

**DUNDAS CITY COUNCIL  
REGULAR MEETING  
Monday, August 9, 2010  
7:00 p.m.  
Dundas City Hall**

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

OTHERS PRESENT: Curt Saffle, Rev. Tom Franklin, Chuck DeMann, Chip DeMann, Edward and Doris Srsen, Barbara Holmgren, Doug Kurtt, Terry Gutowski, Dan Zander, William Kunkel, City Attorney Paula Callies, Administrator/Clerk John McCarthy, Police Chief Gordon Mincke, 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.

**PUBLIC FORUM**

Dan Zander indicated he is willing to listen to any proposal to stop spending of Dundas tax dollars.

Edward Srsen (502 Waterwheel Circle) stated his concern on water and sewer expenses, especially when during the winter months there is no usage but a minimum fee is charged.

Barbara Holmgren (506 Cannon Way) stated she was representing a group from Bridgewater Heights and wanted clarification regarding the representation by Council Member Zander that the City will be insolvent in by 2015.

**PRESENTATION**

Waste Management Green Team Check to Cornerstone Church Youth Group

Curt Saffle of Waste Management presented a check in the amount of \$291.00 to Pastor Tom Franklin of Cornerstone Church Youth Group.

**APPROVAL OF AGENDA**

**Motion by Cruz, second by Ryan, to approve Agenda with removal of Ordinance 2010-06 on ATV/Golf Cart and change Ordinance 2010-07 Amending Chapter 1500 on Variances to Ordinance 2010-06. MCU**

**CONSENT AGENDA**

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

**Regular Meeting Minutes of July 26, 2010;**

**Emergency Meeting Minutes of July 27, 2010;**

**Delinquent Utility Bills Shut Off Notices;**

**ATV Permits – Ross and Karisa Grothe; Pat Tripp and Mary Bauer;**

**MN Public Facilities Authority repayment on G.O. bonds of \$30,664.11; and**

**Expenditures of \$46,108.62**

**MCU**

**ORDINANCE/RESOLUTIONS**

Ordinance 2010-06 Amendment to Chapter 1500 Zoning Ordinance on Variance

**Motion by Cruz, second by Ryan, to approve Ordinance 2010-06**

Administrator McCarthy reported the Dundas Planning Commission held a public hearing on the amendment to Chapter 1500 which would bring the treatment of variances in line with a recent Supreme Court ruling. He reported there was no public comment. Councilor Cruz stated the Commission recommends approval. Councilor Zander asked if this was a change in the process.

## ORDINANCE/RESOLUTIONS

Ordinance 2010-06 Amendment to Chapter 1500 Zoning Ordinance on Variance (con't)

Attorney Callies stated a variance is not a tool to allow flexibility but is only granted if the property cannot be put to a reasonable use. She further indicated the Zoning Code would be changed to reflect the ruling.

**Motion carried 4 to 1. Yes: Switzer, Cruz, Ryan, Pribyl No: Zander**

Resolution 2010-28 Preliminary and Final Planned Unit Development for Mechanical Systems

**Motion by Ryan , second by Pribyl, to approve Resolution 2010-28.**

Administrator McCarthy reported the Dundas Planning Commission held a public hearing the Planned Unit Development (PUD) requested by Mechanical Systems, Inc. He stated Mechanical Systems request is to expand their office space to accommodate an increased workforce. He reported Mechanical Systems is proposing a PUD which will designate the side of the property facing CSAH #1 as the front yard and a permitted reduction of the front yard setback to 30 ft for a distance of 45 ft for the existing office space. McCarthy stated there was no public comment, and the Planning Commission recommends approval of the request.

MCU

Resolution 2010-29 Interim Use Permit for Gooter Investments, Inc.

**Motion by Pribyl, second by Cruz, to approve Resolution 2010-29 with adjustment of removing item 3, addition of (d) and language with legal description of property.**

McCarthy reported the Dundas Planning Commission held a public hearing on the request by Gooter Investments, Inc., for an Interim Use Permit (IUP) for a second freestanding sign on an adjoining property. He indicated the sign would be located on the Menard's property and be for retail commercial businesses located on Schilling Drive. He stated a public comment was received from David Salene, representing Dale Quist, which listed several concerns. The Planning Commission recommends approval of the request with an additional condition requiring removal or negotiation upon development of the Anderson/Quist property. Owner, Terry Gutowski, indicated concern regarding the required conditions of the IUP hinging on the future development of a property, which is controlled by another owner. Councilor Cruz stated the Planning Commission discussed the future of the sign and any development as there could be multiply signage on the pylon. City Engineer McMahan stated concern from Salene was whether the property he represented could also have a pylon sign in the future.

MCU

Resolution 2010-30 Destruction Order

**Motion by Pribyl, second by Ryan, to approve Resolution 2010-30 with suggested changes in language as recommended by the City Attorney.**

McCarthy reported on several properties inspected for violations of long grass and weed ordinance. Attorney Callies clarified language issue of destruction order. McCarthy stated the properties were documented to be in violation and the Mayor is requesting a Destruction Order.

MCU

## OLD BUSINESS

Bridgewater Township Member on Dundas Planning Commission

Switzer recommended postponing action as he has not been able to talk either Gary Ebling or Andre Ehrmann.

## NEW BUSINESS

Request for Extension of Time to Remove County Market Building Materials**Motion by Cruz, second by Ryan, to discuss Resolution as submitted to Council by John Zander.**

Councilor John Zander recused himself at 8:00 p.m.

Administrator McCarthy indicated this is not the procedure the City uses to process a resolution. Attorney Callies indicated staff prepares resolutions based on information received and adequate information has not been received from Minnesota Cereal.

Mayor Switzer indicated there is a process which has not been met.

Callies stated the deadline for removal of the materials was July 31, 2010, and Zander did not submit a request before that date. Callies stated the request is being made for an extension of the time to remove the materials.

Cruz stated current request is not clear and a new permit should be applied for.

Switzer agreed with Cruz and recommended Zander apply for a permit.

John Zander stated resolution he proposed was prepared by his attorney and he was informed it should be by motion.

Pribyl stated it is another tactic to delay the removal of the material and a waste of the City's time and money. He indicated the time period for removing the building materials has expired and noted Zander had earlier informed Council he would remove the building materials by July 31, 2010. He further stated in the eleventh hour Zander came in with a request and talked about Minnesota Cereal. Pribyl stated last spring Dan Zander indicated John Zander had no intention of removing the building materials.

Switzer stated there have been no plans, building permits or cooperation by Zander. He indicated Titan Supply can apply for a permit to reconstruct the County Market but the silos require new CUP. He stated it is the job of the Council to interpret the laws of the City.

Pribyl indicated the use of the building materials and Minnesota Cereal was never mentioned.

**Councilor Cruz withdrew the motion, with Ryan concurring.**

Switzer encouraged Zander to use the proper procedure in working with staff regarding the stored building materials.

Ryan stated he would welcome seeing the building material to go up but after years of extensions, Zander still has to follow the proper procedure.

Cruz indicated there has been a limited time to act upon the request and the City should separate any new request from the previous CUP.

John Zander returned to Council at 8:40 p.m.

## REPORT OF OFFICERS, BOARDS AND COMMITTEES

City Administrator/Clerk – John McCarthy

*Financial:* McCarthy reported the six month financial information for the general and enterprise funds included in the packet for the last meeting had some incorrect percentages due to a software problem and amounts have been corrected.

*Titan Supply vs. City of Dundas:* McCarthy reported Titan Supply Company filed two lawsuits against the City. Attorney Merwin has been assigned by the League of Minnesota Cities Insurance Trust.

*Pavilion Rental Problems:* McCarthy stated he will be requesting changes in the Pavilion rental due to complaints and problems occurring.

*2011 LGA:* McCarthy stated received notice Dundas will receive \$132,974 in 2011 in LGA but no market value homestead credit.

*Data Practice Request from Northfield News:* McCarthy reported information from a Data Practice Request from Northfield News has been provided.

*Questions Regarding Picnic Tables at Millstone Park:* McCarthy reported Council in 2008 did authorize two picnic tables at Millstone Park but due to overspending of the Park budget, they were not ordered and the next year (2009) no authorization was made. He noted Council authorized a bench this year.

**Motion by Ryan, second by Pribyl, to purchase two picnic tables for Millstone Park. MCU**

REPORT OF OFFICERS, BOARDS AND COMMITTEES

City Administrator/Clerk – John McCarthy (con't)

*Elections:* McCarthy reported Primary Election will be on August 10, 2010, from 7:00 a.m. to 9:00 p.m. and filing for local election has opened and will close at 5:00 p.m. on Tuesday, August 17.

Mayor and Councilors and Committees

Mayor Switzer addressed public forum comments. He addressed issues of 2011 budget and reviewed the process for the public. He referred to the website for information and the yearly audit from a certified public accountant. Council works with projection worksheets on the budget. He reviewed the proposed budgeting process conducted by the staff and Council. He reviewed the Enterprises Fund projections of 2009. He briefly reviewed the TIF District. Switzer and Engineer McMahon explained the rate structure of the utilities. Switzer encouraged all residents to review the proposed budget and welcomed them to attend any meetings.

*Public Safety Committee:* McCarthy reported the committee met on August 4 with Chief Mincke. He stated discussion on preparing for 800 MHz with the capital outlay at about \$20,000. He reported on replacement cycle for cars and allocating a fund in Public Safety from General Fund. He noted Chief is doing a good job at keeping under budget. McCarthy stated another item was the need for a siren at Bridgewater Heights area with the goal to have by the end of year.

*Planning Commission Public Hearing and Special Meeting:* Council Cruz reported Planning Commission held a public hearing and special meeting to cover three hearings relating to a Plan Unity Development (PUD) application, text amendment to Chapter 1500 on variance, and an Interim Use Permit (IUP) request.

ADJOURNMENT

**Motion by Cruz, second by Pribyl, to adjourn the regular Council meeting at 9:40 p.m. MCU**

Submitted by:

Attested by:

\_\_\_\_\_  
John McCarthy, Administrator/Clerk

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Glenn Switzer, Mayor