

City of Loretto
Minutes of Regular City Council Meeting
July 10, 2012

CALL TO ORDER

Mayor Koch called the meeting to order at 7:00 p.m. Members present: Mayor Kent Koch, Council members Jeff France, Clark Lohr, John Neumann, and Tom Pedersen. Also present: City Clerk Cindy Patnode, Public Works Director Jeff Leuer, City Attorney Paula Callies, Medina Police Chief Ed Belland, and Engineer Kent Torve.

There were five people in the audience besides the representatives.

SET AGENDA

The agenda was approved as submitted.

APPROVE MINUTES

On a motion by Lohr, seconded by Neumann, to approve the June 12, 2012 Minutes as submitted.

Motion carried unanimously.

MEDINA POLICE REPORT

Chief Belland informed the Council of activities in June. He stated that he received concerns regarding the traffic back-up in Loretto, specifically on County Road 11. Contact has been made with the construction company on Hwy 55 to possibly help with traffic during the busy times. The train is also a factor in that area which may have more to do with the traffic back-ups.

UPDATE ON FENCE AT 220 ST. JOHN STREET – WEST HENNEPIN AUTO

Callies informed the Council of the communication with West Hennepin Auto's attorney regarding an agreement worked out with the neighboring property owner regarding the fence Conditional Use Permit (CUP) that was denied at the May Council meeting.

Callies informed the Council that if they choose to reconsider the CUP, a public hearing would be recommended since the last public hearing ended in a denial of the request and there were a number of people in the audience that spoke against the fence.

Callies informed the Council that a CUP runs with the land. Reasonable conditions can be included that bear a substantial relationship to the issue, but not random items.

Since it appears that there is new information and a possible agreement between the property owners, the Council entertained the idea to reconsider the application for a fence CUP.

On a motion by Lohr, seconded by Neumann, to waive the application fee for West Hennepin Auto if they re-apply for a CUP. The applicant would still incur additional fees for administrative costs and consultant fees.

Staff was directed to use the original information the Planner provided but it is not necessary for his presence at the meeting.

Motion carried, France opposed.

BISTRO 11 HEARING ON LICENSE VIOLATION – RESOLUTION 2012-13

Callies provided the background information on this item to Council. The State Alcohol and Gambling Enforcement Division provided the City with Notice that Bistro 11 had violated state liquor regulations by purchasing liquor from another retailer for resale while Bistro was posted on the State Delinquent Tax posting. Bistro paid a civil fine to the state and cleared up its tax issue. A violation of state law is also a violation of city code. The City is required to hold a hearing before imposing a penalty. The Licensee received notice of the hearing before the City Council and attended the Council meeting. The Licensee admitted that Bistro had violated the law as indicated in the State's notice. Council discussed options for an appropriate penalty under the circumstances

On a motion by Neumann, seconded by Pedersen, to approve Resolution 2012-13, A RESOLUTION REGARDING K&K HOSPITALITY AND IMPOSING PENALTY.
Motion carried, France opposed.

RESOLUTIONS 2012-14 AND 2012-15

On a motion by Lohr, seconded by Pedersen, to approve Resolution 2012-14, A RESOLUTION ACCEPTING A DONATION FROM THE LORETTO LION'S CLUB.
Motion carried unanimously.

On a motion by Lohr, seconded by Neumann, to approve Resolution 2012-15, A RESOLUTION ACCEPTING DONATIONS FROM AREA RESIDENTS AND BUSINESSES FOR THE LORETTO FUN FEST.
Motion carried unanimously.

REDEVELOPMENT ADVISORY COMMITTEE

Right-of-Access Agreements

Paula informed the Council that a grant was awarded to Loretto for Redevelopment purposes. A soil boring is now being requested which requires going on people's property. The city will need permission via a "Right-of-Access" agreement. Attachment A, which will show the boring locations, will not be known until all the parties have agreed to the boring locations.

On a motion by France, seconded by Koch, to authorize the Mayor and City Clerk to sign the Temporary Access and License Agreements for Soil Borings between the City of Loretto, Minnesota and the following: Darlene L. Chapman, John B. Manro, K & L Hanner, and 9816 Palm St. LLC.

This is not binding until the owners sign the agreement.
Motion carried unanimously.

Other

Council reviewed the draft notes dated 6/21/12. No action taken.
Lohr informed the Council that the committee is working on brochures. This is not grant funded and they are looking for local businesses for sponsorship.

EQUIPMENT USAGE AGREEMENT

On a motion by France, seconded by Lohr, to authorize the Mayor and City Clerk to sign the Agreement with Loram for the use of the two portable generators with lights.

Council directed that a specific thank you be sent for this donation.
Motion carried unanimously.

LEAGUE OF MN CITIES – LIABILITY COVERATE

On a motion by Lohr, seconded by France, to direct the City Clerk to sign the Liability Coverage Waiver Form on behalf of the City of Loretto stating that the city does not waive the monetary limits on municipal tort liability established by MN.

Motion carried unanimously.

INFORMATIONAL ITEMS

Recycling Update

Organics incentive recipient: Aaron Toews Family

Recycling incentive recipient: Brian Sevigny Family

Each will receive a \$15 credit on their recycling utility bill.

Jim Wollschlager and Deb Gatz were at the meeting to promote the Bio Bag Organics and demonstrated the procedures to the Council. Randy's has expanded their recycling efforts and upgraded their building to handle the single stream recycling that they are planning to switch over for all their accounts. Although the city of Loretto's contract expires on 12/31/2013, Randy's is requesting that negotiations for a new contract begin now and expand to a ten year vs. six year agreement due to the upgrading they have done to accommodate the future needs of recycling.

Currently, the organics program is mandatory for Loretto residents. Under the new contract, it will be optional. Residents that choose the organics program will get a household container, a year supply of blue bags for the outdoor tub that will be provided, and a coupon for a free bag of compost. To offset the price of the original organics program carts that were purchased through a grant program, the Blue Bag program will be half price for the first year (\$40) to Loretto residents. Randy's will do all the educational and promotional publications to the residents regarding the changes to the organics and recycling programs. They would like the program changes to be effective October 1, 2012. As a side note, Randy's will also contribute to the Loretto Fun Fest annually at a Platinum level.

Council direction was for Randy's representatives to work with staff on the contract details and bring back to the August meeting for Council review.

Fire Contract Meeting Update

Council member Neumann informed the Council of discussions that were made at the Administrative meeting regarding the upcoming fire contract. There was talk of calculating the new fees by usage and market value. If this moves forward, Loretto's contract would increase by 43% which could possibly be implemented over the next three years.

Other ways to save money was to possibly bill the homeowners for any fire calls. The Council's thoughts are when there is a catastrophic case, the homeowners insurance company could be tapped for some of the expenses. There was also discussion of the possible merger between Loretto and Hamel and how that would affect the costs of the contract.

Another meeting will be held prior to the August Council meeting to further negotiations.

Personnel Policy addition – Light Duty/Modified Duty Assignment

Patnode informed the Council that the League of Mn Cities recommends that the city include a light duty/modified duty assignment into their Personnel Policy. Callies informed the Council that the policies are to protect the city and to have a uniform policy.

Direction was given to have the attorney review further, give examples, make changes or additions and bring back to the August meeting.

Feedback from cable survey question

Only one comment was received and that was to not spend money to upgrade to a better broadcast system.

Council will discuss at the budget workshop meeting.

Consultant Reviews

Council member France informed the Council that he is working toward having a more formal Performance review for the staff and consultants. He will continue working on it to have in place for this year's reviews.

Sign Update

The current sign ordinance does not address electronic signs. The Council has been approached by the Lion's on replacing their current sign with an electronic one and the sign ordinance has been a topic of updating.

On a motion by Neumann, seconded by Lohr, to direct the Planner to amend the current ordinance to address electronic signs and prepare a supplemental table by sign type and zoning district in the amount of \$1500 (as quoted in the 5/23/12 bid).

Motion carried unanimously.

MONTHLY REPORTS

City Hall

There was general discussion regarding the Open Meeting Law. Attorney Callies reviewed with the Council on the varying levels of communication and ways to avoid violating that law. Such as do not "reply all" when a question comes over the email or having serial (passing information along) meetings on the internet; meeting with two Council members and staff is ok, but three is not as that would produce a quorum; closed meetings are held in different instances and need to be tape recorded; typically the City Clerk is a clearing house for staff and Council; if they choose to email, the Clerk can then disperse it to everyone. If another staff would like to get information only out to Council, they can send it out. If a response from Council is requested, it should go through the City Clerk.

Discussion among a quorum of the Council must take place at an open meeting.

Discussion was also made regarding input from the appointed committees for city staff. The committees that have been Council appointed are advisory only and formal decisions would come from the full Council.

******* The Attorney was dismissed at 9:20 p.m. *******

Streets

Skid steer proposal

Leuer presented the Council with a depreciation schedule for the current skid loader and the costs associated with it. He is requesting that the Council grant permission to be on a bi-annual skid steer replacement basis with Lano Equipment

On a motion by France, seconded by Neumann, to approve the Bobcat replacement program for Loretto and to approve the upgrade to be made in the amount of \$9252.97 with \$4500 from the sale of the mower, and, if Leuer can find the extra \$5,000 within the current budget.

Koch would like the \$4500 from the mower sale to stay within the park budget.

Motion carried unanimously.

Water

No items brought forward.

Wastewater

Wenck update on report

Engineer Torve updated the Council on the progress of the annual report that is due to MPCA at the end of the month. A meeting was held earlier in the day regarding incorporating Loretto into the current Tri-City agreement with Medina, Greenfield, and Independence or if that will spur the Met Council to take over the Tri-City line to become a regional line. All city representatives favored a regional line. More information will be forthcoming via a Resolution for the City Councils to consider. The goal is to get the information to the Met Council by October.

Loretto may desire to work on a dual path of either hooking up to a line or upgrading their current sewer ponds in response to the current NPDES permit which indicates that the phosphorus loading has to be at 0 by 2017. However, if there is no sewer line to hook up to, Loretto may need to have an alternative plan to continue with the sewer ponds which would open up the TMDL to reallocate numbers (as noted in our NPDES permit). The engineers have proposed a feasibility study to obtain those numbers and it will be discussed at the budget workshop in August.

Information should be available in September of 2013 from the Met Council on the feasibility of a regional line coming to the Loretto border.

I & I machine

Torve informed the Council of a machine that can help in the detection of I & I issues that Loretto would have to remedy prior to any hooking up to a sewer line. The current cost is approximately \$5,000 for the machine and the software to read the machine.

Council consensus was to review a proposal at the August Council meeting.

Met Council meeting update

The Council reviewed the notes from the 6/14/12 and from the earlier meeting today (7/10/12). No action taken.

Parks

No items brought forward.

Storm water

No items brought forward.

FINANCIAL

June Bills

On a motion by Lohr, seconded by Pedersen, to approve electronic check #'s 1169E-1192E and paper checks 19875-19904 for a grand total of \$47,220.23.

Motion carried unanimously.

Monthly Report

Patnode reviewed the Monthly Balance Sheet dated 7/6/12.

No action taken.

ADJOURN

On a motion by Neumann, seconded by France, to adjourn at 10:06 p.m.

Motion carried unanimously.

ATTEST:

Cynthia J. Patnode, City Clerk

Kent Koch, Mayor