

**DUNDAS CITY COUNCIL
REGULAR MEETING
Monday, April 14, 2008
7:00 p.m.
Dundas City Hall**

Roll Call: Chad Marks, Mary Amy, John Zander

Absent: John Cruz, Tresa Mazurek

Others Present: Dusty Budd (KYMN), Sean Adams, City Attorney Paula Callies, City Engineer Tom McMahon, City Administrator John McCarthy, and others

Call to Order/Pledge Allegiance

Mayor Marks called the meeting to order at 7:01 p.m. with the Pledge of Allegiance. A quorum was present.

Public Forum – (non-agenda items)

No comments received.

Approval of Agenda

Motion by Amy, second by Marks, to approve the Agenda with addition: Administrator's Report 8(a) Kolb Lane. Motion carried unanimously (MCU).

Consent Agenda

Zander requested Special Action Claim (ii.) QSC of Northfield be removed.

Motion by Amy, second by Zander, to approve Consent Agenda as follows:

- a. Approval of Regular Meeting Minutes of March 31, 2008
- b. Special Action Claims
 - i. The Bank of New York -\$ 72,952.50
 - iii. S.E.H. Partial Payment - \$33,600.00
- c. Expenditures - \$183,402.49

MCU

Zander asked for clarification on what the amount to QSC of Northfield of \$32,170 payment covered. McCarthy stated it was for the demolition of the building and removal of the tanks per the Right of Entry Agreement stating QSC would be reimbursed for the expenses if the City owned the property as of April 15, 2008. QSC will provide any reports on the property and soil to the City. McMahon stated any sale of the property will require contacting the testing company and PCA for a site visit and plan review.

Motion by Amy, second by Zander, to approve payment to QSC of Northfield for \$33,600. MCU.

Unfinished Business

Approval of Regular Meeting Minutes of March 10, 2008

Motion by Amy, second by Marks, to approve minutes of March 10, 2008. MCU

Ordinances/Resolutions

Resolution 2008-19 A Resolution in Support of Charitable Gambling Operated by the Waterford Warrior Snowmobile Club

Motion by Amy, second by Zander, to approve Resolution 2008-19. MCU

New BusinessLMCIT Tort Limit Waiver

McCarthy reviewed the options the League of Minnesota Cities Insurance Trust offered. He recommended not to waive the Tort Limits and accept the liability limits as set by the State. City Attorney Callies also recommended not to waive the Tort Limits.

Motion by Amy, second by Zander not to waive the Tort Limits. MCU

Reports of Officers, Boards and CommitteesCity Administrator/Clerk

Possible Zoning and Conditional Use Permit Violations – Councilor Zander recused himself from the dais. McCarthy reviewed the Council's action from March 31st regular meeting approving retaining an independent official to review the alleged violations on property owned by Titan Supply Co. and John Zander. Callies presented proposals from attorneys Karen E. Marty and Elliott Knetsch with Marty offering a cap but not able to prosecute where Knetsch could. Staff will review the proposals and proceed in the best interest of the City.

Hester Street District to be reviewed at Planning Commission meeting April 17th.

Kor Property update was reviewed by staff. A possible procedure was presented for disposal of the property. Draft documents have been prepared to facilitate the sale. Callies reviewed the proposed purchase agreement.

Motion by Amy, second by Marks, to approve the purchase agreement amending the due date to June 15, 2008, removing the clause on the finish date requiring completion in 18 to 24 months, and retain the inclusion of a concept plan. Zander stated the zoning requirement pertaining to outside storage should be reviewed. Amy said she supports the Planning Commission in not allowing outside storage. **MCU**

Building Permits for 1st Quarter showed two permits for the construction of single family home were issued with a valuation of \$292,273.

Summer Hours for City Hall request for Friday closing at noon for City Hall. Marks and Amy stated 2:30 p.m. closing.

Motion by Amy, second by Marks, to set City Hall summer hours on Friday 8:00 a.m. to 2:30 p.m. from Memorial Day to Labor Day. MCU

Complaints have been received in writing but were sent unsigned. The Complaint Policy states staff shall not respond to complaints received anonymously. A homeowner in Bridgewater Heights has complained about improper location of the current walking/biking trail, which staff will address with the developer.

Councilor's Reports

Kolb Lane – Mayor Marks commented Kolb Lane road needs additional gravel and questioned who is really responsible to maintain the road. McCarthy stated the road is on City-owned property which was acquired from the railroad but is not a designated road. It has been used by a private individual to access their home. Marks stated the road has been maintained by the City for years with McCarthy stating public expenditures are not to be used for private drives. Marks is concerned if City is no longer maintaining the road, City needs to clarify ownership. Amy suggested a 'grandfather clause' until property is sold. Staff directed to further clarify ownership and past practice on maintenance of road including snow removal.

Adjournment

Motion by Zander, second by Amy, to adjourn the meeting at 8:38 p.m. MCU