

**DUNDAS CITY COUNCIL
REGULAR MEETING MINUTES
Monday, March 29, 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: Chuck DeMann, Dan Zander, David Henke (*Northfield News*), City Attorney Paula Callies, City Engineer Tom McMahon, 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

Dan Zander (3550 300 Ave, Janesville, MN) indicated he has an issue concerning the minutes.

City Attorney Callies indicated it is out of order for a member of the public to comment on changing the City Council minutes.

Councilor John Zander recused himself from Council at 7:06 p.m.

John Zander, stated he did not receive the announcement or agenda on the Council Work Session for Monday, March 15, and noted it was not on the website either. He acknowledged he did receive the reminder on March 15.

Mayor Switzer indicated the comment is Council related and should be addressed as being part of the Council, not part of the public forum.

John Zander returned to Council at 7:10 p.m.

APPROVAL OF AGENDA

Motion by Cruz, second by Pribyl, to approve Agenda. Motion Carried Unanimously (MCU)

CONSENT AGENDA

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

Regular Meeting Minutes of March 8, 2010;

Dokmo Ford Payment for 2010 Police Car \$21,869.00;

Expenditures - \$58,752.49

MCU

PUBLIC HEARINGS

City Code §101.02 Fee Schedule with Proposed Changes

Open Public Hearing – Mayor Switzer opened the public hearing at 7:11 p.m.

Staff Review – Administrator McCarthy presented the proposed fee schedule noting some were new fees and that some fees proposed require a public hearing. The public hearing was published in the *Northfield News* on March 17th. and posted in accordance with requirements. No request from the public has been received.

Public Comments – No public comment received.

Close Public Hearing – Mayor Switzer closed the public hearing at 7:14 p.m.

PUBLIC HEARINGS (con't)

Vacate Utility Easement Ed Miller

Open Public Hearing – Mayor Switzer opened the public hearing at 7:15 p.m.

Staff Review – Administrator McCarthy indicated Ed Miller, owner of two lots side by side, and would like to consolidate the lots into one which affects an utility easement. Miller is asking to vacate the utility easement between the two lots. The request has been reviewed by the Planning Commission and it is recommended the consolidation be permitted. The public hearing notice was published March 13 and 20 in the *Northfield News* and the adjacent property owners were notified. No written comments were received from the public.

Public Comments – No public comment received.

Close Public Hearing – Mayor Closed 7:16 p.m.

ORDINANCES/RESOLUTION

Ordinance 2010-02 An Ordinance Amending Section 101.02 of the Dundas City Code Adopting Fees and Charges

Motion by Cruz, second by Pribyl, to approve Ordinance 2010-02. McCarthy stated the City has only received one inquiry about the fees from a local developer. **MCU**

Resolution 2010-07 A Resolution Authorizing the Purchase of the Kor Property from Rice County

Motion by Cruz, second by Pribyl, to approve Resolution 2010-07. Attorney Callies stated there is a provision in the statues to reconvey the property. All parties are in agreement that the City will continue to own the property. The Resolution provides the authorization to purchase the Kor Property. **MCU**

Resolution 2010-08 A Resolution to Vacate Utility Easement

Motion by Pribyl, second by Zander, to approve Resolution 2010-08. Administrator McCarthy stated owner wants to build a house on two lots and is requesting the city vacate a utility easement through the two lots. **MCU**

Councilor Zander recused himself at 7:25 p.m.

OLD BUSINESS

Titan Supply Update

McCathy reported on the March 24th meeting with Dan Zander, his engineer and John Zander. He stated the meeting was productive. An outline of requirements for a building permit was discussed. When the requirements are met, Titan Supply will be able to move forward with a building permit.

Motion by Cruz, second by Pribyl, to extend the time for Titan Supply to submit a complete building permit to April 21, 2010. Dan Zander commented the topography has been completed and boring samples have been taken. **MCU**

McCathy stated Council set certain condition by issuing a Conditional Use Permit (CUP). There is a process to amend the CUP. A formal application has to be presented by the owner to amend the CUP.

Councilor Cruz stated the issue of the outdoor storage is a separate concern and Council may want it to be looked at by the Planning Commission separate from the CUP.

Mayor Switzer requested the current CUP be emailed to each Council Member and Dan Zander. Zander can explain his interpretation and concerns. Dan Zander stated he doesn't want to get notice of violation for not complying with the CUP. McMahan indicated the property owner needs to have staff complete a building use inspection and any issues reviewed.

OLD BUSINESS

Titan Supply Update (con't)

Dan Zander stated the City does not have the right to examine any building according to State Building Code.

City Engineer McMahon indicated City ordinances may be more restrictive than the State.

Dan Zander stated City inspectors will not be allowed to come on the property.

Mayor Switzer asked Dan Zander to put in writing what he does not agree with relating to the CUP.

John Zander rejoined the Council at 7:42 p.m.

NEW BUSINESS

Consolidation of Two Property Lots Owned by Ed Miller

Motion by Pribyl, second by Zander, to accept the recommendation of the Planning Commission to permit the Administrative Consolidation of Lots 033 and 034, Block 1, Bridgewater Heights Subdivision upon the payment of two (2) Road Construction Fees and the filing of a certified survey. MCU

Park & Recreation Advisory Board Appointment

McCarthy indicated two applicants have applied for the vacancy on the Park and Recreation Advisory Board. Councilor Pribyl recommended the Park Board have the opportunity to review the applications, make a recommendation to the Council, and request each applicant attend the next Park Board meeting. McCarthy stated the City Planner will be at the next Park Board meeting on April 13th to discuss the park and trails plan.

Northfield Rural 2010 Fire Protection Services Contract

Motion by Cruz, second by Pribyl, to accept the 2010 Northfield Rural Fire Protection Services Contract. MCU

Contact by Investigator

Mayor Switzer has indicated a number of council members and private citizens have been contacted by a private investigator.

Councilor Cruz stated the private investigator asked questions regarding the fifth liquor license, the Kor property, and what he knew about moving money from one fund to another fund. An unidentified man was with the investigator.

Councilor Pribyl stated the investigator asked questions on liquor license, inferring the City has all kinds of issues on Kor, and he felt the investigator was fishing for information regarding Administrator McCarthy.

Councilor Zander stated he was asked about transfer of funds, fund reserve and solvency of City.

Mayor Switzer stated he was not contacted by the investigator. He stated all audits and City matters are open to the public.

NEW BUSINESS

Approval Removal and Reinstallation of Equipment for Squad Car

Motion by Pribyl, second by Cruz, 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 reinstall in the 2010 squad car. Administrator McCarthy stated the cost includes the graphics. MCU

NEW BUSINESS (con't)

Planning Commission 2010 Work Program

Motion by Cruz, second by Pribyl, to approve 2010 Work Program/Cost Estimate from NAC of \$10,401.50. Administrator stated the work program will be prioritized and monitored to stay within the budget. Councilor Zander stated would like to hold on some of the cost. McCarthy indicated the City can adjust both budget and priority. **Motion Carried 3 to 1. Roll Call - Yes: Switzer, Cruz, Pribyl. No: Zander.**

REPORTS OF OFFICERS, BOARDS AND COMMITTEES

City Engineer – Tom McMahon

Water Ban Ordinance: McMahon reviewed a proposed Ordinance relating to a sprinkling and irrigation ban along with fees for violation and enforcement.

Meeting with MnDOT: McMahon stated the meeting with MnDOT was a continuation of discussion related to future traffic control along Hwy 3. Six variations of maps were presented with a general consensus the City doesn't have an issue. The end product is to have a memorandum of understanding. Next meeting will be in about a month.

City Administrator/Clerk – John McCarthy

Financial Report: McCarthy reviewed the year to date finances noting the City is on tract.

Amended Annexation Agreement: McCarthy reported he found possible differences between the version of the agreement that was apparently adopted by the township versus the October version. Mayor Switzer indicated Pribyl and he will meet next Monday to review agreement. McCarthy suggested addressing requirement concerning the size of the Dundas Planning Commission; idea of quarterly meetings and the purpose of those meetings.

Attorney Callies indicated she has not talked to their attorney for awhile. Mayor Switzer indicated the changes were not given to the attorneys. Suggestion is all people need to have the opportunity to comment on the language together.

Aid Reduction: McCarthy indicated there is no word yet on what the state is going to do on aid allotments. McCarthy indicated the Governor's supplemental budget reducing aid to Dundas by about \$65,000 may not require any reduction to City's current budget.

Data Practice Request: An attorney, Emily Murphy, and an assistant visited the City on Monday, March 22, 2010, as part of a Data Practice Request. They were unable to transfer meeting audio recordings in a timely manner, however, they did request and received copies of the 2007 ordinances.

EPIC Enterprises, Inc.: Epic will be applying for a Planned Unit Development. A public hearing will be held by the Planning Commission on April 15, 2010.

Mayor and Councilors

Human Resource Committee: Committee Chair Cruz requested a clarification regarding which training will be paid by city and the process. Consensus was for Administrator McCarthy to prepare a resolution. Cruse indicated a performance review for the administrator will be scheduled.

Councilor Zander requested McCarthy look into an auction being planned at the Lonsdale Paint building and expressed concern regarding zoning and permitted uses.

ADJOURNMENT

Motion by Pribyl, second by Cruz, to adjourn the regular Council meeting at 8:56 p.m. MCU

Respectfully submitted,

Attest:

John M. McCarthy, Administrator/Clerk

Glenn Switzer, Mayor