

Draft Council Minutes

City Adm. Bldg.
P.M.

Owatonna, Minnesota

Tuesday, January 6, 2009

7:00 o'clock

City Council met in regular session in the Council Chambers of the City Administration Building, with Council President Thompson presiding. Present were Council Members Falk, Abraham, Moen, Ellingson, Wittrock, Svenby, and Thompson. Also present, Mayor Kuntz, City Administrator Busse, City Engineer Johnson, Community Development Director Strand, Assistant City Attorney Furness, and Assistant City Clerk Hill.

Following the *Pledge of Allegiance* and welcome by Council President Thompson, Council Member Falk moved and Council Member Ellingson seconded approval of the agenda for January 6, 2009. All council members voting aye, the motion passed.

Community Development Director Strand presented Resolution No. 1-09, "A Resolution in Support of Transferring Sales and Use Tax proceeds for the Reconstruction of 18th Street SW." He explained that the construction of a portion of Alexander Street was included as a sales tax project and specifically referenced in the City's Resolution No. 4-06, which became the basis for projects approved in the state legislation authorizing the sales tax. As such, the City's plan to reallocate transportation dollars to another related project requires legislative approval. Strand stated that construction of Alexander Street would be very difficult and likely cost in excess of the original estimate. Strand further explained that the light duty, gravel township road 18th Street SW, which is about .6 miles south of Alexander Street, would be the first connection on the 39th Avenue beltline north of the proposed TH14 interchange and be subject to higher levels of traffic than it can handle. He noted the advantages in shifting the sales tax funding to 18th Street SW and the required special legislation to do so. Strand stated that city staff has contacted our state legislators regarding the special legislation, and requested the support of Owatonna Township, Steele County, business community via the OACCT, and MNDOT. Strand added that the EDA authorized payment of expenses related to the drafting of the special legislation and introducing the special legislation to the House and Senate. He also stated that if legislation is approved, the City intends to annex the right of way of 18th Street SW from 24th Avenue SW to the 39th alignment, draft construction plans, and commence construction in 2010. Council Member Falk asked if Alexander Street would ever be built out to the beltline, and Strand responded that it would be constructed when development pressures warrant it. Council President Thompson declared the public hearing on Resolution No. 1-09 open at 7:08 p.m. There being nobody present wishing to be heard, Council Member Falk moved to close the public hearing. Council Member Abraham seconded the motion. All council members voting aye, Council President Thompson declared the public hearing closed at 7:09 p.m. Council Member Falk moved adoption of Resolution No. 1-09; Council Member Svenby seconded the motion. All seven (7) council members voting aye, the motion passed.

City Engineer Johnson presented for Council approval Resolution No. 2-09, "A Resolution Receiving Report and Ordering 2009 Improvements," for the City's annual concrete curb and gutter and bituminous surfacing project. He summarized the projects stating that there were five new streets with curb and gutter, five reconstructed streets and alleys, ten overlays, and construction of 24th Avenue NW and 26th Street NW, which would be funded through state aid and sales tax. The affidavit of publication and affidavit of mailing to all benefiting property owners was available for review pursuant to Minnesota Statutes, Chapter 429. Council President Thompson recommended tabling all projects except for the two state aid and sales tax projects at 24th Avenue NW and 26th Street NW until after the

January 20 budget study session due to budget constraints and LGA uncertainty in order to evaluate what is absolutely necessary. Council Member Abraham agreed. Council President Thompson proceeded to open the public hearing on Resolution No. 2-09 at 7:12 p.m. **Gary Sigler, 2819 St. Paul Road**, encouraged Council to consider the necessity of putting in curb and gutter on St. Paul Road and felt money would be better spent on flood mitigation projects. **Daniel Dant, 1535 Greenleaf Road**, requested better maintenance and dust control of the gravel road and asked if they would need to go through the petition process again. City Engineer Johnson said that the petition used was a year old, and if the project would be delayed to next year, they would want to get a new petition signed in case there would be new property owners. **Roger Plath, 1240 Robin Hood Lane SE**, stated he would like to see the blacktop improvements on Greenleaf Road deferred to fall and confirmed with City Engineer Johnson that city staff had inspected the sump pump lines on vacant lots. **Mark Pettman, 2785 St. Paul Road**, agreed that there was not a need for curb and gutter on St. Paul Road and asked who had requested it. City Engineer Johnson responded that Council initiated this request in their direction to improve the roadway out to the aquatic center, which included a bike trail and curb and gutter without affecting the mature trees. Council President Thompson added that this would be one of the projects tabled for consideration until after the January 20 budget study session, and Council wanted a safe route for people out to the aquatic center. There being no one further wishing to be heard, Council Member Falk moved and Council Member Moen seconded to close the public hearing. All council members voting aye, Council President Thompson declared the public hearing closed at 7:25 p.m. Council Member Abraham then moved to table the Resolution No. 2-09 improvement projects until after the January 20 study session with the exception of the 24th Avenue NW and 26th Street NW state aid and sales tax projects. Council Member Wittrock seconded motion. All seven (7) council members voting aye, the motion passed.

During the *Public Comment* portion of the agenda, Council President Thompson invited the public to address the Council on items absent from the agenda. There being no one present wishing to be heard, Council President Thompson recapped the *bills* presented for payment for the terms in fiscal years 2008 totaling \$1,209,723.44 and 2009 totaling \$228,559.17. Council Member Wittrock moved approval, and Council Member Moen seconded the motion. All council members voting aye, the motion passed.

Council President Thompson explained that council members review the *Consent Agenda* items prior to each Council meeting and discuss and approve them in one motion during the approval process at the meeting. On motion by Council Member Moen, seconded by Council Member Abraham, and all council members voting aye, the following list of items was approved:

- **Minutes of City Council meeting held December 16, 2008.**
- **Application for short-term on sale malt liquor license from Knights of Columbus** to sell malt liquor at the Owatonna Armory on January 17, 2009, for the Andrew Lawrence Chili Cook-off Benefit.
- **Board & Commission Minutes/Reports:**
 - ✓ **Airport Commission Minutes of November 13, 2008.**
 - ✓ **Public Library Board Minutes of November 18 2008.**

- ✓ **Public Utilities Commission Minutes of November 25, 2008.**
- ✓ **Animal Control Month End Report for November 2008.**

- **Designation of the Owatonna People's Press as the official newspaper for the City in 2009.**

- **Appointment of the Fire Chief as Weed Inspector for the year 2009.**

- **Independent Contractor Agreement renewal with Sharon and Chuck Kriska through 5:30 p.m., December 31, 2009.**

City Administrator Busse presented for Council approval a Memorandum of Understanding between the City of Owatonna and Owatonna Allina Health System dba Owatonna Hospital regarding the construction and operation of the Owatonna Hospital heliport. She explained that Federal Aviation Administration requested as part of their review process an agreement between the Owatonna Hospital and City specifying operational procedures to prevent aircraft/helicopters operating out of each of the facilities from conflicting with one another. She also stated that the Owatonna Airport Commission approved the memorandum, and the City Attorney reviewed it as well. Council Member Ellingson moved approval of the Memorandum of Understanding, and Council Member Svenby seconded the motion. All council members voting aye, the motion passed.

Community Development Director Strand presented for Council approval a revised joint resolution with Owatonna Township to annex portions of street right-of-way into the City. He noted that Minnesota annexation statute changes enacted last summer now require either a sign off from the property owners or a notice of intent printed in the newspaper when placing property under joint resolution for orderly annexation. This was not done when originally adopted last November, so the joint resolution is being presented again adding that the notice of intent to annex under this joint resolution appeared in the newspaper on December 26, 2008. Strand added that the right-of-way proposed for annexation remains unchanged and includes two portions of 24th Avenue SW lying between Bridge Street and Lemond Road and right-of-way that is part of TH 14W lying between 21st Avenue NW and 24th Avenue NW. Council Member Falk moved adoption of the "Joint Resolution Regarding the Orderly Annexation of Certain Properties to the City of Owatonna," and Council Member Abraham seconded the motion. All seven (7) council members voting aye, the motion passed.

City Engineer Johnson introduced Resolution No. 3-09, "A Resolution Approving Plans and Specifications and Ordering Advertisement for Bids," for the 24th Avenue NW and 26th Street NW projects. Johnson explained that 24th Avenue NW from TH 14 to 26th Street NW will serve as a collector street from the Industrial Park to the North Beltline. Initial construction will be a combination of four-lane urban design and two-lane rural design. Johnson also explained that 26th Street NW (North Beltline), which is actually CSAH 34 will be regraded and paved with asphalt, and initial construction will be two-lane rural design with turn lanes for the new clinic/hospital driveway entrance. He stated that sales tax proceeds would pay for one million dollars of the cost for construction of 24th Avenue NW, and municipal state aid funding would pay for the balance. County state aid funding would pay primarily for the construction of 26th Street NW. Johnson noted that bids would be received until 10:00 a.m. on Tuesday, March 3, 2009, and considered by Council at their regular meeting on Tuesday,

March 17, 2009. Council Member Svenby moved adoption of Resolution No. 3-09; Council Member Moen seconded the motion. All seven (7) council members voting aye, the motion passed.

City Administrator Busse explained that the next resolution, Resolution No. 4-09, "A Resolution Designating Depositories for the City of Owatonna and Persons Authorized to Sign Orders Thereon," was the City's annual resolution and reflected slight name changes for Wells Fargo and RBC. Council Member Abraham moved adoption of the resolution, and Council Member Falk seconded the motion. All seven (7) council members voting aye, the motion passed.

City Engineer Johnson provided a brief update on flood mitigation projects. He stated that Bonestroo, the City's engineering consultant, had completed the plans and specifications for the southeast field pond and southeast trunk sewer line depending on further negotiations with land owners for land acquisitions and easements. Council President Thompson acknowledged a couple (**Mr. and Mrs. Jon Menzner, 1425 Greenleaf Place SE**) who arrived late and stated that they supported the Greenleaf road surfacing project. **Dan Ruiter, 1430 Clover Lane SE**, implored Council to keep moving forward as much as possible on the southeast flood mitigation project for the quality of life for residents in the southeast Owatonna area.

During *Council Comment*, Mayor Kuntz reported on the "2009 State of the City" PowerPoint presentation developed by city staff and encouraged local clubs to call him or City Administrator Busse for presentation. Council Member Falk announced that he would not be running for reelection in the next City General Election, encouraged anybody interested in running to contact him, and assured everybody that he would continue to fulfill his responsibilities and obligations to the City. Council Member Abraham told Council Member Falk he would be missed, announced that the *Owatonna Today Show* is now available for viewing on online, and welcomed everyone to the new year hoping and praying that all goes well for all. City Administrator Busse announced that Mayor Kuntz and she would be at the Capitol on January 15 for the 2009 CGMC Legislative Action Day and invited council members to attend. Council President Thompson wrapped up with a reminder of the Council 2009 budget study session on January 20 at 1:00 p.m.

There being no further business to come before the Council, Council Member Wittrock moved to adjourn. Council Member Falk seconded the motion. All council members voting aye, the meeting adjourned at 7:41 p.m.

Dated January 6, 2009

Respectfully submitted,
/s/ Deborah J. Hill, Assistant City Clerk