

**DUNDAS CITY COUNCIL
REGULAR MEETING MINUTES
Monday, October 8, 2007
7:00 p.m. City Hall**

PRESENT: Chad Marks, Mary Amy, John Cruz, Tresa Mazurek, John Zander

OTHERS PRESENT: Chuck DeMann, Chip DeMann, Gene Kruse, Duane Fredrickson, Danny Ayotte, City Engineer Tom McMahon, City Attorney Tom Neuville, City Administrator John McCarthy

Call to Order/Pledge Allegiance

Mayor Marks called the meeting to order at 7:11 p.m. A quorum was present.

Public Comment (non-agenda items)

Chuck DeMann of Dundas expressed concerned the City Councilors are not talking clearly and loud enough for the audience to hear. He indicated there is also talk going on among the Council members and the audience is not able to hear it.

Approval of Agenda

Motion by Mazurek, second by Amy, to approve the Agenda as amended. Motion carried unanimously. (MCU)

Special Action Claim

Administrator McCarthy stated the request submitted for payment from Landmark was \$56,607.35; however, staff is recommending withholding \$27,852.58 due to review of our costs to date due to coating concerns.

Motion by Mazurek, second by Cruz, to approve Landmark Structures Payment No. 7 in the amount of \$28,754.77. Amy thought final payment was going to be withheld due to coating problem. McMahon explained there has been no demonstration at this point the coating is deficient. Landmark is eligible to apply for final payment with deduction of City's cost. There is a warranty on the project for a year to make corrections. Further testing will be done to assure if coating is proper when tank is no long online. Also, the State Health Department has given the City the right to refuse the coating if there is a demonstrated problem. Discussion involved testing to be done on the hatch with a company in Michigan. **Motion carried 4 to 1. Yes: Marks, Amy, Mazurek, Cruz; No: Zander.**

Mazurek requested removal of the Minutes of September 24, 2007 and the Transfer from General Fund to Police Forfeit Fund from the Consent Agenda.

Consent Agenda

Motion by Amy, second by Mazurek, to approve Consent Agenda. MCU

Consent Agenda (con't)

Motion by Mazurek, second by Amy, to approve Regular Meeting minutes of September 24, 2007. Neuville requested the minutes be corrected to show he recused himself from the Sign Ordinance discussion. Amy requested a clarification regarding her concern about trucks hauling to the Drentlaw farm at 4:00 a.m. **MCU**

Motion by Mazurek, second by Zander, to provide copy of corrected meeting minutes to the Council by the following meeting in the packets or by email. Any corrections should be shown with underlines. MCU

Transfer from General Fund to Police Forfeit Fund

McCarthy explained this is clerical correction needing Council action.

Motion by Mazurek, second by Marks, to transfer \$2,309.00 from General Fund to Poice Forfeit Fund. MCU

Approval of Expenditures

Mazurek asked about claim on website expenses and why it can't be done in house. McCarthy indicated a lot of changes are being done on a constant basis and a common problem on any website is lack of maintaining. City recently added the entire City Code to website. Amy indicated when website was approved it was with the understanding staff could do some updates noting a lot of money is spent when doing both website and *Dundas Messenger*. A quarterly report will be available at the next meeting.

Mazurek questioned Banyon software support fees. McCarthy explained they are annual support fees for payroll, utility billing and general fund. Banyon's software is governmental oriented.

Motion by Mazurek, second by Zander, to have Council packets delivered on Thursday evening before Council meeting. MCU

Approval of Expenditures (con't)

Mazurek asked why two lawyers, Kennedy & Gaven and Neuville, were both charging for the Kor Ethanol site. Neuville explained the Kennedy firm has additional expertise needed for this project.

Motion by Marks, seconded by Cruz, to approve expenditures of \$115,138.25. MCU

Application for Conditional Use Permit (CUP) to Construct An Advertising Sign

Marks indicated the CUP was tabled at the public hearing. Duane Fredrickson presented a letter to the Council from his attorney stating his position and the application is in compliance with the City Ordinance. He requested approval. He also stated he would not put any advertisement competing with CarTime.

Study of the Sign Ordinance Outline from Dan Petrik

McCarthy reviewed the study from Petrik on the sign ordinance indicating it was on the Planning Commission 2007 work goals to address outside advertising and lighting. However, due to cost, the sign ordinance was budgeted to 2008.

Fredrickson stated he could see no other potential site for outside advertising due to current restrictions in Ordinance. Marks indicated Planning Commission is also looking into boulevard signs and other items. Marks questioned the wisdom of spending money on a study if there is no change in the results. McCarthy indicated the study was requested from Planning Commission. Cruz stated since funds are available and the City feels strong about upgrading Ordinances, it seems best to go ahead now. Zander felt we should compare with other towns. McMahon indicated the City needs to fill in the gaps in the current sign ordinance.

Motion by Cruz, second by Marks, to authorize a study of the Sign Ordinance by the Planning Commission and to keep the cost to a minimum.

Mazurek commented in some cases by using a Planner, he has gotten ahead of the game and has spent money on things the City isn't going to utilize for awhile. Zander added the greater amount of direction the Planning Commission can give City staff and consultant, the greater will be the reduction in cost. **Motion Carried 4 to 1; Yes: Amy, Mazurek, Cruz, Zander; No: Marks.**

Interim Moratorium on Advertising Signs

McCarthy reported the Planning Commission requested Council place an interim moratorium ordinance on sign construction to study the sign ordinance.

Motion by Mazurek, second by Cruz, to have staff prepare an interim moratorium on advertising signs. Cruz asked how this interacts with the 60-day extension on the CUP application from Fredrickson. McCarthy indicated the interim ordinance would supersede the extension. Marks commented he wants to make sure on both items the outcome is not the same as if they had not been done. **Motion Carried 4 to 1 Yes: Mazurek, Cruz, Amy, Zander; No: Marks.**

Resolution 2007-50 A Resolution Authorizing the Sale and Redevelopment of Lot 4, Block 1, J.A. DeMann Industrial Addition, to the City of Dundas

Motion by Mazurek, seconded by Amy, to approve Resolution 2007-50. Neuville reviewed the purchase agreement along with the contingencies. **MCU**

Motion by Mazurek, seconded by Amy, that Council will receive a copy of the final draft of the purchase agreement relating to Resolution 2007-50. MCU

Resolution 2007-51 A Resolution Authorizing a Tax Abatement on Property within the City of Dundas for the Purpose of Partially Funding Project/Development Expenses

McCarthy stated Council held a public hearing prior to the meeting and there were no comments received from the public.

Motion by Mazurek, seconded by Amy, to approve Resolution 2007- 51. MCU

Resolution 2007-46 Resolution Adopting the Minnesota City General Records Retention Schedule as Revised March 2007

McCarthy explained the existing retention schedule for audio recording for minutes is one year versus the revision which is three months retention after approval of minutes.

Motion by Cruz, second by Amy, to approve Resolution 2007-46. Mazurek stated her opposition in that three months is not adequate time concerning what the City has gone through the past few years and should be keeping the audio recording one year. Cruz asked what other changes were made in the revision

with McCarthy stating there were other changes. Neuville stated the written minutes were good compared to other cities as the City minutes reflect the discussion of the action. **Motion withdrawn by Maker and Second.**

Resolution 2007-48 A Resolution Providing for Part-Time Police Officers Participation in Public Employee Police and Fire Plan

Motion by Mazurek, seconded by Amy, to approve Resolution 2007-48 with clerical correction as noted by Neuville. MCU

Resolution 2007-49 Resolution Authorizing the Execution of a Law Enforcement Mutual Aid Agreement with the City of Bloomington, Minnesota

Motion by Mazurek, second by Amy, to approve Resolution 2007-49. McCarthy summarized the City of Bloomington has a highly trained and equipped SWAT Team. Rice County is withdrawing from the current agreement. Neuville reviewed the agreement and liability and add three years for time of agreement. **MCU**

Resolution 2007-52 Resolution to Approve the Assignment and Assumption of Duties under the Bridgewater Heights Planned Unit Development/Subdivision Agreement, and Substitutions of new Letter of Credit from Bridgewater Land Holdings, LLC

Motion by Mazurek, second by Cruz, to approve Resolution 2007-52. McCarthy summarized the request from Geiger to amend the development agreement and reassign the letter of credit as Geiger has additional financial partners. Discussion on options and letter of credit followed. **MCU**

Request from Dawn Kruse to amend On Sale Liquor License for Dawn's Corner Bar at 200 Railway Street North by Adding an Outside Area

McCarthy presented request from Dawn's Corner Bar to amend their On Sale Liquor License to include adding an area for outside smoking. Staff reviewed amendment and recommends approving. Mazurek expressed concern about cigarette butts needing to be picked up outside on the sidewalk.

Motion by Mazurek, second by Amy, to approve request from Dawn Kruse to amend OnSale Liquor License for Dawn's Corner Bar. Amy expressed concern about noise. Neuville indicated needs to meet state requirements. **Motion Carried; Yes Mazurek, Zander, Amy, Cruz; Abstain: Marks abstaining.**

City Engineer – Tom McMahon

McMahon indicated nothing further to report on Comprehensive Sanitary Sewer Plan Update nor on the Water Tower since previous discussed earlier in the meeting.

McMahon presented three quotes on the Millstone Pond cleaning. McMahon requested Council to authorize staff to enter into a contract with BCM Construction of Faribault for \$14,750 and noted seeding is not included in the bid.

Motion by Mazurek, second by Cruz, to approve staff to enter into a contract with BCM Construction for the Millstone Pond cleaning of \$14,750. McMahon indicated the funds for payment will come from the Storm Sewer Fund and completed by Spring 2008. **MCU**

McMahon indicated staff continues to work with Jaguar Communication on site cleanup and Jaguar have been informed there is concern about the siding on the building. Amy expressed concern on the small holes left from digging.

City Administrator/Clerk – John McCarthy

McCarthy stated the preferred County Road One Alignment with upgrade is not in agreement with our Comprehensive Land Use Plan and staff recommends Council direct Planning Commission to review the Transportation Plan to incorporate the alignment.

Motion by Mazurek, second by Amy, to request the Planning Commission review the City's Transportation Plan to include the County Road One Alignment. McMahon indicated the plan is on Rice County GIS/GPS system and easy to transfer into our plan with an approximate cost of three to four hundred dollars cost. **MCU**

McCarthy reported police department intends to purchase a hand held radar unit and has secured a grant with the rest from the forfeit funds.

McCarthy reported on several information items: (1) Dundas Dukes have asked to use Pavilion for October 14th; (2) the Railway Street special assessment continuation hearing was set for October 29th at 6:30 p.m. (3) Mill Towns Trail will have legislators visiting on bonding requests; (4) Joint Governmental meeting on Wednesday at Northfield City Hall.

McCarthy indicated next wage increase coming up for Joe Zignego.

Mayor Chad Marks

Marks requested staff have agenda items and information ready for Council and Council check email before meeting for any updates.

Amy provided McCarthy with requested agenda items for Special Work Session. A discussion on the preparation of an emergency plan for the City was held.

Adjournment

Motion by Mazurek, second by Cruz, to adjourn the meeting at 9:58 p.m.
MCU

Chad Marks, Mayor

John M. McCarthy, Administrator/Clerk