

**COUNCIL MEETING MINUTES  
LIBRARY MEDIA CENTER  
REGULAR MEETING  
412 2<sup>nd</sup> Street, Ortonville, MN  
Monday, April 6, 2015  
5:00 P.M.**

**CALL TO ORDER AND ROLL CALL:**

Mayor Steve Berkner called the Regular Meeting to order at 5:00 P. M. Roll Call was taken with the following present: Sykora, Dorry, Berkner, Hasslen, Thomas, Reinke. Absent: Hausauer. Staff present: Char Grossman, Susan Lundell, Tim Scherer, David McLaughlin, Andrew Buchholz. Also: Rick Ash, Kevin Benson, Elsie Perrine, Mary Reedy, Marilyn Lindahl.

**AGENDA AMENDMENTS:**

**ADD: 10.e. Hiring Swimming Pool Director**

**11.c. Dog Ordinance**

A motion was made by Thomas and seconded by Reinke and passed unanimously to approve the Agenda as amended.

**PUBLIC PARTICIPATION AND CORRESPONDENCE:**

Mary Reedy of Clifton, Larson, Allen gave a presentation on the findings of the 2014 City Financial Audit. She stated it is recommended that the City keep 6 months of reserves on hand to pay expenses and in 2014 the City met that level of funding. She reported that overall the City is financially stable.

**CONSENT AGENDA:**

Mayor Berkner asked if there were any additions, corrections, or deletions to be made to the Consent Agenda.

- a. \*Approve Minutes Regular Council Meeting-03-16-15
- b. \*Approve Fire Contract-Big Stone Township
- c. \*Accept Resignation as Part-Time Police Officer-As of 04-01-15

A motion was made by Dorry and seconded by Thomas and passed unanimously to approve the Consent Agenda as presented.

**PUBLIC HEARINGS:**

None.

**ACCEPTANCE OF BOARD AND COMMITTEE MINUTES AND, WHERE NECESSARY, COUNCIL ACTION ON THEIR RECOMMENDATIONS:**

a. Golf Board Minutes-03-10-15

A motion was made by Hasslen and seconded by Reinke and passed to accept the Golf Board minutes of 03-10-15. Nay: Dorry.

A discussion was held regarding allowing glass bottles on the Golf Course grounds.

b. Library Board Minutes-03-18-15

A motion was made by Hasslen and seconded by Thomas and passed unanimously to accept the Library Board minutes of 03-18-15.

1. Resolution Approving Library Fascia Painting-\$800.00

Hasslen moved and Reinke seconded that the following Resolution be adopted:

**RESOLUTION 15-039**

**RESOLUTION APPROVING HIRING JIM SCHEFF TO PAINT LIBRARY FASCIA**

BE IT AND IT IS HEREBY RESOLVED by the Council of the City of Ortonville to hire Jim Scheff to scrape and paint the fascia on the Library building at a total cost of \$800.00.

Upon roll call vote the following voted Aye: Sykora, Dorry, Berkner, Hasslen, Thomas, Reinke and the following voted Nay: None.

Resolution 15-039 passed this 6<sup>th</sup> day of April 2015.

APPROVED:

ATTEST:

\_\_\_\_\_  
Steve Berkner  
Mayor

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Charleen Grossman  
Clerk-Administrator

c. Board of Review Minutes-04-01-15

A motion was made by Reinke and seconded by Sykora and passed unanimously to accept the Board of Review minutes of 04-01-15.

**STAFF REPORTS:**

Clerk-Administrator Char Grossman reported she received a Conditional Use Permit Application from OAHS for their proposed Senior Housing Project. A Public Hearing will be scheduled soon.

**NEW BUSINESS:**

- a. \*Approve Fire Contract-Big Stone Township
- b. \*Accept Resignation as Part-Time Police Officer-As of 04-01-15  
A motion was made by Dorry and seconded by Thomas and passed unanimously to accept the resignation of Eric Burman as part-time Police Officer as of April 1, 2015.
- c. Resolution Approving 2015 General Electrical Engineering Services Agreement-Ulteig Including City Attorney Revisions

Dorry moved and Reinke seconded that the following Resolution be adopted:

**RESOLUTION 15-040**  
**RESOLUTION APPROVING ENTERING INTO AN AGREEMENT FOR GENERAL ELECTRICAL ENGINEERING SERVICES WITH ULTEIG ENGINEERS, INC. (AS REVISED BY THE CITY ATTORNEY)**

BE IT AND IT IS HEREBY RESOLVED by the Council of the City of Ortonville to approve entering into an agreement for general electrical engineering services with Ulteig Engineers, Inc. as revised by the City Attorney.

Upon roll call vote the following voted Aye: Sykora, Dorry, Berkner, Hasslen, Thomas, Reinke and the following voted Nay: None.

Resolution 15-040 passed this 6<sup>th</sup> day of April 2015.

APPROVE:

ATTEST:

\_\_\_\_\_  
 Steve Berkner  
 Mayor

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 Charleen Grossman  
 Clerk-Administrator

d. Resolution Approving Participation-Big Stone County EDA

Dorry moved and Reinke seconded that the following Resolution be adopted:

**RESOLUTION 15-041  
RESOLUTION PROHIBITING BIG STONE COUNTY ECONOMIC DEVELOPMENT  
AUTHORITY FROM OPERATING WITHIN CITY OF ORTONVILLE  
BOUNDARIES**

BE IT AND IT IS HEREBY RESOLVED by the Council of the City of Ortonville to prohibit the Big Stone County Economic Development Authority from operating within the City of Ortonville boundaries.

Upon roll call vote the following voted Aye: Sykora, Dorry, Berkner, Hasslen, Thomas, Reinke and the following voted Nay: None.

Resolution 15-041 passed this 6<sup>th</sup> day of April 2015.

APPROVE:

ATTEST:

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Steve Berkner  
Mayor

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Charleen Grossman  
Clerk-Administrator

e. Joint Powers with the Big Stone County Economic Development Authority (EDA)

A motion was made by Thomas and seconded by Hasslen and passed unanimously to work with the Big Stone County EDA as needed on a case by case basis by entering in to a Joint Powers Agreement for economic development purposes.

f. Swimming Pool Director-Open Position

A motion was made by Reinke and seconded by Thomas and passed unanimously to accept the resignation of Candice Schulz as Swimming Pool Director.

A motion was made by Hasslen and seconded by Reinke and passed unanimously to open the Swimming Pool Director position internally first and advertise if a suitable candidate is not available from within.

**UNFINISHED BUSINESS:**

a. Resolution Approving 2<sup>nd</sup> Reading and Adoption of Ordinance 15-03-Rezoning

Hasslen moved and Thomas seconded that the following Resolution be adopted:

**RESOLUTION 15-042  
RESOLUTION APPROVING SECOND READING AND ADOPTION OF  
ORDINANCE 15-03 AN ORDINANCE REZONING CERTAIN PROPERTY IN THE  
CITY OF ORTONVILLE FROM R-1 TO R-2**

BE IT AND IT IS HEREBY RESOLVED by the City Council of the City of Ortonville to approve the second reading and the adoption of Ordinance 15-03 ordaining that certain property, as follows, in the City of Ortonville, be rezoned from R-1 (Low Density Residential) to R-2 (Medium Density Dwelling): Lots 12, 13, 14, 15, 16, 17, 18, 19 and 20, all in Block 2, Lundell-Stegner Addition to the City of Ortonville.

Resolution 15-042 passed this 6<sup>th</sup> day of April, 2015.

APPROVE:

ATTEST:

\_\_\_\_\_  
Steve Berkner  
Mayor

\_\_\_\_\_  
Charleen Grossman  
Clerk-Administrator

b. OAHS Senior Housing Project

1. Status of Purchase Lot 17, Block 3, Lundell-Stegner Addition at Increased Price  
A discussion was held regarding the need to purchase Lot 17, Block 3, Lundell-Stegner Addition to accommodate the building of a road in conjunction with the OAHS Senior Housing Project. The Council considered an option to purchase lot 17 from Dan and Joann Bauer in the amount of \$500.00. If the City exercises the option in full, an additional \$29,500 would be due to the Bauers by August 15, 2015.

Hasslen moved and Thomas seconded that the following Resolution be adopted:

**RESOLUTION 15-043  
RESOLUTION EXECUTING OPTION TO PURCHASE LOT 17, BLOCK 3,  
LUNDELL-STEGNER ADDITION**

BE IT AND IT IS HEREBY RESOLVED by the Council of the City of Ortonville to execute an option to purchase Lot 17, Block 3, Lundell-Stegner Addition, City of Ortonville from Dan and Joann Bauer in the amount of \$500.00.

Upon roll call vote the following voted Aye: Sykora, Berkner, Hasslen, Thomas and the following voted Nay: Reinke. Abstain: Dorry.

Resolution 15-043 passed this 6<sup>th</sup> day of April 2015.

APPROVE:

ATTEST:

\_\_\_\_\_  
Steve Berkner  
Mayor

\_\_\_\_\_  
Charleen Grossman  
Clerk-Administrator

2. Transfer of property to EDA

Thomas moved and Dorry seconded that the following Resolution be adopted:

**RESOLUTION 15-044**  
**RESOLUTION APPROVING TRANSFER OF CITY PROPERTY TO ORTONVILLE**  
**ECONOMIC DEVELOPMENT AUTHORITY**

WHEREAS, the City of Ortonville is the owner of property legally described as:

That part of LUNDELL-STEGNER ADDITION, CITY OF ORTONVILLE, as of public record, Big Stone County, Minnesota and that part of the SW ¼ of Section 4, Township 121, Range 46, Big Stone County, Minnesota, described as follows: Beginning at the Northwest corner of Lot 12, Block 2 of said LUNDELL-STEGNER ADDITION, CITY OF ORTONVILLE; thence on an assumed bearing of N 49°53'12" E along the North line of Block 2 of said LUNDELL-STEGNER ADDITION, CITY OF ORTONVILLE, 268.06 feet; thence on a bearing of N 73°30'42" E along the North line of said Block 2, a distance of 286.39 feet to the most northerly corner of Lot 15 of said Block 2; thence on a bearing of S 36°39'23" E along the Easterly line of said Block 2 and its Southeasterly extension a distance of 744.89 feet to the most easterly corner of Lot 22 of said Block 2; thence on a bearing of N 59°03'37" E along the North line of Vacated Lundell Avenue, 45.00 feet; thence Northeasterly 167.61 feet along last said line, along a tangent curve, concave to the Southeast, having a radius of 361.40 feet and a central angle of 26°34'24" to its intersection with the westerly line of SUBLOT 1 OF LOT A OF OUTLOT 163, according to the recorded plat thereof, City of Ortonville, Big Stone County, Minnesota; thence southerly along last said line a distance of 463.28 feet, along a non-tangential curve concave to the east having a radius of 5396.56 feet, a central angle of 04°55'07" and a chord bearing and distance of S 07°35'49" W, 463.14 feet; thence on a bearing of N 89°56'33" W, non-tangent to last described curve, 474.50 feet; thence on a bearing of N 00°09'50" W, 66.11 feet; thence on a bearing of N 56°00'00" W, 258.25 feet; thence on a bearing of N 00°00'00" W, 90.30 feet; thence Northwesterly, 82.17 feet along a non-tangential curve, concave to the West, having a radius of 207.42 feet, a central angle of

22°41'56" and a chord bearing and distance of N 14°24'03" W, 81.64 feet; thence on a bearing of N 24°36'44" W, 308.14 feet to the most Westerly corner of Lot 16, Block 3 of said LUNDELL-STEGNER ADDITION, CITY OF ORTONVILLE; thence on a bearing of N 40°33'39" W, 60.09 feet to the most Southerly corner of said Lot 12, Block 2; thence on a bearing of N 36°09'04" W along the most Westerly line of said Lot 12, a distance of 149.64 feet to the point of beginning.

LESS AND EXCEPT:

Lots 12, 13, 14, 15, 16, 17, 18, 19, and 20 of Block 2, Lots 11, 12, 13, 14, 15 and 16 of Block 3, and Lots 1, 2, 3, and 4 of Block 4, in LUNDELL-STEGNER ADDITION as of public record, Big Stone County, Minnesota, and that portion of Vacated Lundell Avenue and Mark Avenue adjacent to said Lots.

AND

That portion of Vacated Lundell Avenue and Mark Avenue adjacent to the above described tract.

WHEREAS, the Ortonville Economic Development Authority owns other property in the area, and the City desires that all of the property be owned by one Public Entity; and

WHEREAS, the combined property will eventually come a portion of the City of Ortonville property utilized for the Senior Citizen Housing, New Nursing Home Project; and

WHEREAS, Minn. Stat. §471.64 Subd. 1 authorizes the City to transfer property to political subdivisions of the State of Minnesota, including the Ortonville Economic Development Authority;

NOW, THEREFORE, BE IT RESOLVED that the City of Ortonville hereby transfers the property legally described as:

That part of LUNDELL-STEGNER ADDITION, CITY OF ORTONVILLE, as of public record, Big Stone County, Minnesota and that part of the SW ¼ of Section 4, Township 121, Range 46, Big Stone County, Minnesota, described as follows: Beginning at the Northwest corner of Lot 12, Block 2 of said LUNDELL-STEGNER ADDITION, CITY OF ORTONVILLE; thence on an assumed bearing of N 49°53'12" E along the North line of Block 2 of said LUNDELL-STEGNER ADDITION, CITY OF ORTONVILLE, 268.06 feet; thence on a bearing of N 73°30'42" E along the North line of said Block 2, a distance of 286.39 feet to the most northerly corner of Lot 15 of said Block 2; thence on a bearing of S 36°39'23" E along the Easterly line of said Block 2 and its Southeasterly extension a distance of 744.89 feet to the most easterly corner of Lot 22 of said Block 2; thence on a bearing of N 59°03'37" E along the North line of Vacated Lundell Avenue, 45.00 feet; thence Northeasterly 167.61 feet along last said line, along a tangent curve, concave to the Southeast, having a radius of 361.40 feet and a central angle of 26°34'24" to its intersection with the westerly line of SUBLot 1 OF Lot A OF OUTLot 163, according to the recorded plat thereof, City of Ortonville, Big Stone County, Minnesota; thence southerly along last said line a distance of 463.28 feet, along a non-tangential curve concave to the east having a radius of 5396.56 feet, a central angle of 04°55'07" and a chord bearing and distance of S 07°35'49" W, 463.14 feet; thence on a bearing of N 89°56'33" W, non-tangent to last described curve, 474.50 feet; thence on a bearing of N 00°09'50" W, 66.11 feet; thence on a bearing of N 56°00'00" W, 258.25 feet; thence on a bearing of N 00°00'00" W, 90.30 feet; thence Northwesterly, 82.17 feet along a non-tangential curve, concave to the West, having a radius of 207.42 feet, a central angle of 22°41'56" and a chord bearing and distance of N 14°24'03" W, 81.64 feet; thence on a bearing of N 24°36'44" W, 308.14 feet to the most Westerly corner of Lot 16, Block 3 of said LUNDELL-STEGNER ADDITION, CITY OF ORTONVILLE; thence on a bearing of N 40°33'39" W, 60.09 feet to the most Southerly

corner of said Lot 12, Block 2; thence on a bearing of N 36°09'04" W along the most Westerly line of said Lot 12, a distance of 149.64 feet to the point of beginning.

LESS AND EXCEPT:

Lots 12, 13, 14, 15, 16, 17, 18, 19, and 20 of Block 2, Lots 11, 12, 13, 14, 15 and 16 of Block 3, and Lots 1, 2, 3, and 4 of Block 4, in LUNDELL-STEGNER ADDITION as of public record, Big Stone County, Minnesota, and that portion of Vacated Lundell Avenue and Mark Avenue adjacent to said Lots.

AND

That portion of Vacated Lundell Avenue and Mark Avenue adjacent to the above described tract to the Ortonville Economic Development Authority.

BE IT FURTHER RESOLVED that the Mayor and the City Clerk/Administrator are hereby authorized to execute any transfer documents necessary to implement this action.

Upon roll call vote the following voted Aye: Sykora, Dorry, Berkner, Hasslen, Thomas, Reinke and the following voted Nay: None.

Resolution 15-044 passed this 6<sup>th</sup> day of April 2015.

APPROVE:

ATTEST:

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Steve Berkner  
Mayor

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Charleen Grossman  
Clerk-Administrator

3. Mark Avenue Vacation

Reinke moved and Sykora seconded that the following Resolution be adopted:

**RESOLUTION 15-045  
RESOLUTION SETTING HEARING ON NOTICE OF INTENT TO VACATE A  
PORTION OF MARK AVENUE, LUNDELL STEGNER ADDITION TO THE CITY  
OF ORTONVILLE, MINNESOTA**

WHEREAS, the City of Ortonville owns the property adjoining Mark Avenue in Lundell Stegner Addition Lot 10, and the Ortonville EDA owns Lots 11, 12, 13, of Block 3 and Lots 1 and 2 all of Block 4; and,

WHEREAS, the City of Ortonville and the Ortonville EDA desires to vacate Mark Avenue serving the described access pursuant to M.S.R. 412.851; and

WHEREAS, a Public Hearing is necessary to complete the vacation.

NOW, THEREFORE, the City Clerk is directed to give published, posted and mailed notice of such hearing as required by law.



Upon roll call vote the following voted Aye: Sykora, Dorry, Berkner, Hasslen, Thomas, Reinke and the following voted Nay: None.

Resolution 15-045 passed this 6<sup>th</sup> day of April 2015.

APPROVE:

ATTEST:

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Steve Berkner  
Mayor

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Charleen Grossman  
Clerk-Administrator

4. Conditional Use Permit-OAHS Senior Housing Project

Clerk-Administrator Char Grossman stated she received a Conditional Use Permit Application from OAHS for the proposed Senior Housing Project.

A motion was made by Thomas and seconded by Reinke and passed unanimously to set a Public Hearing for the vacation of a portion of Mark Avenue on Thursday, April 23 at 3:30 P.M. in the City Office Meeting Room and a Public Hearing for a Conditional Use Permit Application for the OAHS Senior Housing Project on Thursday, April 23 at 4:00 P.M. in the City Office Meeting room.

A motion was made by Thomas and seconded by Reinke and passed unanimously to set a special City Council meeting for Monday, April 27 at 5:30 P.M. in the Library Media Center to consider the vacation of a Portion of Mark Avenue, the Conditional Use Permit Application from OAHS, and the bids received for the OAHS Senior Housing Project.

OAHS CEO Rick Ash stated he wants to know soon what the City’s intention is regarding the purchase of Lot 17 for the Senior Housing Project.

c. Dog Complaints

Council Member Thomas complained of dogs barking excessively in the city limits. Clerk-Administrator Grossman was asked to contact the Police Department to report the dog ordinance violations.

**CONSIDERATION OF BILLS:**

A motion was made by Hasslen and seconded by Reinke and passed unanimously to approve the bills as presented.

**NEW ACTIONS:**

None.

**EXECUTIVE SESSION:**

None.

**ADJOURNMENT:**

A motion was made by Hasslen to adjourn the meeting at 6:55 P.M.

APPROVE:

ATTEST:

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Steve Berkner  
Mayor

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Charleen Grossman  
Clerk-Administrator