

**DUNDAS CITY COUNCIL
REGULAR MEETING
Monday, June 9, 2007
Dundas City Hall
7:00 p.m.**

Present: Mayor Chad Marks
Councilors: Mary Amy, John Cruz, Tresa Mazurek,
Councilor John Zander arrived at 7:04 p.m.

Others Present: Chip DeMann, Judy Matson, City Accountant Tom Cummings, City Attorney Paula Callies, City Engineer Tom McMahon, City Administrator/Clerk John McCarthy, Chief of Police Gordon Mincke, Dusty Budd (KYMN), Administrative Assistant Linda Ripka and others.

CALL TO ORDER/PLEDGE ALLEGIANCE

Mayor Marks called the meeting to order at 7:00 p.m. Roll call taken. Councilor Zander not present. A quorum was present.

PUBLIC FORUM (non-agenda items)

Mayor Marks opened the public forum. No one spoke.

APPROVAL OF AGENDA

Motion by Mazurek, second by Amy, to approve the Agenda. Motion Carried Unanimously (MCU)

CONSENT AGENDA

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

Regular Meeting Minutes of May 27, 2008

Special Action Claims: Wells Fargo Interest on Bond of \$26,318.75;

D R Horton Homes Overpayment on Permits of \$72.00

Accept donation of park bench from Bernice Elwood

Expenditures \$66,908.47

MCU

ORDINANCES/RESOLUTIONS

Resolution 2008-24 Resolution to Provide Notice of Future Road Location

McCarthy explained an east-west corridor roadway through property located on DeMann Court had been considered as an alternative route during the CASH #1 study. Acceptance of the preferred alternative meant this alternative was no longer a viable route. The City had previously issued a CUP for temporary storage while a possible route through the property was being considered. The CUP requires formal notice if the City decides not to locate a road on the DeMann Court property. This resolution provides that notice to the property owner

Councilor Zander arrived.

Motion by Mazurek, second by Amy, to approve Resolution 2008-24. Callies indicated Council Zander needs to abstain as he has a financial interest in the property. Zander recused himself and vacated his Council seat. From the audience, Zander asked Attorney Callies if she had reviewed the Resolution and was familiar with the background and zoning status. Callies responding yes to all questions and requested direct his comments specifically to the resolution. Mayor clarify procedure is specific to the resolution and not to questions and answers but comments. Zander, as the property owner subject to the Resolution, said he first heard about the Resolution in the council packet which he received

ORDINANCES/RESOLUTIONS (con't)Resolution 2008-24 Resolution to Provide Notice of Future Road Location

Friday afternoon. He stated in his opinion the Resolution is poorly designed and poorly presented. Action on it will place the City in an exposed situation. He will discuss it with the City Attorney when he has more time to organize his records and information.

Zander stated, in his opinion it is obvious the City Administrator is ignoring the Mayor and his direction of better communication and cooperation as he had not received any information, actions or thoughts on this issue until he received the council packet as a council person and not as a property owner. He stated this approach only advances Mr. McCarthy's personal agenda at the expense of the tax payers of Dundas by discouraging investment in the community. Mayor stated the comments were not related to the Resolution and not information which needs to be taken into consideration

Mazurek asked for clarification of the Resolution. Engineer McMahan explained the language in the original Conditional Use Permit (CUP) for the property allowed the former Country Market building to be stored there, pending City's determination if there would or would not be a road. The CUP states that as such time the City notifies the property owner there would not be a road, the owner then has six months to remove all the County Market material or apply for a building permit.

Mazurek asked why it is before Council now. Mayor stated it should have been done at the time the transportation study was completed and was missed. There is no requirement the property owner is served notice prior to the Resolution, but the owner is served formal notice upon the passage of the Resolution. Callies explained the Resolution follows up with the Council's previous resolution and doesn't make any comment on the CUP. Callies stated owner or Council would not have to be given notice any earlier on this Resolution than other Resolutions prepared for Council. There is not going to be any road located on lot 2, and the CUP requires the owner receives an official notice. McMahan stated when Council accepted the Rice County Corridor Study, this Resolution should have been done at that time.

Zander stated he is not disputing what the Resolution states, but his concern is other issues were not addressed and should be addressed. Mayor called for an issue to be presented with Zander stating he was not prepared to go further. Mazurek commented the Resolution is a housekeeping issue. Reference to Resolution 2003-04 will be attached to the Resolution.

Motion Carried 4 with 1 Abstention: Zander

Resolution 2008-25 Resolution Approving Right of Entry Agreement with Verizon Wireless LLC

McCarthy explained the need for the requested Right of Entry (ROE) agreement to allow Verizon Wireless inspection of water tower and property for installation of a cell-phone antenna array. It is the same lease agreement as with Cingular and Attorney Callies is preparing the revision. The final lease should be completed by next meeting.

Motion by Mazurek, second by Cruz, to approve Resolution 2008-25. MCU

NEW BUSINESSAccountant's Report – Tom Cummings

Cummings reviewed 2007 Financial Report. He reviewed the General Fund schedule of revenues and expenditures along with the utility funds. He encouraged the Council to make notes as they review the audit report. He referenced his letter of May 6, 2008, and reviewed various areas of the audit.

Radio Read Meter Replacement for Low Income Families

McCarthy reviewed a proposal for possible grant or reduction in the cost of the radio read replacement meters effecting the very low income families. Council suggested to review the proposal and discuss further at the next Council work session.

REPORTS OF OFFICERS, BOARDS, AND COMMITTEES

City Administrator/Clerk – John McCarthy

Kor Property- City has received Certificate of Title No. 8072 for the “Kor Ethanol” property and it is subject only to mineral rights.

Police Department – The additional full time police officer position has been posted with the posting ending on June 12, 2008.

Neighborhood Meeting – Meeting was cancelled due to severe weather and has been rescheduled for Wednesday, June 18th at 7 p m.

TIF Shortfall Payment - The City has received a check for \$54,572.15 from College City Beverage to make up the difference (shortfall) between the taxes anticipated to be collected.

Complaints – The City received a sign complaint on in regards to an officer displaying a less than lethal force weapon (Tazer). Chief Mincke has investigated the complaint and found the officer acted properly and in accordance with policy. The City has received three signed complaints concerning violations of the state law concerning driving through road closed barricades. Chief Mincke has reviewed the question with staff. He has prepared and sent a written response to all of complainants. First response to a complaint regarding the police department is investigated by the Chief; if the complainant has a problem with the decision, they can appeal to Council.

Street Maintenance – Depot (Decker) Avenue has had gravel added. When it has been compacted enough, dust control will be applied. The City has completed the necessary shoulder maintenance along Stafford Road. and the Railway Street North. Marks asked status on Kolb Lane with McMahan stating it is in the process of determining the proper ownership of the parcels.

Jaguar Communication - Jaguar is ready to begin service to the community. They will be contacting residents and businesses along with conducting a door to door survey to identify any remediation issues. Council felt a Lease Agreement should be in place before any business is conducted.

COUNCILOR REPORTS

Amy asked status of complaint from the home owner, Chad Pribyl, on the trail through their land. McMahan reported the whole area (Bridgewater Heights) has been reviewed this past week by staff. A list is being compiled to send to Geiger, the developer. The City has an option to draw from the escrow account if these matters are not resolved.

ADJOURNMENT

Motion by Mazurek, second by Cruz, to adjourn the meeting at 8:18 p.m. MCU

Respectfully submitted,

Attest:

John M. McCarthy, Administrator/Clerk

Chad Marks, Mayor