith to approve Resolution 2008-17, a resolution approving the City's Finding of Fact, Conclusions of Law and Order for Abatement for the Property Located at 514 3rd Ave NW. Vote for: Duban, Kodada, Rud, Smith, and Furrer. Against: None. Vote 5-0. Motion carried.

- e. Consider Approval of Resolution 2008- 18, a Resolution approving the City’s Finding of Fact, Conclusions of Law and Order for Abatement for the property Located at 119 5th Ave NE

Erickson said along the lines of the previous agenda item, nothing has been done to address the unsafe deck at 119 5th Avenue NE. He said the City has tried to contact the property owner numerous times through different means including other family members. He said that communication with the owner has been difficult. The owner has received letters and warnings in the past, yet no repair work or demolition to the deck has occurred.

A motion was made by Duban and seconded by Kodada to approve Resolution 2008- 18, a resolution approving the City’s Finding of Fact, Conclusions of Law and Order for Abatement for the property Located at 119 5th Ave NE. Vote for: Duban, Kodada, Rud, Smith, and Furrer. Against: None. Vote 5-0. Motion carried.

Erickson asked for further direction from the Council regarding appropriate timelines for completion. Rud said staff can use their discretion when working the property owners to gain progress.

- f. Consider Approval of Resolution 2008-19, a Resolution Adopting the Minnesota General Records Retention Schedule for Cities

Erickson said that City Hall is running out of space for records. He said the general purpose of a General Records Retention Schedule is to: (1) provide for a plan for managing records by giving continuing authority to dispose of records under MN Statute 138.17; (2) establishes minimum retention periods for City records and identifies how long to retain them; (3) notification to the State Archives of the MN Historical Society that the City has adopted the schedule; and (4) after destroying records according to the retention schedule, a list of destroyed items must be retained. Erickson said that this process is essentially a paper trail before files are destroyed.

A motion was made by Kodada and seconded by Smith to approve Resolution 2008-19, a resolution adopting the Minnesota General Records Retention Schedule for Cities. Vote for: Duban, Kodada, Rud, Smith, and Furrer. Against: None. Vote 5-0. Motion carried.

- g. Consider Approval of a Request for Proposals (RFP) for Rough Cut Mowing of Properties in Violation of the City Code Chapter 91.04: Public Nuisances Affecting Health (K)

Erickson said that one of the concerns coming out of the recently held blight meeting, was vacant lot maintenance. He said that the City has received calls from local contractors wanting to know if the City will bid the work out this year. Erickson proceeded to read through the advertisement for mowing and weed abatement services. He said services shall include labor, materials, equipment, supplies, garbage pickup and disposal, weed whipping, trimming, rough cut mowing, and completion of work within 7 days notice from the City. Erickson said after only one notice, the City can go in and rectify the situation. He mentioned that the lots would be bid out on a per lot basis (not

per hour). Erickson said that he will send out notices to local contractors and place an ad in the newspaper.

Kodada asked if the property was assessed for the work. Erickson explained that the City ends up footing the bill until it goes onto the property tax statement. Kodada suggested that the City should charge interest. Duban agreed that the City should receive something.

A motion was made by Kodada and seconded by Smith to approve a Request for Proposals (RFP) for Rough Cut Mowing of Properties in Violation of the City Code Chapter 91.04: Public Nuisances Affecting Health (K). Vote for: Duban, Kodada, Rud, Smith, and Furrer. Against: None. Vote 5-0. Motion carried.

- h. Consider Approval of a Quote Submitted by Matejcek Implement Company in the Amount of \$3,390.00 Plus Trade In of the City's Current S250 Bobcat for a New S250 Bobcat Skid Steer Loader

Erickson said this is a purchase made every year around this time. He said the City received two quotes for a new bobcat. He recommended the quote from Matejcek Implement for the same bobcat at \$3,390 plus trade-in.

A motion was made by Duban and seconded by Kodada to approve a Quote Submitted by Matejcek Implement Company in the Amount of \$3,390.00 Plus Trade In of the City's Current S250 Bobcat for a New S250 Bobcat Skid Steer Loader. Vote for: Duban, Kodada, Rud, Smith, and Furrer. Against: None. Vote 5-0. Motion carried.

- i. Consider Approval of a Quote Submitted by Gopher State Seal Coating, Inc. in the Amount of \$5,000.00 for 10,638 Linear Feet of Crack Filling

Vlasak said the Maintenance Department received three quotes for crack filling. He mentioned that the City has worked with Gopher State Seal Coating in the past, and they have always come back to do touchup work. Kodada asked if this was a budgeted item for 2008. Erickson said yes.

A motion was made by Kodada and seconded by Furrer to approve a quote submitted by Gopher State Seal Coating, Inc. in the amount of \$5,000.00 for 10,638 linear feet of Crack Filling. Vote for: Duban, Kodada, Rud, Smith, and Furrer. Against: None. Vote 5-0. Motion carried.

- j. Consider Approval of the Lonsdale Area Chamber of Commerce 2008 July 3rd Family Fun Night Events Requests

Barb Cole, Lonsdale Area Chamber of Commerce, said that this will be the 5th year of bringing Family Fun Night events to Lonsdale. She said the Chamber is requesting approval to temporarily close Main Street through the downtown area on July 3rd. Jeff Smisek said that he has permission from Otto Homburg to light off fireworks from his property directly south of Idaho Street SW. He asked the Council to consider approval of

the fireworks and fireworks insurance. Furrer asked Smisek to contact the new priest for his input due to the proximity to the cemetery.

A motion was made by Duban and seconded by Furrer to approve the Lonsdale Area Chamber of Commerce 2008 July 3rd Family Fun Night Events Requests. Vote for: Duban, Kodada, Rud, Smith, and Furrer. Against: None. Vote 5-0. Motion carried.

k. Discuss Lonsdale Liquor Signage

Erickson showed the Council a sign elevation of the potential Market Place sign for Subway and Lonsdale Liquor. Duban said signage is a good idea. Kodada asked if a reader board could be added to the pole sign. Erickson asked the Council to consider a not-to-exceed amount of \$6,500.00 to run electricity to the sign base location.

A motion was made by Kodada and seconded by Duban to approve a not-to-exceed amount of \$6,500.00 for the sign and electricity run to the Market Place sign. Vote for: Duban, Kodada, Rud, Smith, and Furrer. Against: None. Vote 5-0. Motion carried.

11. OTHER BUSINESS

a. Planning & Zoning Report

None

b. Council Comments & Department Head Reports

Council Member Duban

Duban mentioned that there was an ambulance meeting the day before. He said the City of Elko-New Market has now been taken over by Northfield. He said the first quarter calls west of I-35 exceeded last year's by 11. He said that a new truck will be added in June. He also mentioned that the next meeting will be at the Lonsdale Clinic.

Council Member Kodada

Kodada said that Caron Fence recently installed ball field fencing at Trena Memorial Park and Sticha Park. He said the Park Board will discuss trail tile at their next meeting. He mentioned that men's softball had 13 registered teams this year.

Council Member Smith

None

Council Member Furrer

None

Mayor Rud

Rud said he had an upcoming meeting with the Library Board to discuss a possible library facility in the proposed assisted living facility. He stated his condolences on behalf of the City to the Jayne Malach family. He said she will be sadly missed. Rud directed staff to apply for MnDOT enhancement project grants in the future. He congratulated the new Subway restaurant on its recent opening. He mentioned that there

may be a couple of businesses interested in moving to town. He scheduled the next meeting with the Mayor for May 3rd.

12. ADJOURNMENT

A motion was made by Kodada and seconded by Smith to adjourn the meeting. Vote for: Duban, Kodada, Rud, Smith and Furrer. Against: None. Vote 5-0. Motion carried. The meeting ended at 8:47 pm.

Respectfully Submitted:

Joel A. Erickson, City Administrator