

# Administrator/Clerk's Report

To: Mayor and Council

From: John M. McCarthy

Date: March 29, 2010

## Consent Agenda

**Purchase Crown Victoria from Dokmo:** Dokmo has received and prepared the 2010 Crown Victoria Police Vehicle. The total amount due is \$21,869.00.

## Public Hearings

**Fees:** The proposed Fee Schedule updates several fees and adds some new fees which will permit recovering the costs of some of the services provided by the City. Notice of the Public Hearing has been published in the Northfield News.

**Vacate Utility Easement:** Ed Miller has petitioned to have a drainage easement between two lots vacated. He intends to combine the two lots and build a single family house on the combined property. All affected property owners have been notified and the notice has been published twice in the Northfield News.

## Ordinances and Resolutions

**Ordinance 2010 – 01 An Ordinance Amending Section 101.02 of the Dundas City Code:** This resolution adopts the fees which were presented at the Public Hearing; (Motion)

**Resolution 2010 – 07 A Resolution Authorizing the Purchase of the Kor Property:** City Attorney Callies has been working with Minnesota Department of Revenue to resolve the ownership issue for the Kor property. She has prepared a resolution which will authorize the City actions necessary to complete the process. I recommend approval of Resolution 2010 - 07 (Motion)

**Resolution 2010- 08 A Resolution to Vacate a Utility Easement:** This is the action on information received at the public hearing. (Motion)

## Old Business

**Titan Supply Building Permit:** City Engineer Tom McMahon and I met with Dan and John Zander and Lynn Bruner, PE, I&S Group to discuss the building permit for the tanks on the Titan Supply Property. The engineer believes the required drawings can be completed in about two weeks. The Grant of Restated and Amended CUP. Resolution 2008-39, September 29, 2010, requires certain items to be completed by certain dates unless extended by action of the City of Dundas. Staff recommends the following action:

**Move to extend the date for Titan Building Supply to submit a complete building permit to April 21, 2010.**

## New Business

**Park and Recreation Advisory Board Membership:** We have had two applications for the open seat on the Park and Recreation Advisory Board. The applicants are Deb Mikulecky, a resident of Pinnacle Drive, Bridgewater Heights Subdivision and Noemi O. De Rosas, residing on Miller Lane in Millstone Addition. (Motion)

**Consolidation of Lots:** Ed Miller has applied to consolidate two lots in Bridgewater Heights Subdivision in order to construct a single family home. Staff has reviewed the request and believes the consolidation can be handled administratively. The City requires the payment of a Road Construction Fee with building permits issued for Bridgewater Heights. As the fee is based on a per unit basis, the original calculation would require the payment of 2 fees for the 2 lots. The Planning Commission has reviewed the request and has passed the following motion:

The Dundas Planning Commission recommends the Dundas City Council, hereby exempts the property owner, Edward P. Miller from the procedural requirements of the Dundas City Code regarding the requested consolidation of two lots, Lot 033 and Lot 034 Block 001, Bridgewater Heights Subdivision. The consolidation will be permitted upon the City Council approving the vacation of the easement, the payment of two (2) Road Construction Fees, approval by the Zoning Administrator and City Engineer and the filing of a certified survey.

Staff recommends permitting the administrative consolidation of the Miller property.

**Motion to accept the recommendation of the Planning Commission to permit the Administrative Consolidation of Lots 033 and 034, Block 001, Bridgewater Heights Subdivision upon the payment of (2) Road Construction Fees and the filing of a certified survey. (Motion)**

**Contacts by investigator:** A private investigator, William T. Murphy, Stillwater, has been contacting local residents, including current and past members of the City Council. According to some of the people he has contacted, he has represented there may be \$60,000 unaccounted for. I have reviewed city records and believe the investigator may be referring to a \$60,000 transfer to repay costs incurred with the construction of the Pavillion at Memorial Park which occurred in 2007. The transfer was documented in the council minutes of December 10, 2007 and shown in the 2007 audit on page 41.

**Approve Removal and Reinstallation of Equipment:** Chief Mincke has received an estimate from Schrader's Law Enforcement Supply to remove the equipment from the 2004 Crown Victoria and re-install it in the new 2010 vehicle. Schrader's will also apply the graphics. The estimate is \$2,350.90. I recommend the following motion:

**Move to accept the estimate of \$2,350.90 from Schrader's Law Enforcement Supply to remove the Police equipment from the 2004 squad car and and re-install in the 2010 squad car.**

**Planning Commission 2010 Work Program:** The Planning Commission received and approved a 2010 Work Program / Cost Estimate from NAC. The program/budget includes an update of the Comprehensive Plan Land Use and Transportation Plan to reflect changing priorities and the potential realignment of CSAH #1, completing the Park and Trail Plan and revising the subdivision ordinance to reflect recent changes in state laws regarding certain fees. The estimated cost for the work provided by NAC is \$10,401.50 The 2010 Budget anticipates spending \$13,600 in planning fees. (Motion)

#### **Attorney's Report**

**Kor Property:** Staff believes the City and MN Revenue have reached an agreement on how to resolve the Kor Issue. .

#### **Engineer's Report**

**Meeting with MNDOT:** City Engineer Tom McMahon met with MNDOT and other area representatives on Thursday, March 18 to discuss areas of concern, especially Highway #3.

**Irrigation and Outside water Regulation:** Staff believes the City should be considering establishing a method of regulating the use of outside water if drought conditions require.

#### **Administrator's Report**

**Financial Report:** The City's General Fund Expenditures for the first two months of the year are \$118,849 or \$18,036 more than last year. The year to date GF expenditures are 14.6% of the budget. The only major department with expenditures above 16.7% (2/12s) of the annual budget is Highways, Streets and Roads. This is because of the snowplowing and sanding expenditures.

**Amended Annexation Agreement:** The City has received an Amended Annexation Agreement Document from one of the Bridgewater Township Supervisors. It has been reported the Township adopted the Amended Annexation Agreement. The terms of the current agreement, Section 24, require all requests for amendments to be first considered by the Dundas Planning Commission. I have looked at the amended agreement and compared it to the agreement the city received after discussion at the joint special meeting. Here is some of the changes I could find between the document sent by the supervisor and the Tiede/Callies document (102606).

1. Township, Section 12 added "In order to receive a building permit" at the beginning
2. Township, Section 18 removed "and the Township Fiscal Advisor".
3. Township, mixed up and moved several sentences in 21B and 24, repeated some wording and removed other wording.
4. Township, totally removed section 22 – evidently did not renumber.

**Annexation Tax Rebate:** We have received a spreadsheet from a Bridgewater Township Supervisor showing the properties they believe are fully developed as of 2009 and should be eligible for a tax rebate. I have reviewed the spreadsheet and determined there is a minor correction which needs to be made. During the review we determined that last year, one property had been listed twice. The Township has not provided an accounting of the use of funds as required by Section 18 of the agreement. The annual accounting is not complete until the use of funds has been provided.

**Aid Reductions:** In addition to the Supplemental Budget proposed by Governor Pawlenty, both the House and Senate have passed budget bills which will reduce aid to local governments. I believe all of the proposals will reduce the Market Value Homestead Credit (MVHC). The Senate bill (SF 3223) will reduce MVHC to Dundas by \$26,949 leaving the City to receive about \$61,206 in LGA and MVHC for 2010. The House Bill (HF 1671) reduces MVHC by the same amount. The Governor's proposal would reduce aids by \$64,121 leaving \$24,034 in total aids for the City.

I was mistaken in suggesting the reduction of MVHC will directly affect homeowners of lower valued homes. The State will still require the tax statements to reduce taxes by the MVHC formula, even if the local governments are receiving lower or no MVHC. A continuation of levy limits will most likely prevent cities from recovering much of the reduction. LMC is supporting a proposal to have the state pay MVHC directly to homeowners. This will be more transparent.

The legislative supplemental budget is supposed to be passed today, Monday, March 29.

**Squad Car:** When the 2004 car has been decommissioned, Chief Mincke has made arrangements to have the vehicle detailed and prepared for sale. The car will have to be declared surplus before selling.

**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.

**LMC Joint Legislative Conference:** I attended the Cities, Counties, Schools, Townships Joint Legislative Conference on Thursday, March 25. The morning was primarily a review and discussion of concerns faced by local governments. Budget, mandates, PERA, bonding, training funds, levy limits and bonding were all discussed. Senate Majority Leader Tarryl Clark reviewed state budget problems and some of what is being done to address them. A Q&A with House Majority Leader Tony Sertich and Senate Minority Leader David Senjem followed. Breakout sessions for individual organizations with presenters from the other groups were held. The Keynote speaker was David Parkhurst, National Governor's Association, Director & Legislative Council. In the afternoon, I joined Northfield Council Member Rhonda Pownell to meet with Representatives David Bly, Patti Fritz and Pat Garofalo and Senator Kevin Dahle.

**Data Practice Request:** On Monday, March 22, 2010, an attorney from Stillwater, Emily Murphy and an assistant visited City Hall with a data practice request. Among other data, Murphy has requested copies of all audio recordings. In compliance with her request, I made arrangements for her to copy the audio to her computer. This would provide a significant cost savings as she would not have to pay for our time and material to copy to new CD disks. Murphy was unable to copy the data in a timely manner and will evidently revise her request. She also reviewed the former City Code and requested copies of all 2007 ordinances which were provided to her.

**Farmer's Market:** I have been working with parties interested in developing a farmer's market in Dundas. According to the person considering the market, there is a possibility of between 10 and 15 booths which will be open 3 days a week, Monday and Wednesday afternoons and Saturday mornings. The current proposal is to locate the farmers market on private property. The preferred location will require removal of a buckthorn hedge.

**Planning Commission:** The Planning Commission met on Thursday, March 18, 2010. The majority of the meeting involved a presentation by City Planner Laurie Smith. Smith and staff have been looking at the Comprehensive Plan, specifically the transportation and land use portions and how they might be affected by the proposed rerouting of CSAH #1. Smith will also be looking at roadway design as it is referenced in the Comprehensive Plan. Staff is concerned the suggested design may not be appropriate for a community like Dundas.

**Wireless Internet Access:** In the past, the City has provided an open access to wireless internet in City Hall. Due to security concerns, I have secured the wireless router so it is password protected. We have the capability, with some additional equipment and maintenance cost to continue to provide open access.

**Water System:** Duane Meliza has completed a spring flushing of the water system. We had been receiving some complaints regarding "bad" water. These concerns should be resolved by the flushing. Meliza has been working with representatives of Automatic Systems to complete the repairs on the pressure relief valve (PRV) located along CSAH #1. These repairs will deplete the repair and maintenance line item in the Water Enterprise Fund.

**Street Sweeping:** Spring street sweeping is scheduled for the beginning of next week, Monday 4 and 5.

**Epic Enterprises, Inc:** City Engineer Tom McMahon and I met have been meeting with representatives of Epic Enterprises in regards to their proposed new building at 430 Railway Street. The new building will be about 10,200 sq. ft., an increase of almost 55% from their current facilities. We have determined the layout of the building and the vehicle support and parking will require an application for a PUD. If all goes well, the Planning Commission will hold the Public Hearing on April 15, 2010 and Council action could occur on April 26, 2010.

#### **Worklist – Progress Report**

1. Capitol Improvement Plan (Workshop, staff, F&L Committee, Council)
  - a. Review @ worksession - 15Mar10
2. Development Fees (Staff, ? Committee, Council)
  - a. Staff reviewed on 13Jan10 – Linda has prepared a draft
  - b. Draft to PC, Council – Public hearing set for March 29
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.
  - c. Rec'd amended AA from BT 8Mar10
  - d. Reviewed @ worksession 15Mar10
10. Fire Protection Agreement (F&L Committee, Council)