

**COUNCIL MEETING MINUTES
LIBRARY MEDIA CENTER
REGULAR MEETING
412 2nd Street, Ortonville, MN
Monday, November 3, 2014
5:00 P.M.**

CALL TO ORDER AND ROLL CALL:

Mayor Pro Tem Mike Dorry called the Regular Meeting to order at 5:00 P. M. Roll Call was taken with the following present: Hausauer, Sykora, Dorry, Hasslen, Thomas, Reinke. Absent: Berkner. Media: Mike Swenson (Ortonville Independent). Staff present: Susan Lundell, Jason Mork, David McLaughlin. Also: Elsie Perrine, Rick Ash.

AGENDA AMENDMENTS:

REMOVE: 10.b. OAHS-Hiring Construction Manager

ADD:10.c. Appointment to County Canvassing Board

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

PUBLIC PARTICIPATION AND CORRESPONDENCE:

None.

CONSENT AGENDA:

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

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

a. *Approve Minutes Regular Council Meeting-10-20-14

PUBLIC HEARINGS:

None.

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

a. Planning Commission Minutes-10-20-14 & 10-23-14

A motion was made by Reinke and seconded by Hasslen and passed unanimously to accept the Planning Commission Minutes of 10-20-14.

A motion was made by Hasslen and seconded by Dorry and passed unanimously to accept the Planning Commission Minutes of 10-23-14.

b. Resolution Supporting Development of Senior Housing Project

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

**RESOLUTION 14-096
RESOLUTION APPROVING SUPPORT FOR ORTONVILLE AREA HEALTH
SERVICES PROPOSED SENIOR LIVING PROJECT**

BE IT AND IT IS HEREBY RESOLVED by the Council of the City of Ortonville to support the proposed OAHS Senior Living Project by providing needed information and assistance from the city’s Public Works, Electric and Administration Departments.

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

Resolution 14-096 passed this 3rd day of November 2014.

APPROVED:

ATTEST:

Mike Dorry
Mayor Pro Tem

Susan Lundell
Deputy-Clerk

c. Golf Board Minutes-10-07-14

A motion was made by Reinke and seconded by Sykora and passed unanimously to accept the Golf Board minutes of 10-07-14.

d. Park Board Minutes-10-20-14

A motion was made by Hasslen and seconded by Sykora and passed unanimously to accept the Park Board minutes of 10-20-14.

e. Budget Committee Minutes-10-24-14

A motion was made by Thomas and seconded by Reinke and passed unanimously to accept the Budget Committee minutes of 10-24-14.

f. Resolution Approving Budget Increase-Library-\$2,500

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

**RESOLUTION 14-097
RESOLUTION APPROVING 2015 LIBRARY BUDGET INCREASE OF \$2,500**

BE IT AND IT IS HEREBY RESOLVED by the Council of the City of Ortonville to approve a \$2,500 increase in the 2015 Library Budget. These additional funds will be used to pay for snow removal and lawn care expenses.

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

Resolution 14-097 passed this 3rd day of November 2014.

APPROVED:

ATTEST:

Mike Dorry
Mayor Pro Tem

Susan Lundell
Deputy-Clerk

g. Resolution Approving Budget Increase-Access Channel-\$2,000

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

**RESOLUTION 14-098
RESOLUTION APPROVING 2015 ACCESS CHANNEL BUDGET INCREASE OF
\$2,000**

BE IT AND IT IS HEREBY RESOLVED by the Council of the City of Ortonville to approve a \$2,000 increase in the 2015 Access Channel Budget.

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

Resolution 14-098 passed this 3rd day of November 2014.

APPROVED:

ATTEST:

Mike Dorry
Mayor Pro Tem

Susan Lundell
Deputy Clerk

h. EDA Minutes-10-20-14

A motion was made by Reinke and seconded by Hasslen and passed unanimously to accept the EDA Minutes of 10-20-14.

i. OAHS September Minutes

A motion was made by Hasslen and seconded by Reinke and passed unanimously to accept the OAHS September minutes.

STAFF REPORTS:

None.

NEW BUSINESS:

- a. Approve Resolution Calling Public Hearing-OAHS Senior Housing Project-12-01-14

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

RESOLUTION NO. 14-099

**RESOLUTION CALLING FOR A PUBLIC HEARING ON A PROJECT
BY ORTONVILLE AREA HEALTH SERVICES UNDER MINNESOTA
STATUTES, CHAPTER 469**

BE IT RESOLVED, by the governing body (the "Council") of the City of Ortonville, Big Stone County, Minnesota (the "City" or the "Issuer"), as follows:

1. Recitals. The Council makes the following recitals of fact:
 - a. The City owns and operates Ortonville Area Health Services ("OAHS") as a revenue producing enterprise under Chapter XI of the City's Home Rule Charter and has delegated the operational oversight to the board of OAHS.
 - b. Sanford Health Network, a South Dakota corporation ("SHN") and its affiliate Sanford Medical Center, a South Dakota corporation ("SMC," and together with SHN, "Sanford") provides administration services pursuant to an Amended and Restated Management Agreement dated January 1, 2010 (the "Management Agreement").
 - c. It has been represented to the Council by Sanford that each of SHN and SMC is an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code").

- d. Fryberger, Buchanan, Smith & Frederick, P.A. (“Bond Counsel”) has informed the Council that Minnesota Statutes, Section 447.45 (the “Act”) authorizes the City to issue revenue bonds to finance the acquisition and betterment of hospital, nursing home and related medical facilities, including but not limited to facilities related to a nursing home providing supportive services to elderly persons who are not yet in need of nursing home care.
- e. The City has authorized OAHS to explore the possibilities of financing options related to acquiring, constructing and equipping of a 34-unit elderly housing facility with catered services or assisted living located immediately to the southwest of the existing Fairway View, 215 Lundell Avenue, Ortonville, Minnesota (the “Project”).
- f. It is intended that the Project be financed by an issue of tax-exempt revenue bonds or notes issued by the City under the Act (the “Obligations”).
- g. Bond Counsel has informed the Council that due to the existence of the Management Contract, the issuance of the Obligations requires a public hearing under the Code to assure the tax-exempt status of the Obligations.

2. The Obligations.

- a. It is declared, on a preliminary basis, to be the intention of the Issuer to issue the Obligations in the principal amount not to exceed \$8,000,000 for the purpose of financing the costs of the Project.
- b. The Obligations, when, as and if issued, including interest thereon, are payable solely from the revenues of OAHS’ health care facilities. No holder of the Obligations shall ever have the right to compel any exercise of the taxing power of the Issuer to pay the Obligations or the interest thereon, nor to enforce payment of them against any property of the Issuer except those projects, or portions thereof, mortgaged or otherwise encumbered.
- c. All details of and conditions precedent to the issuance of the Obligations and the provisions for payment thereof are subject to final approval of the Issuer.

3. Public Hearing.

- a. The Issuer will conduct a public hearing on the issuance of the Obligations and the proposal to undertake and finance the Project.
- b. The Clerk-Administrator is authorized and directed to cause the notice (either directly or through Bond Counsel) substantially in the form attached hereto as Exhibit A, to be published in the official newspaper of the Issuer and a

- c. newspaper of general circulation in the jurisdiction of the Issuer not less than 14 days prior to the date set for the public hearing; provided that if the official newspaper of the Issuer is a newspaper of general circulation in the jurisdiction of the Issuer, the notice may be published only once.
4. Declaration of Official Intent. This resolution constitutes a declaration of official intent under U.S. Treasury Regulations, §1.150-2.

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

Adopted: November 3, 2014

Michael Dorry
Mayor Pro Tem

Attest:

Susan Lundell
Deputy Clerk

- b. Resolution Supporting Hiring Construction Manager-OAHS-Senior Housing Project (Withdrawn from Agenda).
- c. Appointment of Council Member to Attend Big Stone County Canvassing Board Meeting-Monday-November 10 at 11:00 A.M.
A motion was made by Thomas and seconded by Hasslen and passed unanimously to appoint Council Member Reinke to represent the City at the Big Stone County Canvassing Board Meeting on Monday, November 10 at 11:00 A.M. and to appoint Council Member Hasslen as a backup.

UNFINISHED BUSINESS:

- a. Paul Skinner-Dilapidated Properties
Skinner stated he is removing the debris from the house that was demolished at 422 2nd St SE.

Council Member Hausauer arrived at the meeting at 5:17 P.M.

A discussion was held regarding improvements needed to the building located at 428 2nd St. SE. Skinner has a building permit for improvements to be made to this building.

b. Vacation of a Portion of Paul Bunyan Street

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

**RESOLUTION 14-100
A RESOLUTION SETTING A PUBLIC HEARING ON A VACATION**

**THE CITY COUNCIL OF THE CITY OF ORTONVILLE, MINNESOTA DOES
HEREBY RESOLVE AS FOLLOWS:**

WHEREAS, a petition signed by at least some of the property owners adjoining that part of Paul Bunyan Street south of Oak Avenue, Hilltop Addition in the City of Ortonville was received by the City Clerk-Administrator; and

WHEREAS, the petition requests that the City Council pursuant to Minnesota Statute §412.851 vacate that part of Paul Bunyan Street south of Oak Avenue, Hilltop Addition in the City of Ortonville (as shown on the attached Exhibit A map); and

WHEREAS, a copy of said petition is attached hereto,

WHEREAS, the City Council has the authority to vacate an alley upon its own motion and may consider said action after the hearing; and

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
ORTONVILLE, COUNTY OF BIG STONE, MINNESOTA:**

1. The Council will consider the vacation of such streets and alley located in Hilltop Addition described above and a public hearing shall be held on such proposed vacations on the 1st day of December, 2014, before the Ortonville City Council at the Library Media Center at 412 2nd Street NW at 5:30 P. M.

2. The City Clerk is hereby directed to give published, posted and mailed notice of such hearing as required by law.

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

Resolution 14-100 passed by the City Council this 3rd day of November, 2014.

Mike Dorry
Mayor Pro Tem

Susan Lundell
Deputy Clerk

c. Appointment of Council Member to Big Stone County EDA

A motion was made by Hausauer and seconded by Thomas and passed unanimously to appoint Council Member Sykora to the Big Stone County EDA.

CONSIDERATION OF BILLS:

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

NEW ACTIONS:

None.

EXECUTIVE SESSION:

None.

ADJOURNMENT:

Hasslen moved to adjourn the meeting at 5:30 P. M.

APPROVE:

ATTEST:

Mike Dorry
Mayor Pro Tem

Susan Lundell
Deputy Clerk