

## Draft Council Minutes

City Adm. Bldg.      Owatonna, Minnesota      Tuesday, November 17, 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. The meeting started at 7:08 p.m. due to the study session that preceded it in Council Chambers. Present at roll call were Council Members Wittrock, Svenby, Falk, Abraham, Moen, and Thompson. Council Member Ellingson was absent at roll call but arrived later at 7:33 p.m. Also present were Mayor Kuntz, City Administrator Busse, City Attorney Walbran, Community Development Director Strand, Director of Parks and Recreation McKay, and Assistant City Clerk Hill.

Following the *Pledge of Allegiance*, **Council Member Svenby moved approval of the agenda for November 17 with the addition of item 3.2b – price reduction and extension of listing agreement. Council Member Moen seconded the motion. All six (6) council members present voting aye, the motion passed.**

Mayor Kuntz administered the Oath of Office to Pastor Ronald D. Wilson and Alan D. Kolander, new appointments to the Owatonna Human Rights Commission, and stated that it was a privilege and an honor to do so. On behalf of the City Council, Council President Thompson thanked the two new commissioners for volunteering.

During *Public Comment*, Jim Gunderson from Farm Bureau Financial Services, 342 Bridge Street, approached Council to request modifying the odd even street parking ordinance along the 100 block of Riverside Avenue around the corner from Bridge Street from midnight to noon to midnight to 8:00 a.m. in order to allow employees and customers to park for access to businesses along Bridge Street. Council President Thompson directed City Administrator Busse to have staff look at the ordinance for change, and Busse replied that department directors had discussed this issue during their morning staff meeting and will take a look at the ordinance.

Next, Council President Thompson recapped the expenses for the period noting that the \$17,793.23 consulting fee for the Crosswind Runway Project is 95 percent reimbursable. **Bills presented for payment totaling \$2,627,007.63 were accepted on motion by Council Member Wittrock, and seconded by Council Member Moen. All six (6) council members present voting aye, the motion passed.**

Council President Thompson explained that Council reviewed the *Consent Agenda* items prior to the meeting. He further explained that Council will approve the items in one motion during the meeting; however, during the approval process questions on individual items may be asked at that time. **Council Member Falk moved approval of the consent agenda items. Council Member Abraham seconded the motion. All six (6) council members present voting aye, Council approved the following list of consent agenda items:**

- Minutes of City Council meeting held November 2, 2009, and Canvass Board held November 6, 2009.

- Application for Exempt Permit from Steele Spurs Chapter of NWTF to hold a raffle at the Eagles Club, 141 East Rose Street, on January 29, 2010.
- Special Use Permit applications from:
  - ✓ Big Brothers/Big Sisters for use of West Hills Park on October 20, 2009.
  - ✓ OHS Link Crew for use of Morehouse Park and Chalet on October 23, 2009, for freshman bonfire.
  - ✓ OACCT Business Partnership (OBP) for use of Central Park and stage from 3:00 p.m. to 8:00 p.m. on December 3, 2009, for Lighting of the Lights.
- Minutes and Reports:
  - ✓ Park and Recreation Board Minutes of October 12, 2009.
  - ✓ Planning Commission Minutes of November 10, 2009.
  - ✓ Animal Control Month End Report for October 2009.
  - ✓ Building Inspection Department Comparison Report through October 31, 2009.
  - ✓ Fire Department Monthly Activity Report through October 2009.
  - ✓ Investment/Money Market Report for September 30, 2009.
- Closure of the road at 1145 Park Drive in the Industrial Park on December 7 from 4:30 p.m. to 5:30 p.m. to accommodate the DM&E and Canadian Pacific Railroad Christmas Train stop Food Shelf fundraiser in Owatonna.
- T-hangar lease agreement renewal with Chris Mayer.

Community Development Director Strand presented for Council approval a City-Township Annexation Agreement with Owatonna Township for a two year period. Strand explained that the existing annexation agreement with Owatonna Township, which lapses at the end of 2009, basically presents an annexation plan that provides for conditions for annexation as well as defining areas that the City may consider annexing. He noted that the agreement does not compel annexation in any way; it defines the conditions and area that the City of Owatonna may consider annexations – usually by petition of the property owner or by joint resolution. Strand also pointed out that Council Member Svenby discovered a reference in the agreement to an area that is no longer present and which has been removed from the final version of the agreement. Strand reported staff recommendation for approval and authorization of execution of the City-Township annexation agreement with Owatonna Township. **Council Member Svenby moved to approve and authorize execution of this agreement; Council Member Abraham seconded the motion.** Council President Thompson noted the good relations the City of Owatonna has with surrounding townships, which he attributed in part to having such an agreement. **All six (6) council members present voting aye, the motion passed.**

Next, Community Development Director Strand reported on added agenda item 3.2b, a recommendation from the Hospital Re-Use Task Force to extend the listing agreement and lower the listing price of the former hospital property. Strand explained that the Hospital Re-Use Task Force met on November 16 and is recommending that the listing with CBRE, which terminates on December 31, 2009, be extended for three months and the listing price be reduced from \$2,000,000 to \$750,000 to trigger some interest in the property. Strand noted that there is no cost to extend the agreement and that

the price reduction probably better reflects what the worth of the building is to an end user considering costs of renovation, the limitation placed on potential uses such as age of the building and location, and today's commercial real estate market. Council President Thompson requested that language be added to the listing stating that the City will entertain all offers. Council Member Wittrock inquired about the inclusion of land. Strand stated that the listing includes all the land that the hospital is sitting on and adjacent parking but does not officially include the lots on the east side of Cedar Avenue, which would be available to potential buyers as needed. Council Member Falk asked about plans after the three month contract extension expires. Strand replied that a decision will need to be made whether to continue listing it for sale. He added that the City will keep up the maintenance through the winter and summer, but Council and staff will need to discuss other options for the former hospital some time in 2010. **Council Member Falk moved approval of lowering the listing price to \$750,000 and authorization to extend the leasing agreement three months. Council Member Abraham seconded the motion and amended it to add that all offers will be considered, to which Falk agreed. All six (6) council members present voting aye, the motion passed.**

During *Board and Commission Recommendations*, Community Development Director Strand reported on Conditional Use Permit No. C-1316, a request by Pat McCauley to construct additional drive up facilities for a restaurant in a B-2 Community Business District at 670 West Bridge Street. Strand explained that the applicant is proposing to convert the former BP gas station next to the Dairy Queen into a Jimmy John's Restaurant and would like to construct a drive up facility separate from Dairy Queen's existing drive up. Strand explained the proposed changes that would need to take place for drive up lanes, driveways, and signage. He also stated that after holding public hearing, the Planning Commission recommended Council approval of this conditional use request. **Council Member Falk moved approval of Conditional Use Permit No. C-1316, and Council Member Svenby seconded the motion. After further discussion and all six (6) council members present voting aye, the motion passed.**

Community Development Director Strand presented the preliminary plat of Schroht Addition, a 2.95 acre tract of land owned by the Ralph Schroht family located west of Mineral Springs Parkway, north of Ridge Road and Carpenter Place and south of Mineral Springs Road. Strand explained that the applicant wishes to sell a house in this area, and this replat cleans up the property lines and creates four single family lots for future consideration. Strand noted that this plat also resolves an old issue of a non-buildable triangle of land once owned by Habitat for Humanity, which has been transferred to the applicant and is included in the plat. (Council Member Ellingson arrived at this point at 7:33 p.m.) Strand stated that after holding public hearing, the Planning Commission recommended Council approval of this preliminary plat provided wetland review is completed, a drainage plan is submitted to and approved by the City Engineer, easements are placed as required by City Engineering and OPU, and the driveway access for proposed Lot 1 come off of Mineral Springs Parkway. **Council Member Abraham moved approval of this preliminary plat of Schroht Addition as recommended by the Planning Commission; Council Member Moen seconded the motion. All seven (7) council members voting aye, the motion passed.**

Next, Community Development Director Strand presented in its first reading Proposed Ordinance No. 14/09, "An Ordinance Pursuant to Section 6.2 of the Home Rule Charter of the City of Owatonna, and Section 675 of the 1992 Ordinance Code of the City of Owatonna, Vacating a Street, Alley, or Public

Right-of-way, or Any Part Thereof, Herein Described, and Providing for its Recording,” to vacate 16.5 feet of street right-of-way along the west side of Mineral Springs Parkway south of Mineral Springs Road. Strand explained that the street vacation is being proposed to more accurately reflect the amount of street right-of-way needed for the street noting that the proposed vacation has been included in the previously discussed Schroht Addition. **Council Member Falk moved approval of Proposed Ordinance No. 14/09 in its first consideration, and Council Member Wittrock seconded the motion. All seven (7) council members voting aye on roll call, the motion passed.**

Community Development Director Strand reported on the preliminary plat of 12<sup>th</sup> Avenue Addition, a 7.15 acre tract of land located south of State Avenue and north of East Frontage Road. Strand explained that that this preliminary plat will create five lots noting that with one exception the new lot lines reflect existing property lines. The buildings within the plat were built prior to being annexed into city limits and therefore do not meet the minimum setback requirements. Strand continued explaining that a portion of 12<sup>th</sup> Avenue is being vacated and is being included as part of the platted lots. After holding public hearing, the Planning Commission recommended Council approval of this preliminary plat provided easements are placed as required by OPU and City Engineering. **Council Member Abraham moved approval of the preliminary plat of 12<sup>th</sup> Avenue Addition as recommended by the Planning Commission. Council Member Falk seconded the motion. All seven (7) council members voting aye, the motion passed.**

Community Development Director Strand presented in its first consideration Proposed Ordinance No. 15/09, “An Ordinance Pursuant to Section 6.2 of the Home Rule Charter of the City of Owatonna, and Section 675 of the 1992 Ordinance Code of the City of Owatonna, Vacating a Street, Alley, or Public Right-of-way, or any Part Thereof, Herein Described, and Providing for its Recording,” to vacate a portion of street right-of-way along 12<sup>th</sup> Avenue NW south of State Avenue and north of East Frontage Road. Strand explained that this vacation is being proposed in order to deed back the land to the adjacent property owners. The existing right of way is far more than what the City requires for a typical city street. He further explained that this segment of street was turned back to the City from the County as part of the State Avenue extension. Strand added that Qwest, Charter Communications, and OPU have all been notified of the proposed vacation, and a 25-foot wide utility easement will be retained along the east side of the newly platted street right-of-way to accommodate any utilities located within the existing right-of-way. After holding public hearing the Planning Commission recommended Council approval of this vacation of street right-of-way provided a 25 foot wide utility easement is retained along the east side of the newly platted street right-of-way along 12<sup>th</sup> Avenue NW. **Council Member Moen moved approval of Proposed Ordinance No. 15/09 in its first reading as recommended by the Planning Commission. Council Member Abraham seconded the motion. All seven (7) council members voting aye on roll call, the motion passed.**

Next, Community Development Director Strand reported on Zone Change No. Z-311, a request from David Spinler to rezone property from B-2 Community Business District to I-1 Light Industrial District at 1201 12<sup>th</sup> Street Avenue NW. He explained that the City is proposing to rezone an outlot behind one of the buildings in the proposed plat in order to have zoning districts follow property lines and conform to the City’s adopted development plan. Strand stated that after holding public hearing, the Planning Commission recommended Council approval of Zone Change No. Z-311 based on the following:

- 1) The proposed rezoning is consistent with the City's Development Plan, which shows the parcel being developed as industrial, and
- 2) With the proposed plat, this rezoning aligns zoning districts with the new property lines.

**Council Member Wittrock introduced and moved approval of Proposed Ordinance No. 16/09, "An Ordinance Amending Ordinance No. 827, Owatonna Zoning Ordinance," in its first reading. Council Member Ellingson seconded the motion. All seven (7) council members voting aye on roll call, the motion passed.**

Community Development Director Strand presented the last agenda item under *Board and Commission Recommendations*, the final plat of Fifth Addition, Forest Hill Cemetery. He explained that Forest Hill Cemetery has requested city approval on a proposed plat of cemetery lots within the northeast portion of the cemetery although the subdivision of cemetery lots is exempt from the City's subdivision ordinance. Strand also stated that although the plat does not require city approval, there is no negative impact by adopting a resolution for approval of the plat as the cemetery has requested, and staff recommends approval of this final plat as recommended by the Planning Commission. **Council Member Svenby introduced and moved adoption of Resolution No. 74-09, "A Resolution Approving Plat of Addition to the City of Owatonna," for the final plat of Fifth Addition, Forest Hill Cemetery. Council Member Abraham seconded the motion. All seven (7) council members voting aye, the motion passed.**

Director of Parks and Recreation McKay presented for Council approval Proposed Ordinance No. 17/09, "An Ordinance Amending Chapter X of the 1992 Ordinance Code of the City of Owatonna, as Amended, Entitled 'Nuisances Defined and Regulated' by Adding Section 1075 Prohibiting the Feeding of Deer," in its first reading. McKay explained that an increasing deer population in and around the City plus a number of citizens having deer feeding stations within the City are resulting in the following negative impacts: 1) depredation of garden crops and landscaping plants in and around feeding stations, 2) deer drawn into the City cause public safety concerns, and 3) high deer densities contribute to the spread of chronic diseases within deer herds. He also explained the regular paths of several herds through the City and stated that this ordinance, which will protect, preserve, and promote the health, safety and welfare of the citizens of Owatonna, is supported by the DNR. **Council Member Falk moved approval of Proposed Ordinance No. 17/09 in its first reading, and Council Member Abraham seconded the motion. After further discussion and all seven (7) council members voting aye on roll call, the motion passed.**

City Administrator Busse presented the labor agreement between the City of Owatonna and MN Teamsters Public and Law Enforcement Employee's Union, Local No. 320 (Police Officers), January 1, 2009, through December 31, 2010. She reported that the agreement provides for no wage increase in 2009 and 2010 and an insurance reopener in 2010. **Council Member Abraham moved approval of this labor agreement, and Council Member Falk seconded the motion and thanked the union for settling. All seven (7) council members voting aye, the motion passed.**

During *Flood and Stormwater Projects – Verbal Update*, City Administrator Busse read an email from City Engineer Johnson in which he stated that all storm sewer pipe work is completed. Work to be completed yet includes replacement of curb and gutters and bituminous pavement and boulevard and lawn restoration. In his email, Johnson also reported that the contractor has requested a 15-day time

extension due to unusual and unforeseen rainy weather during the month of October, which will come before Council as a supplemental agreement in December. Mayor Kuntz expressed his concern that the contractor started a month late, and he stated that final cleanup must also be discussed.

During *Council Comment*, Mayor Kuntz issued a reminder of the December 7 DM&E and Canadian Pacific Railroad Christmas Train stop in Owatonna on Park Drive for fundraiser for the Owatonna Food Shelf. He also announced that North Cedar Avenue by the canning company and 24<sup>th</sup> Avenue behind Lowe's are scheduled to reopen end of November. Council Member Abraham asked about 26<sup>th</sup> Street. Busse replied that her understanding was that the County is on track for end of November as well. Council Member Wittrock stated that hopefully construction season would be over in a couple of weeks. Council Members Abraham and Ellingson wished everybody a happy and safe Thanksgiving.

There being no further business to come before the Council, **Council Member Wittrock moved to adjourn, and Council Member Ellingson seconded the motion. All seven (7) council members present voting aye, the meeting adjourned at 7:57 p.m.**

Dated November 17, 2009

Respectfully submitted,

/s/ Deborah J. Hill, Assistant City Clerk