

Administrator/Clerk's Report

To: Mayor and Council

From: John M. McCarthy

Date: April 26, 2010

Ordinances and Resolutions

Ordinance 2010 – 02 Regarding Lawn Sprinklering: Council has reviewed this ordinance at previous meetings and revisions were made to more clearly identify lawn sprinklering. (Motion)

Resolution 2010 – 13 Request Increasing the Pedestrian Phase Stop Light Timing: Proposed new standards will permit increasing the pedestrian phase of stoplights. Current standards set the pedestrian phase, the time the WALK signal begins, through the blinking DON'T WALK sign until the DON'T WALK remains constant, at 4.0 feet per second walking speed. The proposed new standards will decrease the walk speed to 3.5 feet per second; thereby increasing the time the WALK signal remains on. Northfield is also requesting MnDOT apply these new standards on the signal lights on TH3. (Motion)

Resolution 2010 – 14 Approving PUD for Epic Enterprises, Inc: Epic Enterprises Inc intends to construct a new facility on property they are acquiring located at 430 Railway Street S. Dundas. The property is zoned Limited Industrial (LI). Due to the irregular configuration of the property and the design requirements of the Epic operation, they are requesting a PUD overlay as permitted by Chapter 15, Section 16, Subsection 1(D) "To allow variation from the provisions of this Ordinance including setbacks, height, lot area, width, depth, yards, etc." The Planning Commission held a public hearing on the request on April 15, 2010. The Planning Commission recommends approving the request with 5 specific requirements. (Motion)

Resolution 2010 – 15 Changing the Number of Park Board Members and Repealing Resolution 2010 – 02 After meeting the applicants for the Park & Recreation Advisory Board, the Board is requesting council repeal the resolution reducing the number of members to five and return to a seven member board. The board will still be one member short (Motion)

Resolution 2010 – 16 Regarding Permitting Motorsports in Rice County Highway Commercial Zone A developer has requested that Rice County amend the Highway Commercial Zone to allow motorsports as a conditional use. This development could have a major impact on the intersection of CSAH1 and I35 which is the primary link between Dundas and the Interstate Highway System. Some of the items which are being raised are:

1. The project will increase the tax base and provide employment.
 - a. Although the proposal will provide additional tax base, it is my understanding the figures are based on the property being taxed on full purchase price and full build out of all structures. Past experience suggests most property is not taxed on the full purchase price until other properties provide a comparable value. A 109 acre site in the vicinity of CR1 and I35, which was rumored to be a possible location, paid \$2,604 in real estate taxes in 2009. Rice County's portion of the taxes was \$1,067,38. It is possible the tax information may represent total taxes and not just Rice County's portion.
 - b. The proposal represents the MotoKazieLand operation will provide 5 or more full time jobs plus in the neighborhood employment for 50 or so people on a part time basis. It could be argued a commercial use on 100 + acres of land should provide more than 5 full time jobs. As the land is most likely productive agricultural land, it is already providing some level of employment.

2. The project needs to be developed/located in the Rice County Highway Commercial Zone.
 - a. Organized Motor Sports is allowed by conditional use in Agricultural and Urban Reserve zones in Rice County. These two zones comprise most of the land in the county.
 - b. Slightly over 3 miles, measured on one frontage, of I35 are zoned Highway Commercial. About 10 times that amount or over 30 miles of I35 frontage appear to be available in the Agricultural or Urban Reserve zones. The applicant has represented to the Faribault Daily News that there are "several parcels for sale" in the area.
3. One of the requested amendments is to decrease the noise standards. Property zoned commercial permits an increase in the decibel level allowed to be created by the activity related to the property.
4. Considerable work has gone into developing the Master Plan and Alternative Urban Area-wide Review which resulted in standards for the HC District. Although the standards are less than 5 years old, a change in how development may and will proceed could open the door for a comprehensive review of the HC District and the associated standards.

I believe this type of a tourist / entertainment development could be a great asset to Rice County. I think there is a legitimate question as to how appropriate a motor sports operation would be in the HC District. I recommend requesting Rice County deny the requested amendments and begin a process to re-examine the appropriate uses of the HC District. (Motion)

Old Business

Titan Supply Building Permit: City Engineer McMahon and I met with Dan and John Zander regarding the application for the building permit which was to be submitted by April 21. The Zanders informed the City they had just received the soils report and needed additional time to complete the required drawings. There continue to be some questions about the site drainage plan, but Tom has been working with the Zanders to resolve the issue. I recommend continuing the time for submittal of a complete building permit to May 5, 2010 (Motion)

Amended Annexation Agreement: In the workshop held on Tuesday, April 20, Council reviewed suggested wording changes in the proposed amended annexation agreement. Bridgewater Township has requested another meeting of the Task Force and they will be meeting on May 3, 2010. (Motion)

Park Board Appointments: Assuming the number of members on the Park and Recreation Advisory Board is returned to seven, the Board is requesting the appointment of both Noemi DeRosas and Deb Mikulecky to fill two open positions. City Code established the terms at 3 years. I recommend appointing both applicants to terms expiring in 2012. (Motion)

Approve 2010 Rough Cut Mowing Contract: Superintendent Duane Meliza, City Engineer Tom McMahon and I reviewed the 2010 / 2011 Rough Cut Mowing Proposals. The City received two rough cut mowing proposals for a two-year cycle. After further review, staff recommends accepting the Rough Cut Mowing Proposal submitted by Confab Building Systems. (Motion)

Liquor License Training: The Minnesota Dept. of Public Safety, Alcohol and Gambling Enforcement is holding a series of no cost training for those involved in issuing liquor licenses. The nearest training is in Wait Park on May 12. As there will be a cost for lunch, I am requesting normal and customary expenses for staff to attend the training. (Motion)

New Business

Tax Rebate Annual Accounting / Accounting of use of Tax Rebate Funds: Bridgewater Township has submitted a spreadsheet showing the 2009 tax rebate amount to be \$26,120.67. Staff has reviewed the information received and determined the correct amount should be \$30,410.83. The difference is due to the Township incorrectly computing the tax capacity and the portion of the property to which the rebate applies of the College City Beverage property. We also found that on the 2008 accounting, the Township included one property twice. The computed amount includes a charge of \$110.13 for time spent auditing the accounting in accordance with the annexation agreement.

On April 19, the Township submitted an accounting of the use of tax rebate funds to "improve and /or maintain roadways affected by proposed annexations" (Orderly Annexation Agreement, Section 21). The accounting shows that Bridgewater Township spent \$17,022.69 on Township Roads, primarily Decker and 115th Street. I have not received enough information to determine if the expenditure of the tax rebate funds is in accordance with Sections 18 and 21 of the Annexation Agreement. It is possible some of the funds expended should have been the Township's responsibility in accordance with Section 19.

I suggest the City has several options including:

1. Authorize paying the Township \$30,410.83 for the 2009 tax rebate
2. Withhold the entire payment pending clarification of the expenditures.
3. Authorize payment of the difference, \$13,388.15, with any additional payment pending clarification of the expenditures.

(Motion)

Attorney's Report

Kor Property: The City and MN Revenue are progressing to the final resolution of the Kor property Issue.

Engineer's Report

PRV Repairs: Automatic Systems has completed the repairs to the Pressure Relief Valve. We have also taken steps to reduce the moisture build-up which contributed to the premature failure of the components.

Administrator's Report

Financial Report: The City's General Fund Expenditures for the first quarter are \$203,594 or \$42,296 more than last year. The increase is primarily due to costs incurred due to the heavy snowfall, building inspection expenses and the purchase of a new police car. The year to date GF expenditures are 25.0% of the budget. Revenue is \$42,336 or an increase of \$14,838. The increase in revenue is primarily in fees related to construction.

Water fund revenue is \$59,257 or \$19,885 more than last year. Part of the increase is due to the reoccurring payments to the water meter upgrade. Expenditures in the water fund are \$48,132 which is \$8,570 less than 2009. Last year we had an expense of over \$25,000 to purchase water meters and this year we had the first quarterly payment for the long term maintenance contract.

Sewer fund revenue is \$89,615 or \$18,167 more than last year. Expenses are \$56,015 or \$2,107 more than last year.

Census 2010: Citizens should have received their census forms for the April 1, 2010 census. It is important that everyone returns the accurate census. Linda provided extensive information on the census in the Dundas Messenger and additional information is available on the website. According to the Census Bureau, Dundas has achieved an 84% participation rate for returning the mail in census, this compares to 78% for Minnesota and 71% nationally. In 2000, the participation rate for Dundas was 74%. Minnesota is number three among the states for participation. 10 of the top 50 cities with populations over 50,000 for returning the mail in census are located in Minnesota.

Interim Use Permit: Many local governments have adopted Interim Use Permits (IUP) as a compliment to a Conditional Use Permit(CUP). An IUP permits the city to set a time or other limit on the life of the permit. This permits the community to be more flexible in permitting uses without creating additional future problems. The Planning Commission is recommending the City consider adopting an IUP as part of the Zoning Ordinance. I will be asking City Planner Laurie Smith to prepare a cost estimate to amend the City Code to include IUP's.

First Quarter Building Permit Report: For the 1st quarter of 2010, the City has approved 4 building permits for single family homes.

Radio Read Water Meter Installation: Linda Ripka has reported all but 2 water meters have been upgraded to radio read meters. The two accounts, which have not been upgraded, are homes now in foreclosure and are unoccupied. In accordance with Council resolution, we have turned off the water at those accounts, and it will not

be turned back on until the home is sold, the meter is installed and all fees are paid. All occupied delinquent accounts, which were scheduled for shut off, have made payments or acceptable arrangements. However, an additional unoccupied, foreclosed home was shut off.

ATV and Off Road Vehicles at Bridgewater Heights: Superintendent Meliza has reported there is damage being caused to the pumphouse/east tower access road by ATV users. The Police Department has been informed and will be paying special attention to improper use.

TH3 Speed Study Request: Northfield City Engineer Katy Gehler has submitted both Northfield's and Dundas' resolution requesting a speed study to MnDOT.

Road Closure: Signs have been placed on CSAH #1 indicating the road will be closed May 3, 2010. According to the Rice County website:

This project will consist of reconstructing the existing 22' blacktop surface to a 10 ton 40' paved surface with 12' driving lanes and 8' shoulders. Reconstruction will also include culvert replacement and roadway alignment changes. The first of the two alignment changes will occur at the intersection of Baseline Road and CSAH 1 where two of the existing sharp curves will be replaced with one long, flat and much safer curve. The second and primary alignment change will consist of moving the existing road, which currently divides the Little farm, north, eliminating two of the unsafe curves west of their farm.

Elections: The State has changed the date of primary election to August 10, 2010. The General Election will still be held on the first Tuesday after the first Monday in November. This year the date is November 2, 2010. We have contacted the people who have served as election judges in the last election to see if they are willing to serve this year. Voting will continue to be held at the site of the Holy Cross Church. We will be holding the election in the former chapel instead of in the hall which has been remodeled into office and waiting/conference area.

Northfield/Dundas Area Joint Governmental Meeting: Greenvale Township is hosting the quarterly Joint Governmental Meeting at 7:00 p.m. on April 28, 2010 at Greenvale Township Hall, 31800 Guam Ave.

Pay Equity Seminars: Springsted is hosting a series of no cost seminars on job classification and comparable worth for governmental entities which have pay equity implementation reports due in 2011. Dundas will have their every 3 year report due in January, 2011. I plan on attending the session on May 10 in St. Paul.

Liquor License Renewals: Linda Ripka has sent notices to all current holders of liquor licenses. The license period runs from July 1 to June 30 of the following year.

Chamber of Commerce Membership Forum: The Northfield C of C is holding a membership forum on property taxes with an emphasis on commercial property taxes. The primary presenter will be Rice County Assessor, Paul Knutson. The Chamber has requested additional information regarding local impact and components of property taxes from Northfield, Dundas and the school district. I will be presenting the information for Dundas. The forum is at 7:30 a.m., Friday, April 30, 2010 at Community National Bank in Northfield.

Committee Reports

Council Workshop: At the workshop, council reviewed information regarding the sewer interceptor and lift station repairs being planned by the City of Northfield. Council and staff discussed and reviewed amendments to the Orderly Annexation Agreement. There was also a substantial discussion of the requested amendment to the Rice County Zoning Code.