

**COUNCIL MEETING MINUTES
LIBRARY MEDIA CENTER
REGULAR MEETING
412 2nd Street, Ortonville, MN
Monday, August 1, 2016
5:00 P.M.**

CALL TO ORDER AND ROLL CALL:

Mayor Berkner called the Regular Meeting to order at 5:00 P. M. Roll Call was taken with the following present: Hausauer, Dorry, Berkner, Hasslen, Radermacher, Reinke. Absent: Sykora. Staff present: Char Grossman, Susan Lundell, Sam Berger, Kent Novak, Jason Mork, David McLaughlin. Media: Mike Swenson (Independent). Also: Bill Powell, Mary Hillman, Kevin Benson, Elsie Perrine, Dave Rogers, Greg Peterson, Becky Parker.

AGENDA AMENDMENTS:

Staff Reports: Mosquitoes

10.e. Big Stone Cruisers Car Club-Use of Otter Tail Property

14.a.Executive Session-Big Stone City Water Contract

b. Threatened Litigation

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

PUBLIC PARTICIPATION AND CORRESPONDENCE:

a. Mary Hillman-BS Lake Area Chamber of Commerce

1. Cornfest Requests

Hillman asked that the BS Lake Area Chamber of Commerce be allowed to use Lakeside Park and its facilities for the Cornfest Celebration.

A motion was made by Hausauer and seconded by Reinke and passed unanimously to allow the BS Lake Area Chamber of Commerce to use Lakeside Park and its facilities for the annual Cornfest Celebration and to provide city staff as needed in the past for the event.

2. Fireworks Display Permit

A motion was made by Dorry and seconded by Reinke and passed unanimously to approve a fireworks permit for the BS Lake Area Chamber of Commerce on August 8, 2016 provided the City is held harmless from any legal claims resulting in damage or bodily harm caused by the event.

b. Kevin Benson-Equitable Cost Sharing-Publicly Owned Nursing Facilities Program-Adjustment-\$70,353.75

Benson asked that the Equitable Cost Sharing for Publicly-Owned Nursing Facilities (ECPN) program monthly payment adjustments in the amount of \$70,353.75 be reimbursed to the Ortonville Area Health Services.

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

**RESOLUTION 16-74
RESOLUTION APPROVING REIMBURSEMENT TO OAHS FOR EQUITABLE
COST SHARING FOR PUBLICLY-OWNED NURSING FACILITIES PROGRAM
ADJUSTMENT-\$70,353.75**

BE IT AND IT IS HEREBY RESOLVED by the Council of the City of Ortonville to approve the payment of \$70,353.75 to Ortonville Area Health Services for an adjustment to the Equitable Cost Sharing for Publicly-Owned Nursing Facilities Program payments.

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

Resolution 16-74 passed this 1st day of August 2016.

APPROVED:

ATTEST:

Steve Berkner
Mayor

Charleen Grossman
Clerk-Administrator

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-07-18-16

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

PUBLIC HEARINGS:

- a. 5-Year Capital Improvement Program Hearing

Mayor Berkner closed the regular meeting and called a public hearing to order at 5:11 P.M. Clerk-Administrator Char Grossman reviewed with the Council the Annual 5-Year Plan for the various city departments. The 5-year plans will be presented to the Budget Committee for their consideration.

Mayor Berkner closed the hearing at 5:19 P.M. and call the regular Council meeting to order.

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

- a. Street-Utility Minutes-07-18-16

A motion was made by Reinke and seconded by Hausauer and passed unanimously to approve the Street Utility minutes of 07-18-16.

b. Planning & Zoning Minutes-07-27-16

A motion was made by Reinke and seconded by Hausauer and passed unanimously to approve the Planning & Zoning Minutes of 07-27-16.

STAFF REPORTS:

a. Clerk-Administrator Char Grossman reported on the schedule for mosquito spraying. Several complaints regarding mosquitoes have been received and the City is spraying on Tuesday and Thursday nights. Also the final course of bituminous is being put down for the recent street project.

NEW BUSINESS:

a. Approve Plat-Outlot 191-Kevin Backstrand

A motion was made by Hausauer and seconded by Reinke and passed unanimously to approve the Plat of Outlot 191, City of Ortonville.

b. Sale/Lease-Lot A of Outlot 115-City of Ortonville

The Council considered the sale/lease of Lot A of Outlot 115, City of Ortonville to Steve Stern. City Attorney David McLaughlin advised the Council to sell the property as is with no warranties and no representations to Steve Stern for \$5,000.00. The property should carry a Flood Zone designation.

A motion was made by Hausauer and seconded by Hasslen and passed unanimously to approve the 1st reading of Ordinance 16-07 An Ordinance Selling Certain Real Estate Owned by the City of Ortonville, Lot A, Outlot 115, City of Ortonville.

c. Approve Temporary Liquor License-Ortonville Fire Department-August 19, 20 & 21 Cornfest

A motion was made by Hausauer and seconded by Radermacher and passed to approve a temporary liquor license for the Ortonville Fire Department on August 19, 20, and 21 for the Cornfest celebration. Nay: Reinke.

d. Approve 1st Reading-Ordinance 16-06-An Ordinance Ordering Installation of Stop Signs

A motion was made by Hausauer and seconded by Reinke and passed unanimously to approve the 1st reading of Ordinance 16-06 An Ordinance Ordering the Installation of Stop Signs on Summerset Street.

e. Big Stone Cruisers Car Show

A motion was made by Dorry and seconded by Hasslen and passed unanimously to approve the use of the old Otter Tail property by the Big Stone Cruisers Car Club for a car show on August 20, 2016.

UNFINISHED BUSINESS:

a. 2nd Reading & Adoption of Ordinance 16-05-An Ordinance Amending Section 150.029 I-2, General Industrial-Add Car Dealership as Allowable

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

**RESOLUTION 16-75
RESOLUTION APPROVING SECOND READING AND ADOPTION OF
ORDINANCE 16-05 AN ORDINANCE AMENDING ZONING ORDINANCE
CHAPTER XV SECTION 150.029 I-2 GENERAL INDUSTRIAL**

The City of Ortonville, Minnesota, upon recommendation of the Planning Commission, ordains that an amendment to Zoning Ordinance Chapter XV Section 150.029, I-2, General Industrial, (C) Permitted Uses be approved as follows: (C) Permitted uses. Add (45) Car Dealerships.

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

Resolution 16-75 passed this 1st day of August 2016.

APPROVE:

ATTEST:

Steve Berkner
Mayor

Charleen Grossman
Clerk-Administrator

b. Dilapidated Buildings The issue of dilapidated buildings was discussed. The Council reviewed reports from the building inspector and the health officer. City Attorney David McLaughlin presented Resolutions ordering improvements to dilapidated properties.

1. 94 McCloud Street

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

CITY OF ORTONVILLE

In Re the premises known as
94 McCloud Street

**ORDER OF CITY COUNCIL
PURSUANT TO Minn.Stat. §463.17**

**RESOLUTION 16-76
RESOLUTION DESIGNATING PROPERTY HAZARDOUS**

WHEREAS, many complaints have been received by the City Council with respect to the condition of the property owned by Doreen Diekmann, Tamara R. Moe, Sharlene K. Moe in the City and described as:

Outlot 54, except the westerly 100' feet thereof, City of Ortonville

hereinafter called Premises, and

WHEREAS, Doreen Diekmann was notified of these deficiencies as well as other deficiencies at the property which they own, but she has failed to correct the deficiencies. There is no just cause for Doreen Diekmann, Tamara R. Moe, Sharlene K. Moe's failure to act, and

WHEREAS, the City Health Officer and the City Building Inspector made visual inspections of the property and have reported on the condition of the property.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED, by the City Council of Ortonville, that based upon the personal knowledge of the Council members and the reports of City Health Officer and the Building Inspector of the hazards and sub-standard condition on the premises owned by Doreen Diekmann, Tamara R. Moe, Sharlene K. Moe in the City of Ortonville of 94 McCloud Street, the City finds:

FINDINGS

1. Doreen Diekmann, Tamara R. Moe, Sharlene K. Moe are the owners of the property located at 94 McCloud Street, Ortonville, Minnesota.
2. The building is not fit for living. Holes in the roof have led to water damage. There is a strange smell of mold/mildew noted at the location. A wood chuck was seen entering the structure. The front door is covered with a sheet of plywood. Steps leading to the door into rear (west side) are rotted out. Garage door has 2 panels missing and siding is missing. Electric service is cut and lying on the ground. Buildings must be renovated and brought up to building code and health standards.

Based upon the foregoing Findings, it is ordered that:

1. The deficiencies listed in Paragraph 2 be corrected within 30 days of the date of this Order. Any corrective measures shall be in compliance with applicable building code.
2. Failure to comply with this Order will result in the City bringing a Motion for Summary enforcement as provided by Minn.Stat. §463.17. In

the alternative, you may file an answer to this Order within 20 days of service of this Order as provided by Minn.Stat. §463.18.

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

Resolution 16-76 passed this 1st day of August 2016.

APPROVE:

ATTEST:

Steve Berkner
Mayor

Charleen Grossman
Clerk-Administrator

2. 253 3rd Street

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

CITY OF ORTONVILLE

In Re the premises known as
253 3rd Street SE

**ORDER OF CITY COUNCIL
PURSUANT TO Minn.Stat. §463.17**

**RESOLUTION 16-77
RESOLUTION DESIGNATING PROPERTY HAZARDOUS**

WHEREAS, many complaints have been received by the City Council with respect to the condition of the property owned by Paul Skinner in the City and described as:

Blocks Six (6), Seven (7) and Eight (8), Orton’s Second Addition to the City of Ortonville

hereinafter called Premises, and

WHEREAS, Paul Skinner was notified of these deficiencies as well as other deficiencies at the property which he owns. Paul Skinner reported that he would correct the deficiencies but has failed to do so for many months. There is no just cause for Paul Skinner’s failure to act, and

WHEREAS, the City Health Officer and the City Building Inspector made visual inspection of the property and have reported on the condition of the property.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED, by the City Council of Ortonville, that based upon the personal knowledge of the Council members and the reports of City Health Officer and the Building Inspector of the hazards and sub-standard condition on the premises owned by Paul Skinner in the City of Ortonville of 253 3rd Street SE, the City finds:

FINDINGS

- 1. Paul Skinner is the owner of the property located at 253 3rd Street SE, Ortonville, Minnesota.
- 2. Cement floor was to be poured in the garage and the siding of the overlay must be finished.

Based upon the foregoing Findings, it is ordered that:

- 1. The deficiencies listed in Paragraph 2 be corrected within 30 days of the date of this Order. Any corrective measures shall be in compliance with applicable building code.
- 2. Failure to comply with this Order will result in the City bringing a Motion for Summary enforcement as provided by Minn.Stat. §463.17. In the alternative, you may file an answer to this Order within 20 days of service of this Order as provided by Minn.Stat. §463.18.

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

Resolution 16-77 passed this 1st day of August 2016.

APPROVE:

ATTEST:

Steve Berkner
Mayor

Charleen Grossman
Clerk-Administrator

3. 428 SE 2nd Street

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

CITY OF ORTONVILLE

In Re the premises known as
428 2nd Street SE

**ORDER OF CITY COUNCIL
PURSUANT TO Minn.Stat. §463.17**

**RESOLUTION 16-78
RESOLUTION DESIGNATING PROPERTY HAZARDOUS**

WHEREAS, many complaints have been received by the City Council with respect to the condition of the property owned by Paul Skinner in the City and described as:

Lots Ten (10), Eleven (11), Twelve (12) and Thirteen (13) Block One (1), Scholberg's Addition to the City of Ortonville

hereinafter called Premises, and

WHEREAS, Paul Skinner was notified of these deficiencies as well as other deficiencies at the property which he owns. Paul Skinner reported that he would correct the deficiencies but has failed to do so for many months. There is no just cause for Paul Skinner's failure to act, and

WHEREAS, the City Health Officer and the City Building Inspector made visual inspection of the property and have reported that the property is covered with debris and other building material remaining more than one month after the razing of a structure on the property. Further, the excavation made on the property is subject to erosion and other dangerous conditions.

NOW THEREFORE, BE IT AND ITS IS HEREBY RESOLVED, by the City Council of Ortonville, that based upon the personal knowledge of the Council members and the reports of City Health Officer and the Building Inspector of the hazards and sub-standard condition on the premises owned by Paul Skinner in the City of Ortonville of 428 2nd Street SE, the City finds:

FINDINGS

1. Paul Skinner is the owner of the property located at 428 2nd Street SE, Ortonville, Minnesota.

2. The house was partially demolished. When the house was removed, a section of the foundation wall caved in. The owner was instructed to build a roof over the blocks and place a new door on the building. Owner was previously told to stabilize the slope of the property so erosion and other landslides would not occur. The owner previously removed soil from the property which compounded the problem. The owner must either correct the deficiency or demolish the remaining structure, remove the foundation and stabilize the land.

Based upon the foregoing Findings, it is ordered that:

1. The deficiencies listed in Paragraph 2 be corrected within 30 days of the date of this Order. Any corrective measures shall be in compliance with applicable building code and the debris must be removed from the premises and the hillside stabilized to prevent erosion and landslides.
2. Failure to comply with this Order will result in the City bringing a Motion for Summary enforcement as provided by Minn.Stat. §463.17. In the alternative, you may file an answer to this Order within 20 days of service of this Order as provided by Minn.Stat. §463.18.

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

Resolution 16-78 passed this 1st day of August 2016.

APPROVE:

ATTEST:

Steve Berkner
Mayor

Charleen Grossman
Clerk-Administrator

4. 313 Monroe Avenue

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

CITY OF ORTONVILLE

In Re the premises known as
313 Monroe Avenue

**ORDER OF CITY COUNCIL
PURSUANT TO Minn.Stat. §463.17**

**RESOLUTION 16-79
RESOLUTION DESIGNATING PROPERTY HAZARDOUS**

WHEREAS, many complaints have been received by the City Council with respect to the condition of the property owned by Jeffrey Loeschke in the City and described as:

Lot Five (5), Block Nine (9), Orton's First Addition to the City of Ortonville

hereinafter called Premises, and

WHEREAS, Jeffrey Loeschke was notified of these deficiencies as well as other deficiencies but he has failed to correct the deficiencies. There is no just cause for Jeffrey Loeschke's failure to act, and

WHEREAS, the City Health Officer and the City Building Inspector made visual inspection of the property and have reported on the condition of the property.

NOW THEREFORE, BE IT AND IT IS HEREBY RESOLVED, by the City Council of Ortonville, that based upon the personal knowledge of the Council members and the reports of City Health Officer and the Building Inspector that the hazards and sub-standard condition on the premises owned by Jeffrey Loeschke in the City of Ortonville of 313 Monroe Avenue, the City finds:

FINDINGS

1. Jeffrey Loeschke is the owner of the property located at 313 Monroe Avenue, Ortonville, Minnesota.
2. The front porch is just hanging off the structure with the roof rotted out. The roof needs to be repaired, replaced or removed.

Based upon the foregoing Findings, it is ordered that:

1. The deficiencies listed in Paragraph 2 be corrected within 30 days of the date of this Order. Any corrective measures shall be in compliance with applicable building code.
2. Failure to comply with this Order will result in the City bringing a Motion for Summary enforcement as provided by Minn.Stat. §463.17. In the alternative, you may file an answer to this Order within 20 days of service of this Order as provided by Minn.Stat. §463.18.

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

Resolution 16-79 passed this 1st day of August 2016.

APPROVE:

ATTEST:

 Steve Berkner
 Mayor

 Charleen Grossman
 Clerk-Administrator

5. 119 3rd Street SE

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

CITY OF ORTONVILLE

In Re the premises known as
119 3rd Street SE

**ORDER OF CITY COUNCIL
PURSUANT TO Minn.Stat. §463.17**

**RESOLUTION 16-80
RESOLUTION DESIGNATING PROPERTY HAZARDOUS**

WHEREAS, many complaints have been received by the City Council with respect to the condition of the property owned by Joshua Casey in the City and described as:

Lot Two (2), Block Twenty-Eight (28), Original Plat to the City of Ortonville

hereinafter called Premises, and

WHEREAS, Joshua Casey was notified of these deficiencies as well as other deficiencies at the property which he owns, but he has failed to correct the deficiencies. There is no just cause for Joshua Casey's failure to act, and

WHEREAS, the City Health Officer and the City Building Inspector made visual inspection of the property and have reported on the condition of the property.

NOW THEREFORE, BE IT AND IT IS HEREBY RESOLVED, by the City Council of Ortonville, that based upon the personal knowledge of the Council members and the report of City Health Officer and the Building Inspector that the hazards and sub-standard condition on the premises owned by Joshua Casey in the City of Ortonville of 119 3rd Street SE, the City finds:

FINDINGS

1. Joshua Casey is the owner of the property located at 119 3rd Street SE, Ortonville, Minnesota.
2. The house was removed, but the concrete basement remains and needs to be demolished and levelled and filled to grade. There is also a collapsed building on the premises that needs to be removed. There are also 2 tractor tires and trash all over the yard that needs to be removed.

Based upon the foregoing Findings, it is ordered that:

1. The deficiencies listed in Paragraph 2 be corrected within 30 days of the date of this Order. Any corrective measures shall be in compliance with applicable building code.
2. Failure to comply with this Order will result in the City bringing a Motion for Summary enforcement as provided by Minn.Stat. §463.17. In the alternative, you may file an answer to this Order within 20 days of service of this Order as provided by Minn.Stat. §463.18.

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

Resolution 16-80 passed this 1st day of August 2016.

APPROVE:

ATTEST:

Steve Berkner
Mayor

Charleen Grossman
Clerk-Administrator

CONSIDERATION OF BILLS:

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

NEW ACTIONS:

None.

EXECUTIVE SESSION: CLOSED MEETING:

a. Water Contract-Big Stone City

Mayor Berkner closed the regular council meeting at 5:56 P.M. and called a closed meeting to discuss the purchase or sale of property exception. Discussion will be held regarding a request by Big Stone City, South Dakota to purchase a portion of the City of Ortonville’s Water Treatment Plant.

b. Litigation

The meeting remained closed based on Attorney-Client Privilege to discuss litigation strategy regarding building permit issues.

Mayor Berkner closed the closed meeting at 6:15 P.M. and called the regular council meeting to order.

A motion was made by Hausauer and seconded by Hasslen and passed to deny a request from Big Stone City, South Dakota to purchase a portion of the City of Ortonville’s Water Treatment Plant due to uncertainties regarding the effect it would have on City bonds and due to the fact that newly elected officials taking office in January may want to address the issue. Nay: Dorry.

A motion was made by Hasslen and seconded by Reinke and passed to refer the threatened litigation to the City’s insurance carrier. Nay: Dorry.

ADJOURNMENT:

Mayor Berkner adjourned the meeting at 6:16 P.M.

APPROVE:

ATTEST:

Steve Berkner
Mayor

Charleen Grossman
Clerk-Administrator