

Administrator/Clerk's Report

To: Mayor and Council

From: John M. McCarthy

Date: June 14, 2010

Consent Agenda

Payment for Training: This payment of \$225.00 is to reimburse Officer Kris Wilson for EMT training at Hennepin Technical College and is to resolve a Step 2 Grievance filed by Wilson. The Union agreed this would not set precedence and the City's policy regarding pre-authorization of training expenses is understood. I recommend payment.

Interest Payment: This is the interest payment due July 1, 2010 on the \$1,320,000 GO Water and Sewer Revenue Refunding Bonds, Series 2006B.

Public Hearing

Receive Information Regarding Revoking a CUP for Titan Supply Co. At the May 24, 2010 regular meeting, the City Council called for a public hearing regarding revoking the Conditional Use Permit for Titan Supply Company as described by Resolution 2004-34 and restated by Resolution 2008 – 39. A notice was published in the Northfield News on June 2, 2010 and delivered to property owners by US Mail as required by statute. The City has agreed to several extensions of the time limit to apply for the building permit as authorized by the CUP to allow the applicant to fully comply with the conditions. At about 2:30 pm, this afternoon, the city received approximately 250 pages of electronic documents titled Exhibits for Titan Supply Company Hearing from the office of Mohrman & Kaardal, P.A. About 150 pages of the exhibit were a reprint of Chapter 1500 of the Dundas City Code. The rest of the exhibit appears to be reprints of documents such as resolutions, letters, e-mails, reports and memos which have been discussed thoroughly at previous council meetings. There does not appear to be any new information in the exhibit. The City did not receive a written progress report from Dan Zander (Titan Supply Company) on May 26, as required by council action. Complete plans were not received by June 9, 2010 as required by Council action. (Motion)

Ordinances and Resolutions

Ordinance 2010 - 04 Setting Term of Mayor's Office: Council members have asked that staff follow up on former Mayor Chad Marks' request to consider a change in the term of the office of mayor from two years to four years. Minnesota Statutes § 412.022 requires the change in term of office for a mayor in a statutory city to be made by ordinance. (Motion)

Resolution 2010 – 19 Appointing Election Judges: Eight people have applied to be election Judges. Although we do not need eight, the large number will allow a couple of ½ day shifts. I recommend appointing all of the applicants. (Motion)

Resolution 2010 – 20 Authorizing the Sale and Consumption of Intoxicating Liquor at a Community Festival: The Dundas Historical Society has requested licensed establishments along Railway Street North be permitted to dispense intoxicating liquor in a specified area as permitted by Minnesota Statutes 340A.404, Subd. 4 during the Celebrate Dundas festival. (Motion)

Resolution 2010 – 21 Set Dates for future Community Festivals and Authorize the Sale and Consumption of Intoxicating Liquor: The City has received a request from Dawn Kruse to declare two additional community festivals, Dukes Appreciation Day and Detour Days. (Motion)

Old Business

Consider Tabled Motion Regarding Councilmember John Zander: At the May 25, 2010 Council Meeting, Councilor Nate Ryan introduced a motion regarding Councilor John Zander's residency. The motion was tabled to this meeting on a vote of 4 to 0. The City has received two data practice requests from Attorney Erick Kaardal, representing John Zander. The first requested documents relating to Zander's residency and council actions regarding his residency from January 1, 2010 to June 9, 2010. It was e-mailed after city offices closed on Wednesday, June 9, 2010. I responded on Friday, June 11, 2010 with the information that there are no city documents relating to the much of his request. I sent Kaardal a requested copy of the Guide for Members of the Public, Tom Neuville's Memo from the previous time Zander's residency was questioned and a copy of the draft minutes from the Council Meeting of June 24, 2010. The second request, e-mailed late Friday afternoon, was for a copy of the recording of the May 24, Council Meeting. The following motion will allow consideration of the tabled motion.

Move to remove from the table for consideration the motion to remove Council Member John Zander. (Motion)

Consider information received at the Public Hearing Regarding Revoking the Titan Supply Co. CUP: Council can take several actions regarding the information received at the Public Hearing. Some of the possible action are:

1. Find that Titan Supply has complied with the terms of the CUP.
2. Continue the time period allowed for Titan to comply with the terms of the CUP.
3. Revoke the CUP

Amended Annexation Agreement: The City and Township have been working to insure communications and procedure regarding zoning in the annexation area are understandable and work for both governments. Mayor Switzer wants to proceed with developing the joint policy for road maintenance I recommend the following motion:

Move to authorize Mayor Switzer to begin discussions with Bridgewater Township to develop a joint policy for sharing the cost with respect to road maintenance and other improvements pursuant to Section 11 of the Annexation Agreement. (Motion)

New Business

Define Restaurants for Sunday Liquor Sales: To insure compliance with State Statues, the Council should identify establishments holding a Limited Service Restaurant License as a Restaurant for Sunday liquor sales. **Move to define all licensed establishments holding a current Restaurant License issued by the Minnesota Department of Health, including Limited Service Restaurants as a Restaurant for the purpose of Sunday Liquor Sales.** (Motion)

Sunday Liquor License: Dawn's Corner Bar has applied for a Sunday Liquor License based on being defined as a restaurant. (Motion)

Amend Agreement w/ Henry Albers: Mr. Albers has requested permission to create a new lot along West Ave. He has agreed to permit the city to acquire a road right of way when it is needed in exchange for the City permitting the creation of a single lot where the old farm house is located. City Attorney Callies has drafted an amendment to the agreement. (Motion)

Authorize completion of a Development Plan for the Mill Towns Trail Trailhead: The Park and Recreation Advisory Board is recommending the City authorize necessary expenses to complete the development plan for the Mill Towns State Trail Trailhead. (Motion)

Accept Park & Recreation Advisory Board Work Plan for 2010: In addition to the necessary addition of wood fiber at Millstone Park, the Board is recommending the installation of a sitting bench at Millstone Park, a bike rack at the Trailhead and continuing work to improve the ice rink at Bridgestone Heights with the goal of having lighting this winter. (Motion)

Habitat for Humanity: Habit for Humanity is requesting the city waive fees related to the building permit for the 2010 home being built at 230 Spring Wheat. (Motion)

ATV/Golf Carts: ATV/Golf Cart use on City streets as permitted by City Code § 705.01 is becoming difficult to regulate. After reviewing with Chief Mincke, we are recommending staff be authorized to review the code and recommend any changes. As the annual renewal licenses are due, if the review is authorized, we will not be enforcing the permit until Council completes any action. The Police Department will still be enforcing traffic laws and the other requirements of 705.01. I recommend the following motion.

Move to authorize a review of Dundas City Code Title 7, § 705.01 Motorized Golf Cart and ATV Regulations with the review to be presented to the City Council at the July 12, 2010 regular meeting. (Motion)

Attorney's Report

Kor Property: The County has received and processed the deed for the Kor Property.

Engineer's Report

Interceptor Concerns: The meeting with mayors and staff of both cities has been rescheduled to 3:30 pm on June 22.

Consultant Services for Wastewater Planning: Staff has been reviewing Dundas' options regarding the need for additional wastewater treatment capacity. We have received a proposal from TDKA to do a conceptual review of options. We recommend entering into an agreement with TDKA to perform a conceptual Wastewater Treatment Analysis of the Dundas wastewater system as described in a letter from Ted K. Field, P.E and dated June 8, 2010 for a cost not to exceed \$10,000. (Motion)

Administrator's Report

Northfield Tax Comparison: In the June 4, 2010 Northfield Administrator's Report, Northfield Finance Director Kathleen McBride included a comparison of city tax bills suggesting there may be a significant difference between the tax burden of Dundas and Northfield property owners. McBride may not be considering all of the factors in her possibly simplistic comparison. Although Northfield's tax rate is currently lower than that in Dundas, there seems to be evidence that similar properties may be valued differently between the two communities. For example, applying data for 2009 from Rice County to a review of four randomly picked residential properties in each community which were constructed between 2005 and 2007 shows:

Location	Average Value (4)	Ave. Sq.Ft.	Ave. City Tax	Ave Tax/Sq.Ft.
Northfield	\$279,700	1608	\$1,141.13	\$0.71
Dundas	\$278,525	2367	\$1,543.96	\$0.65

A review of Rice County records for two newer commercial properties in essentially the same business located along Highway 3 and developed about the same time shows:

Location	Taxable Market Value	2009 City Tax	Building Size	Constructed	Property Area
Northfield	\$954,900	\$7,985.29	6,400 sq.ft.	2006	0.6 Acres
Dundas	\$945,800	\$8,353.85	11,340 sq.ft.	2005	4.8 Acres

I believe there may be more to the differences in taxes between the two cities than just the tax per property of comparable value.

Celebrate Dundas: The City has received authorization to close a portion of Railway Street North. (CSAH #1) on June 26, for Celebrate Dundas. The street will be closed from 8:00 am to 7:00 pm.

Police Vehicle: We have advertized the 2004 Crown Victoria for sale on Craig's List. The asking price is \$4,295.

Building Permit Report: The City has issued 4 more building permits for single family homes. This brings our total to 9 for the year.

Water Break: The break in the water line along Archibald Lane has been repaired. It looks as if improper installation may have contributed to the problem. We have contacted the insurance company and an adjustor has been assigned. The break was first identified on Sunday, May 23. Superintendent Meliza attempted to turn the water off at the curb stop that evening and it was determined the leak was occurring on the supply side of the curb stop. The leak was coming up to the surface in an small area which included Xcel, Quest and Jaguar junction boxes, Xcel natural gas lines, Charter Communications lines. Doug Sonnee was contacted to assist with the repair and brought

LMC Annual Conference: I will be attending the LMC Annual Conference, June 24 and 25, in St. Cloud.

Business News: Dakota Pump and Controls, a Watertown, South Dakota company specializing in submersible pumps, has opened a Minnesota office in Dundas. Southside Rebuilders has been working to clean up their property including the construction of a secure storage area. The Weaver Lane businesses have installed a new consolidated sign. Firehouse Liquors has been re-siding and improving the appearance of their store. MGM Liquor has applied for a 2010/11 liquor license and the application will come before council at the next meeting. Subway has indicated they intend to be open this summer.

Election Training: I attended election training for clerks which was held by Rice County. One of the biggest changes will be the handling of absentee ballots. All absentee ballots will be handled and counted by Rice County. This means final results of local elections will not be available until they are posted on the Secretary of State's website.

Rice County Administrator's Meeting: At the meeting we discussed several items of mutual interest including the conversion of public safety communication to 800Mhz, a county-wide parks plan, possible changes in how the handles reimbursement with communities that provide composting and shared services. We will be meeting in July to receive information regarding forming a county wide safety and loss control training program.

Weeds / Long Grass: The City has received complaints regarding property appearance. Staff has contacted the affected landowners and has been assured by all except one that they will be addressing the problem. Staff has documented the violation at the properties and will be notifying the owner prior to mowing. The documentation and notification are necessary to be able to levy the cost of forced mowing to property taxes.

Flag at Trailhead: On Friday, June 11 the American Flag had to be lowered due to the upper eye becoming disconnected from the line. Inspection revealed the connecting turnbuckle/clip had worn through and broken. Due to the condition of the line, a new line has been ordered and will be installed along with replacement hardware.

Committee Reports

Finance and Legislation Committee: The Finance and Legislation Committee met on June 7 to begin work on the 2011 General Fund Budget. The Committee reviewed the current status of 2010 with the approved reduction in state aids. I will be meeting with department heads, staff and appointed bodies to further refine the budget before requesting a Council work session. The preliminary review suggests a minimal levy increase might be necessary to prepare for anticipated reductions in state aids.

Park and Recreation Advisory Board: The Park and Recreation Advisory Board met on June 8, 2010. The budget for 2010 year to date and proposed for 2011 was discussed. The Board recommended several projects for 2010.