

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

Present: Mayor ProTem: Mary Amy
Councilors: John Cruz, Tresa Mazurek, John Zander
Not Present: Mayor Chad Marks

Others Present: Chuck DeMann, Chip DeMann, Dan Zander, Chief Gordon Mincke, City Attorney Paula Callies, City Engineer Tom McMahon, City Administrator/Clerk John McCarthy, Administrative Assistant Linda Ripka, and others.

CALL TO ORDER/PLEDGE ALLEGIANCE

Mayor ProTem Amy called the meeting to order at 7:00 p.m. Roll call taken and a quorum present.

PUBLIC FORUM (non agenda items)

Betty Olson (522 Waterwheel Circle) expressed concern on not getting a timely response to a request for information concerning a license to run an ice cream truck in Dundas. She stated she had returned all the paper work for a Peddlers License with payment

APPROVAL OF AGENDA

Motion by Mazurek, second by Cruz, to approve the Agenda with amendments: add items under Councilor Reports (1) Outdoor Storage in the Limited Industrial Zone; (2) Respond to Betty Olson; Add item 6(b) Resolution 2008-33. Motion Carried Unanimously (MCU)

PUBLIC FORUM (non agenda items)

Dan Zander asked what the ground rules will be at the Board of Adjustment hearing at the next Council meeting. Zander said his attorney recommended he be informed of the ground rules and procedure of the meeting. Attorney Callies indicated it is an administrative matter and would talk to him or his attorneys about the matter. Callies stated his subject matter is not appropriate for public forum.

CONSENT AGENDA

Motion by Mazurek, second by Cruz, to approve the consent agenda as follows:

Regular Meeting Minutes of June 30, 2008
Special Meeting Minutes of July 7, 2008
Rice Lake Construction Change Order # 1
Special Action Claims: The Bank of New York \$ 1,472.50
Wells Fargo \$ 29,231.25
Rice Lake Construction \$ 31,534.45
Expenditures - \$161,112.17 MCU

ORDINANCES/RESOLUTIONS

Resolution 2008-32 A Resolution to Appoint Election Judges for 2008 Election

McCarthy reported there is a good response for election judges and will be able to run half-day shifts. He requested approving all listed in the Resolution as they qualify.

Motion by Mazurek, second by Zander, to approve Resolution 2008-32. Mazurek expressed concern on mileage reimbursement with McCarthy explaining the City has paid in the past McCarthy said hours for training are also paid. **MCU**

ORDINANCES/RESOLUTIONS (con't)**Resolution 2008-33 A Resolution Requesting Rice County Budget for Highway Intersection Planning Studies**

McCarthy discussed the Intersections on Co Rd 1 at CR22 and Highway 246 and Intersections of Highway 3 and CR20. Developments have been proposed for both intersections and the County has identified them as unsafe and needing realignment. Rice County has not budgeted funds for the planning process.

Motion by Mazurek, second by Cruz, to approve Resolution 2008-33. MCU

OLD BUSINESS**Memorandum of Understanding**

Motion by Mazurek, second by Zander, to approve the Memorandum of Understanding with LELSI Local #327 concerning the employment of Kristofer Wilson and authorize the Mayor and the City Administrator to sign. MCU

REPORT OF OFFICERS, BOARDS, AND COMMITTEE**City Administrator/Clerk – John McCarthy**

State Demographer's Report – McCarthy reported the State Demographer, estimated the population of Dundas as of April 1, 2007, at 946 with about 387 households. This is a 19% increase from April 1, 2006.

Building Permit Report – McCarthy stated as of the end of June the City issued 125 permits. Of these, 16 permits were for single and multi-family homes totaling almost \$2 million. Last year at 12 permits totaling \$1.5 million had been issued by the end of June. .

First Half Tax Settlement – McCarthy reported the City received the first half tax settlement from Rice County which was \$590,729.12. About half was from the levy; \$250,000 from TIF, and \$51,000 Special Assessments. Last year was about \$476,000.

Matthew J. Stiehm v. City of Dundas – McCarthy reported on July 1, 2008, the Minnesota Court of Appeals, with an unpublished opinion in Case A07-1471, affirmed the Summary Judgment decision in favor of the City of Dundas. Stiehm has 60 days to appeal to the Supreme Court. Attorney Julie Fleming-Wolfe believes the Court will not accept an appeal if one is made.

Millstone Park Development – McCarthy reported the Dundas Parks and Recreation Advisory Board met on Thursday, July 10 and reviewed the development proposals for Millstone Park. They recommended the City purchase and install the following play equipment: a “t” baby swing, a 2 bay standard swing with one handicap swing and 3 regular swings, a 2 – 5 year old slide and a larger 5 – 12 year old piece. They also requested two picnic tables be placed in the park as soon as possible. Councilor Zander attended the meeting and volunteered to supply recycled “plastic lumber” to have a picnic table built.

Blight and Weeds – McCarthy stated one of the property owners, who was to receive a Destruction Notice, mowed the property before the notice was sent. The City has received a complaint regarding a weed (thistle) at a residence on 2nd Street. Public Works Director, Duane Meliza, contacted the resident and they removed it on Monday, July 14.

Complaints – McCarthy reported on a complaint received concerning Councilor Tresa Mazurek's participation in discussions and action regarding the Police Department. The complainant, Myron Malecha, is concerned there is a conflict of interest as Mazurek is a member of Northfield's Police Reserve. As this complaint concerns a Council member, it is being referred to Council in accordance with the Complaint Policy. Council found no conflict of interest and directed the administrator to respond in writing to the complainant.

REPORT OF OFFICERS, BOARDS, AND COMMITTEE (con't)City Administrator/Clerk – John McCarthy

Appeal of Notice of Zoning Violation – McCarthy reported the City has received an appeal from Daniel Zander, representing Titan Supply, regarding the Notice of Zoning Violation for Lot 3, Block 1, J.A. DeMann Industrial Park Addition. Dundas City Code, Chapter 1500, Section 20, Subsection 4 (A) establishes the City Council as the Board of Adjustment. Dundas City Code, Chapter 1500, Section 20, Subsection 5 allows for the appeal of an administrative decision.

Dan Zander requested the opportunity to confer with his attorneys and would respond back within three business days from today to City Attorney Callies if the date of July 28 is appropriate for them. McCarthy stated public hearing requires a ten-day mailing notice before the Board of Adjustment meeting

Motion by Mazurek, second by Cruz, to call for Board of Adjustment hearing on July 28, 2008 at 8:00 p.m. Dan Zander is to notify Attorney Callies within the next three business days whether or not his attorney will be able to attend. Roll call - YES: Mazurek, Amy, Cruz. ABSTAIN: Zander MCU

Boards and Commissions

Council Work Session – McCarthy reported the City Council held a monthly work session on July 7, 2008. Council discussed the implementation of parts of the Orderly Annexation Agreement with Bridgewater Township. City Attorney Callies and Planner Dan Petrik will meet with the township attorney and planner to see if they can resolve some of the issues concerning zoning in the annexation area. Request will be to have Planning Commission create a moratorium in the annexation area for a six-month period.

Parks and Recreation Advisory Board.- Tresa Mazurek

Play Equipment – Recommendation from Advisory Board requesting Council to purchase and install play equipment in Millstone Park.. The Board also requested the Council approve purchasing two picnic tables as soon as possible as it was identified as a priority at the neighborhood meeting, and could be purchased within the current year's Park budget.

Motion by Mazurek, second by Cruz, to purchase and install two movable picnic tables for Millstone Park with the cost of the tables to be paid out of the Park Budget for Millstone Park. MCU

Flower Garden - Mazurek discussed a recommendation from the Park Board is to have a flower garden under the new flag pole. Cruz asked who would maintain the garden. McMahon suggested submitting a plan on the type of garden.

Movie Night - Mazurek reported the Movie at the Park had about 60 people attend and was well received. The Park Board would like to do it again. She stated the cost was \$250 for the license to show the movie, and there may be a request to Council for reimbursement. The only donation received was \$4.50 plus there will also be some revenue from concessions sold.

Councilor John Cruz

Peddler Permit - Cruz would like to see the application for the Peddler Permit from Betty Olsen be processed as soon as possible, McCarthy stated the completed application with payment was just submitted today to City Hall.

Councilor John Zander

LI Zone - Zander stated the Kor Ethanol Property is in Limited Industrial Zone which doesn't allow outside storage. He said he would like outside storage to be allowed in this area. Zander stated he had a letter from property owners effected by the zone requesting the City look at the issue. Callies indicated would go to Planning Commission through a directive from City Council.

REPORT OF OFFICERS, BOARDS, AND COMMITTEE (con't)

Motion by Zander, second by Mazurek, to examine allowing outdoor storage in the Limited Industrial Zone. Zander stated it does not affect any property owned by him nor does he have any interest in purchasing the Kor Ethanol property. McCarthy requested a copy of the letter from the property owners for the Planning Commission packet. **MCU**

Councilor Mary Amy

U S Post Office - Amy requested status of the Post Office siding. McCarthy said he will talk to the Post Master and will report at the next Council meeting on whether they are going to repair the siding or await action from the City.

PERA Issue - Amy reported she had a visit from an employee concerning past issues concerning PERA and payroll issue. A meeting of the Human Resources Committee, employee and administrator was scheduled for Wednesday, July 23, at 6:00 p.m. to discuss PERA issue.

ADJOURNMENT

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

Respectfully submitted,

Attest:

John M. McCarthy, Administrator/Clerk

Chad Marks, Mayor