

**COUNCIL MEETING MINUTES
LIBRARY MEDIA CENTER
REGULAR MEETING
412 2nd Street, Ortonville, MN
Monday, July 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: Hausauer, Sykora, Dorry, Berkner, Thomas, Reinke. Absent: Hasslen. Staff present: Char Grossman, Susan Lundell, Jason Mork, Tim Scherer, David McLaughlin, Vicki Oakes. Media: Mike Swenson (Independent). Also: Bob Schlieman, Darrell Hoekstra, Elsie Perrine, Bill Powell, Edie Barrett, Jon Hartman, Becky Parker, Dan Sorenson, LaVerne Kaye, Tom Kaye, Robert Kulbeik, Liz Rackl, Tom Dorry, Dan Kafka, Brenda Kafka, Krista Hartman, Jean Kanten, Lee Kanten, Don Sherman, Scott Dahle, Susan Kaercher Blake, Phil Blake and other interested citizens.

AGENDA AMENDMENTS:

ADD: 10. g. Use of Lakeside Park

10.h. Pomroy Water Line Update

10.i. Restructuring Street-Utility Job Positions

10.j. Job Descriptions

REMOVE: 10.b. Appoint Dr. Grant Botker-Health Officer & to Health Board

11.d. Skinner Property

ADD: 14.a. Executive Session

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

PUBLIC PARTICIPATION AND CORRESPONDENCE:

a. Darrell Hoekstra-Waste Management Contract

Darrell Hoekstra of Waste Management proposed an amendment to the Solid Waste Disposal Agreement that would extend the current contract by 5 years to June 30, 2022. The new contract provides for lower garbage bills for residential users with commercial users' accounts being adjusted up or down as per an area market study.

Dan Sorenson, Susan Kaercher Blake, Bob Kubleik, Scott Dahle, and Jon Hartman expressed concerns regarding the rates Waste Management charges businesses. The consensus was to ask the City Council to put garbage collection out on bids when the current contract expires in two years or to allow businesses to independently negotiate with various garbage haulers for garbage services. Hoekstra stated that the commercial and residential rates are tied together and if the commercial part of the contract is dropped the residential accounts would be increased. Hoekstra stated that in the new proposed contract 84 commercial accounts would see a decrease, 19 a slight increase and 18 no adjustment.

Hoekstra stated he would return to the next meeting with a contract that would reduce the yearly increase from 3% to 2% and provide pricing information as per container size, service level and frequency of collection. A request was made to pave the Waste Management parking lot for people using it for recycling.

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-06-15-15
- b. *Approve Minutes Special Council Meeting-06-22-15

A motion was made by Hausauer and seconded by Reinke 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. Approve OAHS Healthcare Board Minutes-05-26-15

A motion was made by Hausauer and seconded by Reinke and passed unanimously to accept the OAHS Healthcare Board minutes of 05-26-15.

- b. Approve Special Healthcare Board Minutes-06-15-15

A motion was made by Sykora and seconded by Hausauer and passed unanimously to accept the Special Healthcare Board minutes of 06-15-15.

- c. Approve Park Board Minutes-06-15-15

A motion was made by Hausauer and seconded by Reinke and passed unanimously to accept the Park Board minutes of 06-15-15.

- d. Approve EDA Minutes-06-01-15

A motion was made by Hausauer and seconded by Thomas and passed unanimously to accept the EDA minutes of 06-01-15.

- e. Approve Planning Commission Minutes-06-22-15

A motion was made by Reinke and seconded by Sykora and passed unanimously to accept the Planning Commission minutes of 06-22-15.

- 1. Transfer Additional Property to Arts Council

A discussion was held regarding transferring additional land to the Arts Council so their project can meet shoreline, set-back and impervious surfaces ordinance requirements.

A motion was made by Sykora and seconded by Reinke to approve the 1st reading of Ordinance 15-05 Authorizing Approval of Sale of Certain Real Estate Owned by the City of Ortonville selling Lot 3 and Lot 10, Block 3, Original, City of Ortonville to the Big Stone Arts Council. Nay: Dorry.

2. Findings of Fact-Conditions-Re-Zoning as Quasi-Public

The Council considered findings of fact for the Arts Council Building Project. The final survey of the property has not been completed.

A motion was made by Dorry and seconded by Hausauer to table the findings of fact until the final survey is complete.

STAFF REPORTS:

a. City Attorney

1. Arts Council Issues (See Planning Commission Minutes)
2. Waste Management Agreement (See Public Participation)
3. Garage Easement & Placement

A motion was made by Hausauer and seconded by Reinke and passed unanimously to enter into an Easement Agreement with Taylor Tutt, Tiffany Tutt and Tara Scholten giving them a perpetual easement for the purpose of garage placement and garage access purposes over and upon a part of Lot Six (6) Block One (1), Second Addition to Townsite of Peninsula, City of Ortonville.

4. Senior Housing & Nursing Facility-Mortgage

City Attorney David McLaughlin reported the description for property subject to a mortgage for the OAH Senior Housing Project has expanded.

5. Curtis Johnson Request-Lift Lien and/or Exchange for Property

A written request was received from Curtis Johnson to exchange a lien on his property in the amount of \$754.97 for a lot by the water tower that he previously purchased from the City.

Dorry moved and Hausauer seconded to adopt the following Resolution:

**RESOLUTION 15-075
RESOLUTION APPROVING EXCHANGE OF LIEN FOR LAND NEAR WATER
TOWER-CURTIS JOHNSON**

BE IT AND IT IS HEREBY RESOLVED by the Council of the City of Ortonville to approve an exchange of a \$754.97 city utility bill lien against Parcel No. 22-0243-000, 33 2nd ST NW owned by Curtis Johnson for land near the water tower described as: Parcel No. 22-1238-010, Lot 7, Block 2, Crestview Addition, City of Ortonville owned by Curtis Johnson.

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

Resolution 15-075 passed this 6th day of July 2015.

APPROVED:

ATTEST:

Steve Berkner
Mayor

Charleen Grossman
Clerk-Administrator

NEW BUSINESS:

- a. *Approve Gambling Permit-BS Health Care-09-12-15-Raffle-Golf Course (Consent)
- b. Appoint Dr. Grant Botker-Health Officer & to Health Board
A motion was made by Thomas and seconded by Hausauer and passed unanimously to appoint Dr. Grant Botker as the City Health Officer and to the City Board of Health.
- c. Resolution Accepting Bid-Utility-Street-Drainage Improvements-Area Near Water Tower

Hausauer moved and Sykora seconded to adopt the following Resolution:

**RESOLUTION 15-076
RESOLUTION ACCEPTING BID
UTILITY, STREET, AND DRAINAGE IMPROVEMENTS
AREA NEAR WATER TOWER
CITY OF ORTONVILLE, MINNESOTA**

WHEREAS, pursuant to an advertisement for bids for Utility, Street, and Drainage Improvements – Area Near Water Tower which includes the improvement of the areas west, north, and east of the City’s water tower by making improvements to the sanitary sewer collection system, water distribution system, storm sewer collection system, street, and curb and gutter, bids were received, opened and tabulated according to law, and the following bids were received complying with the advertisement: See Attached Bid Tabulation

AND WHEREAS, it appears that J&J Earthworks, Inc. of Milbank, South Dakota is the lowest responsible bidder,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ORTONVILLE, MINNESOTA:

- 1. The Mayor and Clerk are hereby authorized and directed to enter into a contract with J&J Earthworks, Inc. of Milbank, South Dakota in the name of the City of Ortonville for the Utility, Street, and Drainage Improvements – Area Near Water Tower which includes improvements to the areas west, north, and east of the City’s water tower by making improvements to the sanitary sewer collection system, water distribution system, storm sewer collection system, street, and curb and gutter according to the plans and specifications therefor approved by the City Council and on file in the office of the City Clerk.

2. The City Clerk is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposits of the successful bidder and the next lowest bidder shall be retained until a contract has been signed.

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

Resolution 15-076 passed this 6th day of July 2015.

APPROVED:

ATTEST:

Steve Berkner
Mayor

Charleen Grossman
Clerk-Administrator

d. Approve Liquor License Application-Rose Sherod-Alley Cat Lanes

A motion was made by Sykora and seconded by Hausauer and passed unanimously to issue an on-sale intoxicating liquor and a Sunday liquor license to Rose Sherod dba Alley Cat Lanes from 08-01-15 to 07-01-16 provided she provide the City with documentation showing proof of Worker's Compensation Insurance and the appropriate Liquor Liability Insurance.

e. Dollar General-Mowing

A complaint was received regarding the lack of mowing on the SE corner of State Highways 75 and 12.

A motion was made by Dorry and seconded by Reinke and passed unanimously to refer the mowing complaint on the SE corner of State Highways 75 and 12 to the State of Minnesota Highway Department.

f. Civil Service Recommendations

The Civil Service Commission recommended the City hire an additional full-time police officer at an approximate cost of \$29,849.30.

A motion was made by Reinke and seconded by Thomas and passed unanimously to refer the request for the hiring of an additional full-time police officer to the Budget Committee.

g. Chamber of Commerce Use of Lakeside Park

A motion was made by Thomas and seconded by Hausauer and passed unanimously to allow the use of Lakeside Park by the Ortonville Chamber of Commerce for Cornfest Days August 14, 15 and 16.

A motion was made by Reinke and seconded by Berkner to limit the consumption of beer at the Cornfest celebration to the beer garden's designated fenced in area. Aye: Reinke. Nay: Hausauer, Sykora, Dorry, Berkner, Thomas. Motion failed.

h. Pomroy Water Line Update

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

RESOLUTION 15-077
RESOLUTION APPROVING ULTEIG ENGINEERS CHANGE ORDER #2-2015
STREET AND UTILITY IMPROVEMENTS POMROY ST, DYER ST,
EVERGREEN LANE AND SPRING DRIVE-\$36,200.00

BE IT AND IT IS HEREBY RESOLVED by the Council of the City of Ortonville to authorize Ulteig Engineers to proceed with the Street and Utility Improvements on Pomroy St., Dyer St., Evergreen Lane and Spring Drive in the amount of \$36,200.00 provided the Change Order be for the actual time and materials over and above the amount of work provided for in the original bid.

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

Resolution 15-077 passed this 6th day of July 2015.

APPROVED:

ATTEST:

Steve Berkner
Mayor

Charleen Grossman
Clerk-Administrator

i. Separate Department Duties-Utilities-Public Works

A recommendation to eliminate the Public Works Director position and create a Public Works Foreman and a Water and Wastewater Lead was received from the Workshop Meeting held earlier.

A motion was made by Hausauer and seconded by Reinke and passed unanimously to approve the elimination of the Public Works Director position and to create a Public Works Foreman and a Water and Wastewater Lead.

The need for creating job descriptions for the Public Works Foreman and for the Water and Wastewater Lead was discussed.

Thomas moved and Hausauer seconded to adopt the following Resolution:

RESOLUTION 15-078
RESOLUTION APPROVING HIRING SPRINGSTED, INC TO DEVELOP CITY JOB
DESCRIPTIONS

BE IT AND IT IS HEREBY RESOLVED by the Council of the City of Ortonville to approve hiring Springsted, Inc. to develop job descriptions for the City Public Works Foreman and the Water and Wastewater Lead.

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

Resolution 15-078 passed this 6th day of July 2015.

APPROVED:

ATTEST:

Steve Berkner
Mayor

Charleen Grossman
Clerk-Administrator

UNFINISHED BUSINESS:

a. Discussion-Waste Management Agreement Through June 30, 2022 (See Public Participation)

b. Peninsula Ditch Clean-Out Estimates

Options for the clean-out of a ditch in the Peninsula area were presented by Public Works Director Tim Scherer. The first option costing approximately \$2,250.00 would include the clean-out with the debris left on the nearby property. The second option costing approximately \$10,250.00 would include hauling the debris away from the property and drying it elsewhere.

Hausauer moved and Thomas seconded to adopt the following Resolution:

RESOLUTION 15-079

RESOLUTION APPROVING VEGETATION REMOVAL ON PENINSULA-\$10,250.00

BE IT AND IT IS HEREBY RESOLVED by the Council of the City of Ortonville to approve the removal of rotted vegetation in the Peninsula area at an approximate cost of \$10,250.00.

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

Resolution 15-079 passed this 6th day of July 2015.

APPROVED:

ATTEST:

Steve Berkner
Mayor

Charleen Grossman
Clerk-Administrator

Thomas moved and Hausauer seconded to adopt the following Resolution:

RESOLUTION 15-080
RESOLUTION APPROVING APPLYING FOR PERMIT FROM DNR FOR ROTTED
VEGETATION REMOVAL FROM PENINSULA AREA

BE IT AND IT IS HEREBY RESOLVED by the Council of the City of Ortonville to approve applying to the DNR for a permit to remove rotted vegetation from the Peninsula area.

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

Resolution 15-080 passed this 6th day of July 2015.

APPROVED:

ATTEST:

Steve Berkner
Mayor

Charleen Grossman
Clerk-Administrator

c. Purchase or Repair-Golf Course Mower
Tabled.

d. Skinner Property

A motion was made by Sykora and seconded by Thomas and passed unanimously to authorize the City Attorney to take legal action against property owner Paul Skinner for inaction on the removal of demolition debris from his property at 428 2nd St SE.

CONSIDERATION OF BILLS:

A motion was made by Dorry and seconded by Reink and passed to approve the bills as presented. Abstain: Sykora.

NEW ACTIONS:

None.

EXECUTIVE SESSION:

An executive session was called under the exception for attorney-client privileges. The topic to be discussed is utilities.

Mayor Berkner closed the regular session and called an executive session to order at 7:35 P.M. Mayor Berkner closed the executive session and called the regular Council meeting back to order at 7:59 P.M. No action was taken.

ADJOURNMENT:

A motion was made by Hausauer to adjourn the meeting at 8:00 P.M.

APPROVE:

ATTEST:

Steve Berkner
Mayor

Charleen Grossman
Clerk-Administrator