

**DUNDAS CITY COUNCIL
REGULAR MEETING AGENDA
Monday, April 26, 2010
7:00 p.m. Dundas City Hall**

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

OTHERS PRESENT: Dan Zander, Linda Hubbert, Jerry Anderson, 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.

APPROVAL OF AGENDA

Motion by Ryan, second by Cruz, to approve the Agenda with addition under Old Business: 7(e) Liquor License Training . Motion carried 4 to 1. Yes: Switzer, Cruz, Ryan, Pribyl. No: Zander.

CONSENT AGENDA

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

Regular Meeting Minutes of April 12, 2010;

Expenditures - \$32,241.87

Motion Carried Unanimously (MCU)

ORDINANCE/RESOLUTIONS

Ordinance 2010-02 An Ordinance Adding Section 502.36 to the Dundas City Code Relating to a Lawn Sprinkling/Irrigation Ban

Motion by Cruz, second by Pribyl, to approve Ordinance 2010-02. Administrator McCarthy indicated the Ordinance includes revisions from previous meetings to help clearly identify lawn sprinkling. **MCU**

Resolution 2010-13 A Resolution Requesting Modification to the Pedestrian Phase of Signal Lights Along TH3

Motion by Cruz, second by Ryan, to approve Resolution 2010-13. Administrator McCarthy indicated the proposed new standards will decrease the walk speed and increase the time allowed by the WALK signal. **MCU**

Resolution 2010-14 A Resolution Approving Epic Enterprises, Inc. for a PUD Preliminary & Final Development Plan

Motion by Zander, second by Pribyl, to approve Resolution 2010-14. Administrator McCarthy presented the PUD Preliminary & Final Development Plan submitted by Epic Enterprises Inc. for a new facility at 430 Railway Street South. Councilor Cruz reported the Planning Commission recommends approving the request with five specific requirements as outlined in the Resolution. **MCU**

Resolution 2010-15 A Resolution Changing the Number of Members of the Dundas Park and Recreation Advisory Board

Motion by Pribyl, second by Cruz, to approve Resolution 2010-15. Administrator McCarthy stated after the Park Board members met with the two applicants, they are requesting changing the number of members from five to seven. **MCU**

ORDINANCES AND RESOLUTIONS(con't)

Resolution 2010-16 A Resolution Regarding a Requested Amendment to the Rice County Zoning Code to Permit Motorsports as a Conditional Use in the Highway Commercial District

Motion by Switzer, second by Cruz, to approve Resolution 2010-16. Administrator McCarthy noted the proposed development could have a major impact on the intersection of CSAH1 and I35, which is the primary link between Dundas and the Interstate Highway System. He reviewed items being raised and appropriateness of the motor sports operation in the Rice County Highway Commercial District. Councilor Ryan and Councilor Zander support the Motor Sports development and Rice County rezoning the area. City Engineer McMahon indicated the area was zoned without provisions to have a conditional use permit for motor sports. Lack of commercial growth is due to lack of infrastructure. McCarthy stated the area was zoned for a future distribution area with truck traffic. Jerry Anderson indicated the need to look at compatibility of future commercial/industrial uses. He also indicated the intersection is a prime site and needs to have municipal utilities to attract businesses for development. Anderson was in favor of the committee to relook at the area. Mayor Switzer in favor of the resolution so a committee can relook at the overall zoning of the intersection. **Motion carried 3 to 2. Yes: Switzer, Cruz, Pribyl. No: Ryan, Zander.**

OLD BUSINESS

Councilor John Zander recused himself from Council at 8:04 p.m.

Titan Supply Building Permit Update

Administrator McCarthy indicated the city engineer and he met with Dan and John Zander regarding the building permit to be submitted by April 21, 2010. Due to the results of soil samples and some site drainage questions and the city engineer is working with the Zanders to resolve the issue, McCarthy recommended continuing the time for submittal of a complete building plan to May 5, 2010.

Motion by Cruz, second by Pribyl, to continue the time for submittal of a complete building permit regarding erecting silos to May 5, 2010. Dan Zander requested time be extended to May 19. **MCU**

Dan Zander addressed the Council regarding surface water and other conditions of the CUP. City Attorney Callies indicated Zander needs to comply with the existing CUP. Councilor Ryan requested Dan Zander put his request concerning the CUP in writing. Attorney Callies indicated there is a specific application process in order to proceed. Councilor Pribyl indicated Zander needs to apply for an amended CUP.

In response to statements by the Dan and John Zander, Administrator McCarthy stated the CUP is a zoning issue not a building issue. McCarthy reaffirmed a building permit will be issued when the applicant conforms to the zoning issues as outlined in the CUP. Attorney Callies stated the applicant needs to finish the process with the City staff.

John Zander rejoined the Council at 9:02 p.m.

Amended Annexation Agreement

Mayor Switzer indicated there will be another Annexation Committee meeting to go over the final draft changes in the coming week. After which time, he will bring it back to Council.

Appointments to Park and Recreation Advisory Board

Mayor Switzer recommended two new members to serve on the Park Board.

Motion by Switzer, second by Pribyl, to appoint Noemi DeRosas as a member to the Park and Recreation Advisory Board to serve a three-year term through December 2012. MCU

Motion by Switzer, second by Pribyl, to appoint Deb Mikulechy as a member to the Park and Recreation Advisory Board to serve a three-year term through December 2012. MCU

OLD BUSINESS (con't)

2010 Rough Cut Service Contract

Motion by Pribyl, second by Ryan, to accept the Rough Cut Mowing Proposal as submitted by Confab Building Systems for the 2010/2011 Rough Cut Mowing Season. MCU

Liquor License Training

Motion by Cruz, second Pribyl, to approve normal and customary expenses for staff to attend the training on issuing of liquor licenses in Wait Park on May 12. MCU

NEW BUSINESS

Tax Rebate Annual Accounting / Accounting of Use of Tax Rebate Funds

Administrator McCarthy indicated Bridgewater Township has submitted their report on use of tax rebate funds for 2009. An internal review indicated the correct amount due is \$30,410.83. The Township had incorrectly calculated the rebate by treating commercial/industrial property as residential for tax capacity calculations.

McCarthy indicated there may be a misunderstanding regarding roads “affected” by annexation. Councilor Cruz inquired about delaying approval until the amended Annexation Agreement is signed. City Engineer McMahan affirmed the purpose of the tax rebate was to assist the Township with the construction of new roads, not normal maintenance of current roads. McCarthy referred to Section 19 of Agreement. Consensus was any action on the report will be held until after the joint committee meets.

REPORTS OF OFFICERS, BOARDS AND COMMITTEES

City Attorney – Paula Callies

Attorney Callies reported the Kor Property document has been sent to Rice County and waiting for the County to forward to the State.

City Engineer – Tom McMahan

Engineer McMahan stated he will give a report on status of Bridgewater Holdings at the next Council meeting having met with them this week.

City Administrator/Clerk – John McCarthy

Administrator's Report - McCarthy reviewed his report and highlighted areas on Census 2010, building permit report for first quarter, two radio read meters not replaced, ATV and off road vehicles causing damage, upcoming road closures on CSAH 1 and Hwy 19, election judges, joint government meeting, pay equity seminars, liquor license renewals, and Northfield Chamber of Commerce Forum.

Mayor and Councilors and Committees

Park & Recreation Advisory Board: Councilor Pribyl report City Planner Laurie Smith of NAC met with the Park Board regarding the park and trail plan. She discussed future issues and plans for the parks and trails.

Mayor Switzer stated the Council will close this meeting to evaluate the performance of City Administrator/Clerk John McCarthy.

CLOSED MEETING

Motion by Switzer, second by Cruz, to closed the meeting of the Dundas City Council to evaluate the performance of City Administrator/Clerk John McCarthy pursuant to the provision of Minnesota Statues § 13D.05 Subd. 3. MCU

Mayor Switzer recessed the meeting to allow the Council Chambers to be cleared.

Switzer closed the regular Council meeting at 9:50 p.m.

CLOSED MEETING (con't)_

Switzer reopened the regular Council meeting at 11:20 p.m. and reported the following were present at the closed meeting held to evaluate the performance of City Administrator/Clerk John McCarthy: Councilors John Cruz, Chad Pribyl, Nate Ryan, John Zander, Mayor Glenn Switzer, City Attorney Paula Callies and Administrator/Clerk John McCarthy.

Mayor Switzer presented a summary of conclusions regarding the evaluation for Administrator/Clerk John McCarthy stating Council appreciates his dedication and showed improvement from his last review. A regular performance review will be held next year.

ADJOURNMENT

Motion by Cruz, second by Pribyl, to adjourn the regular meeting of the Council at 11:21 p.m.

Submitted by:

Attested by:

John M. McCarthy, Administrator/Clerk

Glenn Switzer, Mayor