

## Draft Council Minutes

City Adm. Bldg.            Owatonna, Minnesota            Tuesday, March 3, 2009            7:00 o'clock P.M.

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

Following the *Pledge of Allegiance* and welcome by Council President Thompson, Council Member Ellingson moved approval of the agenda for March 3, 2009, and Council Member Abraham seconded the motion. All five (5) council members present voting aye, the motion passed.

*Bills* presented for payment totaling \$422,184.25 were accepted on motion by Council Member Moen and seconded by Council Member Svenby. All five (5) council members present voting aye, the motion passed.

Council President Thompson explained that Council reviews the *consent agenda* items prior to the meeting and approves them in one motion during the meeting. Council Member Svenby moved and Council Member Ellingson seconded approval of the consent agenda items as presented. All five (5) council members present voting aye, the following list of consent agenda items was approved:

- **Minutes of City Council meeting held February 17, 2009.**
- **Application for Exempt Permit from SeniorPlace, Inc.** to conduct a raffle on December 16, 2009, at 500 Dunnell Drive.
- **Minutes and Reports:**
  - ✓ Public Library Board Minutes of January 20, 2009.
  - ✓ Public Utilities Commission Minutes of January 27, 2009.
  - ✓ Animal Control Month End Report through January 2009.
- **Request for extension of curfew to 1:00 a.m. for Corky's Early Bird Softball Tournament** at Fairgrounds Park on Friday, May 1 and Saturday, May 2, 2009.
- **Lease agreement renewal with Habitat for Humanity of Steele-Waseca Area** for room 211(A), Merrill Building, to March 31, 2010.

During *Miscellaneous Actions*, City Engineer Johnson presented a request for approval of four-way stop signs at the intersection of 22<sup>nd</sup> Street SE and Hartle Avenue SE and a yield sign on Minnesota Avenue at East University Street. He explained that four-way stop signs are warranted at intersections that have equal vehicle traffic volume from all directions or a history of accidents, which is the case with this intersection. This combined with the fact that traffic has increased in the area due to Federated Insurance taking over the old mall and the many elderly drivers who live in the area, safety can be greatly improved by changing the intersection to a four-way stop condition. Johnson further explained that the yield sign needed on Minnesota Avenue at East University Street will assign which vehicle has the right-of-way at the intersection, and it is consistent with other signage in the area. He

also added a third signage request to change the yield sign on Hilltop Avenue at Mound Street to a stop sign for better control at that intersection, which children use when walking to Wilson School. Johnson noted that the cost of replacement and installation of the three street sign requests would be minimal and is part of the operating budget. Council Member Abraham moved approval of the three signage requests; Council Member Svenby seconded the motion. All five (5) council members present voting aye, the motion passed.

City Engineer Johnson reported on a request for approval of an agreement with Cannon River Watershed Partnership to provide neighborhood education about stormwater management friendly practices. He explained that the City of Owatonna was awarded a \$500,000 Low Impact Development (LID) grant (since reduced to \$415,000 due to state funding reductions) in June 2008 by the Minnesota Pollution Control Agency (MPCA). The grant funds will be used to complete several LID projects in various locations throughout the City that are designed to increase public education and outreach and develop stormwater infrastructure designed to reduce the volume and rate of runoff as well as improve water quality. Johnson noted that the \$27,100 cost for neighborhood education would be paid from the LID grant. Council President Thompson commented that some council members and senior city staff had met with Cannon River Watershed Partnership personnel on Monday, March 2 and felt there would be long term benefits to the community to take a look at what else can be done in neighborhoods to deal with stormwater beyond putting in retention ponds. Council Member Ellingson moved approval of the agreement; Council Member Abraham seconded the motion. All five (5) council members present voting aye, the motion passed.

City Engineer Johnson presented a request for authorization of professional engineering services for the North Cedar Avenue bridge project, which was chosen to receive economic stimulus funding that would cover the \$1.2 million construction cost. Johnson stated that the City is required to produce this project within 90 to 120 days in order to receive the funding. Johnson added that Bonestroo has already completed the actual bridge design, which was originally scheduled to be reconstructed in 2010. In order to make the time table, the City would like to enter into agreement with Bonestroo to design the remaining roadway approaches from the north and south. Johnson also pointed out that the City would be able to use state aid funds to cover the engineering costs associated with this project. Council Member Svenby inquired about when construction would start. Johnson responded that bids would be in May followed by construction in June, July, August, and September. Council Member Svenby moved approval of the request for authorization of professional engineering services, and Council Member Ellingson seconded the motion. Council Member Ellingson asked how traffic would be re-routed to avoid the bridge and what effect that might have on Elm Avenue. Johnson responded that traffic would not be able to go over the bridge, but there would still be access to North Cedar Avenue from the south and north. He added that Elm Avenue has been overlaid a couple of times and is at least a five-ton road. Council Member Svenby confirmed with Johnson that a sidewalk would also be constructed extending up the hill on the east side of North Cedar Avenue from North Street to 14th Street NE. All five (5) council members present voting aye, the motion passed.

City Administrator Busse introduced the next item, a settlement and release agreement, and stated that this agreement resolves a grievance issue filed by the International Union of Operating Engineers, Local No. 70 with the City regarding a facility technician-electrician position. Council Member Abraham moved approval of the agreement, and Council Member Ellingson seconded the motion. All five (5) council members present voting aye, the motion passed.

City Engineer Johnson presented Resolution No. 11-09, "A Resolution Approving Plans and Specifications and Ordering Advertisement for Bids," for the revised 2009 concrete curb and gutter, base course and bituminous surfacing project. He explained that this revised annual project list consists of new curb and gutter streets, reconstructed streets and alleys and overlays. Bids will be received until 10:00 a.m. on Tuesday, April 7, 2009, and considered for award at the regular City Council meeting on Tuesday, April 21, 2009. Council Member Svenby moved adoption of Resolution No. 11-09. After council discussion, Council Member Ellingson seconded the motion. With three (3) council members voting aye and Council Members Abraham and Thompson voting nay, the motion passed.

City Administrator Busse introduced the request to rescind Resolution No. 9-09 and Resolution No. 10-09 calling for public hearing on April 21 for proposed Charter amendments. City Attorney Walbran explained to Council that upon further review of the law governing amendment of Charters by ordinance, it is necessary to reschedule the public hearing from March 17, 2009 to April 7, 2009. The reason for this is that March 17, the previous scheduled hearing date, is more than 30 days from April 21, the date upon which all members would be in attendance to vote. Because one council member will be absent on March 17 and another member absent on April 7, the vote could not be taken on either of those dates. Walbran further explained that the statute provides that the Council must vote on the proposed Charter amendment within one month of public hearing. The statute requires that an amendment to the Charter by ordinance requires an affirmative vote of all members of the Council and approval by the Mayor. Walbran stated that first Council must rescind the previously adopted resolutions and then adopt new resolutions calling for public hearings as provided by statute. Council Member Abraham moved to rescind Resolution No. 9-09 and Resolution No. 10-09. Council Member Moen seconded the motion. All five (5) council members present voting aye, the motion passed.

Council President Thompson introduced Resolution No. 12-09, "A Resolution Calling for a Public Hearing on Proposed Charter Amendment Providing for City Elections in Even Number Years," for April 7, 2009, and he noted that the Council vote on the amendment would take place on April 21. Council Member Moen moved the adoption of Resolution No. 12-09; Council Member Abraham seconded the motion. All five (5) council members present voting aye, the motion passed.

Council President Thompson introduced Resolution No. 13-09, "A Resolution Calling for a Public Hearing on Proposed Charter Amendment Providing that Appointment to City Boards and Commissions Shall be Limited to City Residents," for April 7, 2009, and he noted that Council would vote on the amendment on April 21. Council Member Abraham moved adoption of Resolution No. 13-09; Council Member Svenby seconded the motion. All five (5) council members present voting aye, the motion passed.

During *Reports*, City Engineer Johnson provided an update on the status of the flood and stormwater projects. He reported that he had the final completed set of plans for the southeast field pond and southeast storm sewer trunk line on his desk. He also stated that the City was waiting for the land acquisition and acquiring of easements, and a bid date possibly could be set at the March 17 City Council meeting. Johnson explained that the City has property owner agreements for all the easements for the storm sewer trunk line except for Mr. Kath's, and he would be meeting with the second to the last property owner on Thursday who has also agreed to the easement. Johnson noted that the Rypka pond property land acquisition remains. Council President Thompson asked if he had been able to get

in contact with Mr. Kath. City Administrator Busse responded that she has left messages for Mr. Kath on his cell phone and home phone. Busse reported that she was told the Rypka property appraisal should be completed by the end of the week, and she would set up a meeting with the Rypka family to begin negotiations once she receives the appraisal. Council Member Abraham asked if there had been any updates from FEMA on the status of funding. City Administrator Busse responded that Fire Chief Johnson had met with representatives from Senator Klobuchar's office and Representative Walz, and Mayor Kuntz had reviewed the process with Senator Klobuchar and Representative Walz. She stated that the same timeframes are still in place; nothing has changed.

During *Council Comment*, Mayor Kuntz reminded everybody to move their clocks forward on Sunday, March 8, and he reported that he would be meeting with a group of mayors on Friday to discuss getting Amtrak to the western part of Minnesota through Rochester, Waseca, and Owatonna. Mayor Kuntz also announced receiving a letter from the Minnesota Pollution Control Agency confirming the Owatonna Wastewater Treatment Facility as the recipient of a Certificate of Commendation for outstanding operation, maintenance, and management of the wastewater treatment system for the period October 1, 2007, through September 30, 2008. He also announced presentation of the Certificate of Commendation during the Award Ceremony beginning at 3:45 p.m. on Thursday, March 26, 2009, in Brooklyn Park. Council President Thompson wrapped up with a reminder that the next City Council meeting would be on March 17, St. Patrick's Day.

There being no further business to come before the Council, Council Member Ellingson moved to adjourn. Council Member Svenby seconded the motion. All council members present voting aye, the meeting adjourned at 7:26 p.m.

Dated March 3, 2009

Respectfully submitted,

/s/ Deborah J. Hill, Assistant City Clerk