

**DUNDAS CITY COUNCIL
REGULAR MEETING MINUTES
Monday, March 8, 2010
7:00 p.m. Dundas City Hall**

PRESENT: Mayor Glenn Switzer; Councilors John Cruz, Chad Pribyl, John Zander

ABSENT: Councilor Nathan Ryan

OTHERS PRESENT: Jerry Chrisman (Pack 300) with two cubs scouts, Curt Saffle (Waste Management), Dan Zander City Engineer Tom McMahon, Police Chief Gordon Mincke, Administrator/Clerk John McCarthy, Deputy Clerk/Treasurer Linda Ripka

CALL TO ORDER

Mayor Switzer called the meeting to order at 7:00 p.m. with the Pledge of Allegiance. Roll Call taken; a quorum was present. Councilor Nathan Ryan was absent.

PUBLIC FORUM

Curt Saffle of Waste Management presented a plaque and check in the amount of \$249.00 to the Cub Scouts Pack #300 for collecting 16.57 tons of recycling during September through December 2009 as part of the Dundas Green Team program. Cub Scout troop representatives thanked the Council for the opportunity, reviewed the work they did involving the green team, and goal for spending the money.

APPROVAL OF AGENDA

Motion by Pribyl, second by Cruz, to approve Agenda with the addition under New Business of Rice County Fiber Conductivity. Motion Carried Unanimously (MCU)

CONSENT AGENDA

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

Regular Meeting Minutes of February 22, 2010;

Special Action Claim: Wells Fargo Interest Payment on 2005 Water/Sewer Bond \$62,730.00;

Police Department Annual Mandated Officer Training - \$400.00;

Expenditures - \$96,132.26

MCU

ORDINANCES/RESOLUTIONS

Resolution 2010-05 A Resolution Supporting SUPER Kids and Authorizing Use of the Pavilion at Memorial Park

Motion by Zander, second by Cruz, to approve Resolution 2010-05. McCarthy presented the request from ISD 659 Community Services to conduct the SUPER Kids program for the second year using the Pavilion on Friday mornings beginning June 18 through July 23. **MCU**

Resolution 2010-06 A Resolution Setting a Public Hearing on a Vacation Commenced by a Petition of a Majority of Abutting Landowners

Motion by Pribyl, second by Zander, to approve Resolution 2010-06. McCarthy reported Ed Miller has submitted a request to vacate the drainage easement between two lots he owns as he intends to build a single family home on the consolidated lot. A drainage easement will continue to exist in the back, front and between adjacent lots. State statues require holding a hearing on the vacation of easements. **MCU**

OLD BUSINESS

Titan Supply Update

Administrator McCarthy reported he has been contacted by Senator Mike Perry's office concerning a constituent complaint regarding the City requiring the installation of sprinklers. He has provided Senator Perry with information regarding the concern. McCarthy further stated Council members have been contacted by Dan Zander on the sprinkling issue. Staff's understanding is the sprinkling issue could be resolved upon the City receiving the plans for replacing the silos/tank.

McCarthy reported City Attorney Callies has mailed a letter to Titan Supply's attorney, Bruce Malkerson, indicating the City's desire to resolve this matter. It has been six years from the issuance of the original Conditional Use Permit (CUP) regarding the rebuilding of two silos and one tank.

Councilor John Zander recused himself at 7:11 p.m.

Dan Zander referred to Councilor Nathan Ryan's email and affirmed he wants to put the silos up.

Mayor Switzer indicated staff has met with Dan and John Zander since last Council meeting and reaffirmed the requested information needed. If there is a concern, then the Zanders need to get direction and clarification from the staff.

Dan Zander indicated his attorney sent a letter early in February to City Attorney Callies and hasn't received a response. Councilor Pribyl stated it is difficult to determine if the use remains the same as no plans have been submitted to confirm.

City Engineer Mc Mahon stated needs a complete plan for what Zander is doing for replacing the silos and tank along with whether they will be adding more. He reviewed the provision in the conditional use permit. If the building is going to be a grain processing there will be conveyors and modifications made. There is a provision in the Conditional Use Permit which tells the building official what to do.

Councilor Cruz indicated that to move forward with the Conditional Use Permit (CUP) complete plans would be required.

McCarthy reviewed Resolution 2004-34 regarding the submittal of plans and obtaining a building permit. McCarthy further indicated the Resolution included an acknowledgement signed by John Zander stating he has read, understands and agrees to all of the terms and conditions of this Conditional Use Permit. The Council set the regulations in the CUP for staff to follow.

Mayor Switzer stated the City has to follow the State requirements and enforce City ordinances. He again requested completing plans and submitting to the City. If there are questions to direct them back to the staff.

McMahon stated the CUP signed by John Zander acknowledges the City can impose conditions above and beyond the State law.

Councilor Cruz asked for explanation of what Dan Zander thought the Council wanted from his past week of contacting them. Dan Zander stated he talked to State Fire Department on the sprinkling issue and now realizes what the Council wants is a reply in writing from the State Fire Marshall to the City.

Consensus of Council was for Dan Zander to submit complete plans for the proposed silos/tanks to be erected at the Titan Supply site in accordance with the CUP.

OLD BUSINESS

Titan Supply Update(con't)

McMahon indicated soil testing needs to be done before meeting with Zander and their engineer.

Councilor Pribyl requested Dan Zander respond to him as to what issues were in the memo. He stated he sees no motivation for Zanders to proceed and the Zanders seem to argue to prolong the process. Pribyl requested a deadline date be established and any further meeting with staff requires Zander's engineer to be present.

Mayor Switzer stated he doesn't like to hear statements that Dundas is not a good place to do business. The Council wants to see the business up, running and successful but the rules and regulations need to be followed.

Understanding and consensus of the Council was Dan Zander and his engineer will meet with staff on Wednesday, March 24 at 9:00 a.m. Dan Zander will send the memo of Tom McMahon to his engineering firm before the meeting. McMahon indicated soil boring needs to be done by Dan Zander before meeting.

Mayor Switzer any communication with the Council be from Dan Zander and not John Zander to avoid any possible appearance of a violation of the Open Meeting Law.

John Zander returned to Council at 8:09 p.m.

Proposed Fee Schedule Section 101.02

McCarthy reported staff has been reviewing the current list of fees and several have been updated to reflect the actual cost to the City. He stated a comparison with other cities was made resulting in additional fees. McCarthy reported Minnesota law requires most fees to be set by ordinance and some of the zoning related fees requires a public hearing, which has been scheduled for Monday, March 29, 2010, at or about 7:00 p.m.

NEW BUSINESS

EPIC - Memorial Park Cleaning Contract

Motion by Cruz, second by Pribyl, to approve a service contract with EPIC for one-year to clean City Hall from March 1, 2010 through February 28, 2011 and to approve a service contract for six-month period to clean Mill and Memorial Parks from April 15, 2010 to October 15, 2010.

McCarthy informed the Council the City has been contracting with EPIC Enterprises, Inc. for many years for yearly cleaning services at City Hall along with cleaning at Mill and Memorial Parks during the spring/summer months. EPIC is proposing renewing the contracts with the same terms and cost as last year. **MCU**

Easter Egg Hunt for April 3

Motion by Pribyl, second by Cruz, to approve the Second Annual Easter Egg Hunt as a City celebration to be held at 10:00 AM, Saturday, April 3, 2010, on the grounds of Memorial Park; funds, not to exceed \$275.00 are appropriated from the Park and Recreation Programming Budget and donations provided for the Hunt; and further, the City authorizes the use of the Pavilion by the Park and Recreation Advisory Board in conjunction with the Hunt. Councilor Pribyl reviewed the event and indicated will request a donation dollar from each child. **MCU**

Annual Parks Clean Up Request – Saturday, May 1, 2010

Motion by Cruz, second by Pribyl, to approve the Annual Parks Clean Up to be held on Saturday, May 1, 2010, beginning at 8:30 a.m. Councilor Pribyl reviewed process. **MCU**

NEW BUSINESS (con't)

Annual City-Wide Clean Up Request – Saturday, May 8, 2010

Motion by Pribyl, second by Cruz, to approve the Annual City-Wide Clean Up to held on Saturday morning, May 8, 2010, in partnership with Waste Management at the Mill Towns Trailhead. MCU

Kor Property: McCarthy reported the City received withdrawal of the Notice of Reversion from MN Revenue.. County has approved sale for one dollar to City with all paper work and sale to take place simultaneously within the coming month.

Rice County Fiber Project – McCarthy reviewed email of February 22, 2010 from Rice County and explained overall effect to the City would be a significant cost to the City. Consensus was to support the concept but no City financial involvement.

REPORTS OF OFFICERS, BOARDS AND COMMITTEES

City Administrator/Clerk – John McCarthy

Governor's Supplemental Budget, LGA and Other Aid Cuts: McCarthy reviewed the effect on the City assuming losing all LGA and some MVHC. Also, noted State is looking at reducing POST Board reimburse to cities for police training.

Mayor and Councilors

Financial and Legislation Committee: Mayor Switzer reported committee met going over fire protection agreement for 2011, the new safety center and began work on capital improvement plan.

Mayor Switzer reported on recent meeting of the Mill Towns Trail JPB. Canadian Pacific is willing to sell a unused and undeveloped right-of-way from Dundas to Faribault which would allow the trail to go forth.

Mayor Switzer called for a work session for Monday, March 15, 2010, at 7:00 p.m.

ADJOURNMENT

Motion by Cruz, second by Pribyl, to adjourn the Regular Meeting at 8:59 p.m. MCU

Respectfully submitted,

Attest:

John M. McCarthy, Administrator/Clerk

Glenn Switzer, Mayor