

# Administrator/Clerk's Report

To: Mayor and Council

From: John M. McCarthy

Date: June 30, 2008

## Consent Agenda

**SEH Final Bill:** This is the final payment of the amount retained for the SEH work on the six 2006 Capital Improvement Projects. All of the final issues relating to the well house have been resolved and City Engineer McMahan recommends payment of \$31,112.49.

**Delinquent Utility Bills :** I recommend approval of the utility shut off list.

## Ordinances / Resolutions

**Resolution 2008 – 26 Approving a License Agreement with Jaguar:** The City has received the signed License Agreement from Jaguar. Approval of the License Agreement will allow Jaguar to begin servicing the City. Staff believes they have substantially completed the remediation of property damage. The new person they have overseeing construction has been much more responsive and has taken care of any problems which have been identified. They have repaired damage to irrigation systems which were improperly installed in road ROW. They have relocated the bench and planted a tree in Schilling park. I recommend approval. (Motion)

**Resolution 2008 – 27 Designating the Holy Cross Church as the City's Polling Place.** We had changed the polling place for the Senate Special Election to City Hall. This resolution clarifies Holy Cross Church as our permanent polling place. Rice County has the Church as our polling place of record. I recommend approval. (Motion)

**Resolution 2008 – 28 Setting Number of Police Officers:** The City Code requires setting the number of officers and their titles. This resolution sets the number of full time officers at two (2) and reduces the number of part time officers to two (2) The Resolution does not require all positions to be filled but leaves it up to the Council. I recommend approval. (Motion)

**Resolution 2008 – 29 Initiating Assessment Proceedings for Park Improvements:** About 30 people including Park and Recreation Board members and Councilor Mazurek attended the neighborhood meeting to discuss the development of Millstone Park. Park Board Chair Eric Sieger reviewed efforts to develop the park. City Administrator McCarthy reviewed the financial considerations of developing the park including the possibility of an assessment for the residents of the Millstone Additions. One concern was how donations which have already been made would be handled. McCarthy explained the city was researching the possibility of applying the donation to the assessment. Several people spoke in favor of proceeding with a park which can be built instead of waiting until it can be fully developed. At least one person voiced opposition to a park from a financial standpoint. It was the consensus of those in attendance the Council should begin the process including scheduling a Public Hearing. (Motion)

## Old Business

**Accept Audit:** Accountant Thomas M. Cummings has completed and submitted the Financial Statements for the fiscal year ending December 31, 2007. The City of Dundas Financial Statements were presented at the regular Council meeting held on June 9, 2008. No questions or comments have been received by the Administrator's office. I recommend approval of the 2007 Financial Statements as submitted. (Motion)

**Appoint Kris Wilson as Full Time Police Officer:** : I met with LELSI Business Agent Ken Pilcher, Local 327 Steward Officer Chris Daley and Officer Kris Wilson to clarify our understanding of the step scale for the second officer, third full time, position which Wilson has applied for. We have agreed that Wilson will begin work on July 13, 2008 at the "starting" step. He will move to "after 1 year" step upon completion of his 6 month change in job classification probation and will move through the steps on a normal basis thereafter. LELSI will prepare a memorandum of understanding which will be attached to the contract. I propose the following motion:

**Motion by \_\_\_\_\_, second by \_\_\_\_\_** to hire Kristopher M. Wilson as a full-time officer in the Dundas Police Department with a beginning date of July 13, 2008. All benefits earned as a part-time officer will be carried over to the full time position. Employment will be according to the Labor Agreement with LELSI Local #327 and a memorandum of understanding concerning the eligibility for wage and step increases. The Mayor and City Administrator are authorized to sign the memorandum on behalf of the City.

### **New Business**

**Annexation Agreement:** The Planning Commission met on Thursday, June 19, to discuss zoning in the annexation area. Questions were raised as to the authority of the City in the annexation area. There was also some confusion regarding the Planning Commission acting as a joint powers board in the annexation area. City Attorney Callies has prepared a memo outlining her legal opinion concerning the agreement. The agreement calls for an annual meeting between the City Council and Township Board. I recommend the city request having a meeting.

Motion by \_\_\_\_\_, second by \_\_\_\_\_ to request Bridgewater Township Board meet with the City of Dundas Council as described in Section 24 of the Joint Resolution/Orderly Annexation Agreement and authorize the Mayor and Board Chair to select a date for the meeting.

**Public Hearing for Millstone Park Improvements:** To assess for the proposed park improvements in Millstone Park, the City needs to hold a public hearing. The earliest date at which a public hearing could be held would possibly be July 16 but with the July 4 holiday and preparation work it would not be advisable. We have to publish two notices and mail notice to all of the property owners. A special meeting for the hearing could be held on July 21 or the hearing could be before or during the regular Council meeting on July 28.

**GIS Agreement with Rice County:** Rice County provides the City with access to information in the County's Geographical Database. This information is valuable to City staff when reviewing land issues including property lines and drainage patterns. (Motion)

### **Administrator's Report**

**Financial:** As of the end of May, the City's general fund expenditures are \$337,137.98 or about \$52,431.72 more than the comparable period last year. Much of the increased amount is attributable to various consulting/professional fees. Some of that amount is due to differences in billing cycles from 2007 to 2008. Slightly over \$11,000 is in snow plowing. The City was billed and paid for snow plowing earlier this year. Revenues are running \$36,180.54 less than last year. This is mostly attributable to the two-part building permit issued to College City Beverage.

**Kor property:** No proposals for the purchase and development of the Kor Property were received by the June 19 deadline. Mayor Marks has requested this be on the agenda for the next work session.

**City Hall HVAC Replacement:** The replacement of the heating and air-conditioning equipment in City Hall is complete. We will be installing some additional protective devices.

**Street Maintenance:** Milling, patching and crack filling has been completed. Seal-coating should be completed early this week.

**Independent Review of Zoning Violations:** At the regular meeting of March 31, 2008, Council voted to conduct an independent investigation of alleged zoning and Conditional Use Permit (CUP) violations occurring on property in which a council member, John Zander, has a financial interest. Karen Marty, an attorney with extensive experience in municipal law and zoning issues was selected to conduct the review. Marty has completed her report concerning the zoning violations involving Lots 2 and 3, Block 1, DeMann Industrial Park Addition. The property owners have been notified they are in violation of the CUPs for outdoor storage and been given thirty days (July 15, 2008) to bring their property into compliance. As of this time, the violations have not been corrected.

**LMC Annual Conference and Workshop:** I attended the League of Minnesota Cities annual meeting June 11, 12 and 13 in Rochester. On Wednesday, I attended a pre-conference seminar on best value contracting. "Best Value" is a tool the legislature is allowing local governments to use as an alternative to the traditional "low bid" process. Training is required to use the best value method and it requires a little more work up front and possibly better documentation. A governmental unit can only use it in 20% of its annual projects.

Also on Wednesday I attended a roundtable on sustaining core city operations. This roundtable was quite helpful in reviewing some solutions to common problems which occur when the workload may temporarily become larger than the ability to handle. On a related subject, on Thursday, I attended a session on knowledge transfer. There were several good suggestions which I will be implementing.

The Keynote Speaker was former Twins manager Tom Kelly. In his unique manner of storytelling interspersed with nuggets of wisdom, he presented a very simple but compelling view of his effective management style.

I also attended the seminar on open meeting law basics run by Tom Grundhoefer. There is a new requirement concerning recording of closed meetings which will go into effect on August 1.

The first session on Thursday was about sustainability and smart energy use. Ed Garvey, the Director of the Office of Energy Security reviewed the Minnesota Climate Change Advisory Group Final Report. One recommendation which generated a lot of interest was the focus on electrical generation as

At the marketplace, I visited several vendors including Public Employees Insurance Program (PEIP). PEIP will be making a change from using Mayo as a health care provider to using BC/BS. They are claiming this new program should not result in a premium increase.

LMC staff presented their annual legislative overview and discussed many legislative changes which impact cities.

On Friday, the training session I attended was on how to use new technologies to deliver service. There was a lot of good information regarding the use of electronic media to provide service. If anyone wants a copy of the Powerpoint information I received, let me know.

The League's Board of Directors has set a maximum increase of 3.75% for 2009 dues. The final amount will be set in August.

**Elections:** We are entering the bi-annual election cycle. The Primary Election will be held on Tuesday, September 9, with the General Election on Tuesday, November 4. The City will be voting at the Holy Cross Church again. The Church will be charging hall rental of \$150.00 / election this year. No city offices will be voted at the Primary. The Mayor and two City Council seats are up for election this year. Filing for City offices opens on Tuesday, August 26, and closes on Tuesday, September 9. I attended training for election administrators at Rice County on Thursday, June 26.

## **Boards and Commissions**

**Planning Commission:** The Planning Commission met on June 19 with the primary purpose of discussing zoning in the annexation area. Some of the members raised questions as to the authority of the commission and how it relates to the enforcement of zoning issues in the annexation area. It was suggested the commission should act as a separate body with separate minutes and staff. That is not the interpretation of the City's staff. City Attorney Callies will contact the Township's attorney to clarify their position. A suggestion is to request a joint statement from the two attorneys concerning the establishment and enforcement of zoning regulations in the annexation area.

**Special Council Meeting:** The Council met on June 19 to review police department issues. McCarthy reported there was a difference in interpretation of the wage program between City staff and the labor union concerning a change in job classification. He and the union representatives will meet to clarify the issues before the final offer to the applicant. Council also reviewed a suggestion to consider contracting for police services with the City of Northfield. Several residents spoke in favor of keeping a police department, even if the costs were higher. No action was taken on the proposal, so the City will move forward with the hiring of an additional full time officer.