

Administrator/Clerk's Report

To: Mayor and Council

From: John M. McCarthy

Date: February 8, 2010

Consent Agenda

Public Finance Authority: This is the semi-annual payment for the \$927,469, 1997 Clean Water Revolving Fund Loan. After this payment, the loan balance will be \$410,980.78. The loan will be paid of in February 2018.

Old Business

Bridgewater Township Annexation Agreement: The task force met to discuss amending the annexation agreement.

Plans for Disposition of County Market building materials: On Thursday, January 28, the City received an e-mail indicating it is John Zander's intent to erect the building materials stored on his property. Council action at the regular council meeting of January 26, 2009 required submittal of preliminary plans by January 31, 2010. Zander has been asked to meet with city staff and his engineers/architects to review the requirements necessary to meet the timeline set by Council. At the 2009 meeting, Council set April 30, 2010 as a date for submittal of detailed plans. No communication has been received from Zander or his representatives regarding the preparation of detailed plans. The "concept" plan suggests a subdivision of the property. This could create a "landlocked" property. The Dundas Zoning Code requires any proposed project greater than 2 acres to be a Planned Unit Development (PUD) or for the proposer to apply for a waiver of the PUD requirements. Both procedures require a public hearing before the Dundas Planning Commission and final determination by the Dundas City Council.

Titan Supply: Another matter in the same area of the City is how Council would like staff to handle the question regarding Titan Supply Company (Titan) and the application of a building permit for the construction of storage bins/tanks. It is staff's position that Titan did not comply with the requirement of Resolution 2008 – 33 *A Resolution Restating and Amending Conditional Use Permit for Titan Supply Company*, to submit an "application for building permits within ninety (90) days of the date of approval". To review staff's concern:

1. In February of 2008, several bins/tanks were moved onto the Titan property and stored outside in the area facing DeMann Court.
2. On June 11, 2008, the City of Dundas served Titan with a Notice of Zoning Violation.
3. Titan requested a hearing before the Dundas Board of Adjustment to dispute the notice.
4. On August 11, 2008 the Board of Adjustment met, held a public hearing on the appeal and continued the matter to August 25, then to September 8 and finally September 29, 2008.
5. To resolve the matter regarding the storage and/or use of the bins/tanks and a possible violation of a Conditional Use Permit (CUP), on September 29, 2008 Titan agreed to withdraw the appeal and apply for a permit to erect the tanks and the City agreed withdraw the notice of violation and continue the CUP pending the receipt of a complete application for a building permit within 90 days.
6. On September 30, 2008, John Zander, representing Titan Supply, submitted an application for a building permit to "pour foundations, erect silos".
7. On October 2, 2008, Benny H. Svien, City of Dundas Building Official rejected the application as incomplete and provided Titan with a list of items which would be required in a complete application. Svien also provided several pages of documents explaining the proper procedure and information required. Item #2 in Svien's letter to Titan specifically referred to the receipt of approval that the project meets all city applicable laws and ordinances.

8. On October 8, 2008, City Engineer Thomas McMahon sent Titan a letter outlining the additional information and submittals required to meet city laws and ordinances.
9. On January 7, 2009, about 103 days after Council continued the CUP, City Administrator McCarthy e-mailed John Zander regarding the status of the building permit application.
10. On January 8, 2009, Dan Zander, Titan Supply Company sent revised plans to Benny Svien along with an unsigned letter incorrectly stating that "city staff has provided you with confirmation that the project meets all city applicable laws and ordinances".
11. On January 13, 2009, Svien sent Dan Zander a letter acknowledging significant but not final compliance of the currently submitted plans and identifying the items which still needed to be completed including approval that the project meets all city applicable laws and ordinances. Svien has indicated he subsequently received certain engineering information requested.
12. On January 14, 2009, McCarthy sent Dan Zander an e-mail describing the city's concern, explaining the process to submit a complete application and requesting a time table to review with City Council. The e-mail was copied to all council members, City Attorney Callies, McMahon and Svien.
13. No further communication concerning conforming with the Dundas Zoning Code in order to obtain a building permit for Titan Supply to erect bins/tanks has been received by the City.

The Minnesota Building Code, Chapter 1300.0120, Subparts 7 and 8 describes the process to submit an application for a building permit and the responsibility of the building official in determining if the application is complete or needs to be rejected. Subpart 9 requires an application for a permit to be considered abandoned 180 days after the date of filing. Titan Supply Company was provided a copy of 1300.0120 Subparts 7, 8 and 9 by Svien in his letter of October 2, 2008.

It is the position of staff that:

1. A complete application for a building permit was never submitted.
2. Titan Supply Company is in violation of the terms of Resolution 2009 – 39

Unless instructed differently by council, it is the intent of the Zoning Administrator to issue a Notice of Violation to Titan Supply Company regarding non-compliance with the terms of the restated and amended Conditional Use Permit.

On Friday, February 5, 2010, attorney Bruce Malkerson submitted two electronic letters to City Attorney Paula Callies. This is the first communication the City has received concerning the proposed installation of the tanks/bins since January 2009.

New Business

Purchase Squad Car: Police Chief Gordon Mincke has been reviewing options for replacement of the 2004 squad car including lease or purchase. I did a cost comparison of a lease to an outright purchase and determined a purchase would save the city between \$2,000 and \$3,000 dollars. Although some of the vehicles with police options may be a little less expensive, it is staff's recommendation to purchase a 2010 Ford Crown Victoria. This will be the last production year for the Crown Vic, but all of the electronic gear can be transferred from the current vehicle saving a significant amount of money over the purchase and installation of new lights and electronics. Mincke is recommending changing from a single color vehicle, white, to a black and white configured unit. This would be achieved by purchasing a black vehicle and wrapping the doors with a white material on which graphics would be printed. This saves several hundred dollars over purchasing a black and white color combination from the manufacturer.

Mincke prepared specifications which were submitted to the Minnesota Co-operative Purchasing Venture (CPV) and a local dealer. The CPV price equipped according to Mincke's specifications and delivered to Dundas is \$21,869.32. The CPV price does not include registration fees. Dockmo has provided the City with a quote of \$21,869.00 plus registration.

Currently the best quote for removing the electronics from the old car, remounting in the new car and installing the vehicle graphics is \$2,350.90. Total cost for the new squad when it is ready to hit the street should be about \$24,220. In 2005, the City purchased a Crown Victoria including new lights and electronics for \$28,486.38, not including the Mobil Vision camera.

The old car would then need to have the graphics removed, detailed and declared surplus in order to sell.

I recommend purchasing a 2010 Ford Crown Victoria from Dokmo, Northfield for the quoted price of \$21,869.00.
(Motion)

Request for Naming Rights: The City has received an inquiry from the Dundas Dukes regarding the sale of naming rights for the Memorial Park Ball field. Dukes Manager Mike Ludwig, has requested that he be able to present program to the Council. Staff has not been able to find similar agreements with any other communities. I believe this could be a method of defraying some of the costs of maintaining the field. Possible action would be for the City to agree to name the ball field, and only the ball field, at Memorial Park for a fixed period of time in return for a donation which will be used to defray operation costs. The City Council would have final approval of the name. Any signs would be in addition to the donation and would have to be removed at the end of the term of the agreement. Signs would also have to be approved by Council prior to installation. I recommend authorizing the City Attorney to draft an agreement to permit the naming of the main ball field at Memorial Park. (Motion)

LMC Joint Legislative Conference: The LMC will be joining with counties, schools and townships for a joint legislative conference on March 25, 2010. The cost is \$80.00. This conference is an opportunity to represent local government concerns to the legislature. I recommend approval of normal and customary expenses for council members and the city administrator to attend the 2010 Joint Legislative Conference. (Motion)

Attorney's Report

Kor Property: On Thursday, February 4, 2010 the City received a Notice of Reversion of Tax Forfeited Lands from Minnesota Revenue. Paula Callies has contacted Minnesota Revenue and spoke to attorney Lance Staricha regarding the matter. State law permits a city to close a meeting for attorney-client privilege which includes litigation.

Administrator's Report

Audit: Auditor Tom Cummings has begun the process of preparing the 2009 Audit. He has spent 3 days at City Hall reviewing the books and gathering information.

LCMIT Loss Control Meeting: Public Works Director Duane Meliza and I met with Josh Fitch, LMCIT Loss Control Consultant. The meeting was primarily about the sanitary sewer collection system, but covered most aspects of potential liability. Discussion included information concerning the City's workers compensation coverage, emergency response preparedness, sidewalk policy and mutual aid agreements. In our conversation regarding vehicle liability concerns, Fitch recommended minimizing the use of personal vehicles for city business.

East Side Trail Connection: Tom McMahon and I met with representatives from Northfield to review the status of the proposed east side trail. Northfield only received \$150K of a \$500K grant they had applied for. They anticipate current funding to be about \$336,000. They are currently looking at building the trail without bituminous surface and have eliminated a spur trail. They hope to acquire any easements at no cost. The trail is designed to connect with the Mill Towns Trail in Dundas to provide a loop trail along both sides of the Cannon River.

DNR – Annual Report of Water Use: Public Works Director Meliza has submitted the Annual Report of Water Use to MnDNR. The report indicated the City pumped 47.6 million gallons of water in 2009. This is down slightly from the 48.9 million gallons pumped in 2008. The current permitted annual volume is 49.0 gallons. We attribute the decline to less outside water being used in 2009. A review of the invoices for wastewater treatment shows that Northfield treated 26.8 million gallons of wastewater in 2009. The volume of wastewater in both years is essentially the same.

Simonson Building Tax Abatement: The Simonson Building is now owned by the bank. The original tax abatement was predicated on certain performance requirements. The City has the right to review and modify the abatement resolution. Due to state statutes concerning abatements, when a new use of the building is established, the City may be required by law to amend the agreement. The City has can also modify the agreement if Council believes it is in the best interest of the City.

C of C Northfield Area Transportation Committee: Tom McMahon and I attended a meeting of the Northfield Area Transportation Committee on February 3, 2010. The major emphasis of the meeting was how to work with MnDOT regarding issues surrounding Highways #3 and #19.

Ehlers 2010 Public Finance Seminar: On Thursday and Friday, February 4 and 5, I attended the Ehlers Public Finance Seminar. Speakers included State Finance Commissioner Tom Stinson and Gary Carlson, LMC Intergovernmental Relations. In addition to specialists from Ehlers presenters at the sessions I attended included Teresa Novak, Ramsey County Assessors Office for a property tax session, Steve Bubel; Kennedy and Graven in Advanced TIF, Mary Digiovanni from Sartel and Julie Wischnack from Minnetonka on Salvaging Real Estate Projects, John Gonyou, (former Finance Commissioner) from Minnetonka and Laurie Aherns, Plymouth on Budgets in the New Economy and Mary Ippel, Briggs and Morgan on Project Financing. Much of the information concerned how the “new economy” and the structural problems with the Minnesota State Budget will effect local government. The presentation manual included all of the PowerPoint information received in the other sessions.

Census 2010: Citizens should begin receiving their census forms in March for the April 1, 2010 census. It is important that everyone returns the accurate census.

Crisis Leadership for Local Officials: The National League of Cities and the International City/County Management Association is conducting an emergency training program in Minneapolis on May 15 and 16, 2010. There is no cost for the training.

Worklist – Progress Report

Committee assignments / Council Workshop(s): I have prepared a list of some of the work items the Council has discussed. I suggest Council identify goals based on this partial list and others as may be recommended, set priorities and assign to staff, committee and Council as appropriate:

1. Capitol Improvement Plan (Workshop, staff, F&L Committee, Council)
2. Development Fees (Staff, ? Committee, Council)
 - a. Staff reviewed on 13Jan10 – Linda has prepared a draft
3. Use of TIF Funds (Workshop, staff, F&L Committee, Council)
4. Utility Bill Certification/Shut-off/Renter-Owner Responsibility (Staff, PW Committee, Council)
5. Public Works Staffing (HR Committee, Council)
6. Wastewater Treatment (Workshop, staff, PW Committee, Council)
7. Personnel Policy (Staff, HR Committee, Council)
 - a. HR Committee will review w/staff recommendations
8. Ordinance Updating (Staff, F&L Committee, Council)
9. Annexation Agreement (Workshop, Council, Planning Commission, Council)
 - a. Council discussion 25Jan10
 - b. Task Force meeting on 1Feb10.
10. Fire Protection Agreement (F&L Committee, Council)