

# Administrator/Clerk's Report

To: Mayor and Council

From: John M. McCarthy

Date: August 9, 2010

## Consent Agenda

**MN Public Finance:** The semi-annual principal and interest payment of \$30,664.11 is for the MPFA G.O. Wastewater Treatment Note of 1997A. The City will retire the note in 1918.

## Ordinances and Resolutions

**Ordinance 2010 - 06 Amendment to ATV / Golf Cart Ordinance:** (Motion)

**Ordinance 2010 - 07 Amendment Chapter 1500** The Dundas Planning Commission held a public hearing on the amendment to Chapter 1500 which would bring the treatment of variances in line with a recent Supreme Court ruling. There was no public comment. The Commission recommends approval of the proposed text amendment. (Motion)

**Resolution 2010 – 28 Approve Preliminary and Final PUD for Mechanical Systems:** The Dundas Planning Commission held a public hearing the Planned Unit Development requested by Mechanical Systems. Mechanical Systems wants to expand their office space to accommodate an increased workforce. Mechanical Systems is proposing a PUD which will designate the side of the property facing CSAH #1 as the front yard and a permitted reduction of the front yard setback to 30 ft for a distance of 45 ft for the existing office space. There was no public comment. The Planning Commission recommends approval of the request. (Motion)

**Resolution 2010 – 29 Interim Use Permit for Gooter Investments, Inc:** The Dundas Planning Commission held a public hearing on the request by Gooter Investments Inc for an Interim Use Permit for a second freestanding sign on an adjoining property. The sign would be located on the Menard's property and be for retail commercial businesses located on Schilling Drive. A public comment was received from David Salene representing Dale Quist which lists several concerns. The Planning Commission recommends approval of the request with an additional condition requiring removal or negotiation upon development of the Anderson/Quist property. The Planning Commission recommends approval of the request . (Motion)

**Resolution 2010 – 30 Destruction Order:** Several properties have been inspected for violations of the long grass and weed sections of Dundas City Code. The properties were documented to be in violation and the Mayor is requesting a Destruction Order. Staff recommends approval of the destruction order. (Motion)

## Old Business

**Bridgewater Township Member on the Dundas Planning Commission:** The Township has submitted two names for membership on the Planning Commission. The two candidates are Gary Ebling and Andrew Ehrmann. (Motion)

## New Business

**Request for Extension of Time to Remove County Market Building Materials:** By an e-mail received by the City on February 17, 2010, John Zander has stated that he will remove the County Market building materials stored on his property. The City Council had set and extended several deadlines for the disposition of the materials, the latest being July 31, 2010. On Thursday, July 22, John Zander proposed the City adopt a resolution which would extend the time period for the removal of the building materials. He submitted a proposed resolution with several findings of fact which were not supported by any accompanying information. I informed Zander that he should provide the information on which Council can base findings. Zander has since requested the City again extend the time to remove the materials to permit the reconstruction for a company he owns on the property owned by Titan Supply. He has previously represented he is an officer of Titan Supply. On Wednesday, July, Zander submitted a request to have council consider action which would permit an extension and some supporting information.

Zander or Titan have removed some of the County Market material from the property on which is has been stored. It looks as if the larger steel roof joists have been removed from the property. There does not seem to be any activity to remove the concrete panels.

## Administrator's Report

**Financial:** The 6 month financial information for the General and Enterprise Funds included in the packet for the last meeting had some incorrect figures. The percentage of year to date totals as compared to annual budget totals were incorrect. All amounts and totals were correct but a glitch in a Banyon software upgrade evidently did not compute the totals percentage correctly.

**Tower Lease for 800 MHz System:** The City has received a proposed lease for the use of the Bridgewater Heights Water Tower for the 800 MHz System. Staff will be reviewing the lease and proposing amendments.

**Titan Supply vs City of Dundas:** On Tuesday, July 27, 2010, Titan Supply filed two lawsuits against the City of Dundas. The League of Minnesota Cities Insurance Trust has informed the City that staff attorney Paul A. Merwin has been assigned to handle the case. The Minnesota Court of Appeals case number is A10—1302 and the Third District Court file number is 66-CV-10-2242. Administrative staff has already spent over 40 hours, much of it overtime, assisting the attorney with preparing the response.

**Pavilion Rental Problems:** The City is has been receiving complaints regarding loud music at the pavilion. I will be asking the Park and Recreation Advisory Board to review the complaints and recommend any appropriate changes in the pavilion rental policy.

**2011 LGA:** The City has received the 2011 Local Government Aid Notice from Minnesota Revenue. Certified LGA for 2011 is \$132,974. Preliminary information received from the State of Minnesota indicated the City would receive \$132,633 in LGA for 2011 and no Market Value Homestead Credit payment. For 2010, certified LGA for the City of Dundas was \$95,924, of which \$52,030 was proposed to be unallotted for a net 2010 LGA of \$43,894. In addition the City should receive \$26,949 in Market Value Credit payments for 2010. This is a reduction from the original estimated amount of \$43,715.

**Kor Property Deed:** The City received the deed to the Kor Property on August 2, 2010.

**TIF Reporting for 2009:** Springsted has submitted TIF reports for 2009 to the State Auditor's Office.

**Data Practice Request from Northfield News:** David Hinke of the Northfield News has submitted a Data Practice request apparently based on information received from John Zander. Some of the requested information was available on the City website. In addition to responding with information requested via e-mail., Mayor Switzer and Administrator McCarthy met with representatives of Northfield News on Friday, August 6, and provided the newspaper with additional information regarding the financial stability of the City of Dundas.

**Question Regarding Picnic Tables at Millstone Park:** In response to questions regarding picnic tables at Millstone Park I have looked at the records. In 2008 two picnic tables were proposed for installation at Millstone Park. According to the minutes of the Dundas Park and Recreation Advisory Board meeting of July 10, 2008

“Councilor John Zander said he is willing to donate the recycled materials and bring them to the Correction Facility to be put together. Zander will take the lead on coordinating the completion of the benches.” No tables or benches were provided. In 2009, City staff moved a picnic table to the park. In 2010 the P&R Advisory Board asked for and Council approved the installation of a bench at Millstone Park.

**Elections:** Primary Elections will be held tomorrow, Tuesday, August 10, 2010 at the offices of Rejoice! Church (the former Holy Cross). The General Election will be Tuesday, November 2, 2010. Filing for local offices opened on Tuesday, August 3 and will close at 5:00 pm, Tuesday, August 17, 2010. The Mayor and two Council Members will be elected. .

### **Committee Reports**

**Public Safety Committee:** The committee met on Wednesday, August 4, with Chief Mincke and reviewed the budget. Several line item adjustments were recommended and incorporated into the preliminary budget.

**Business Development Committee:** The committee met on Wednesday August 4 and reviewed several items including pedestrian and streetscape improvements.

**Planning Commission Public Hearing and Special Meeting:** The Planning Commission held a Public Hearing and Special Meeting on Thursday, August 5, 2010 to review a PUD application, a text amendment to Chapter 1500 and a IUP request.