

**City of Loretto**  
**Minutes of Regular City Council Meeting**  
**January 11, 2011**

**OATH OF OFFICE**

City Clerk Patnode gave the Oath of Office to Mayor Kent Koch, Council members John Neumann and Tom Pedersen.

*\*\*\*A 5 minute recess took place to congratulate the newly elected Council\*\*\**

**CALL TO ORDER**

Mayor Koch called the meeting to order at 7:08 p.m. Members present: Mayor Kent Koch, Council members Clark Lohr, John Neumann, Tom Pedersen, and Jeff Tepfer. Also present: City Clerk Cindy Patnode, Public Works Director Jeff Leuer, City Attorney Paula Callies, Northwest Associated Consultants, Inc. (NAC) Planner Carie Fuhrman, and Medina Police Sgt. Jason Nelson.

There was a packed City Hall with media coverage due to having one of the youngest Mayors voted into office in Minnesota and Kent still attending college and playing baseball for St. Cloud State University.

**SET AGENDA**

The agenda was approved as submitted.

**APPROVE MINUTES**

On a motion by Tepfer, seconded by Lohr, to approve the December 14, 2010 Minutes as submitted.

Motion carried unanimously.

**MEDINA POLICE REPORT**

City Attorney Steve Tallen gave a brief presentation stating he has been the prosecuting attorney since 1986. He deals with crimes punishable by a year or less in jail. The County Attorney prosecutes any cases that would serve over a year and a day of time in jail. He informed the Council that their office will have their Legal Assistants do some of the work to keep costs down for the city and will monitor to make sure it is beneficial. Tallen stated that they work closely with the Medina PD and have a good working relationship.

Sgt. Jason Nelson informed the Council of activities in November and December, relatively quiet months. He reiterated the good working relationship with Tallen when they have cases that need to go forward to his office.  
No action taken.

## **RESOLUTIONS**

### Resolution 2011-01, Annual Appointments

On a motion by Lohr, seconded by Pedersen, to approve Resolution 2011-01, A RESOLUTION RELATING TO THE ORGANIZATION AND ANNUAL APPOINTMENTS FOR THE CITY OF LORETTO FOR 2011.

The Council went through and discussed items and appointed members to various commissions.

Motion carried unanimously.

### Resolution 2011-02, Extending Agreement with Hennepin County

On a motion by Neumann, seconded by Lohr, to approve Resolution 2011-02, A RESOLUTION EXTENDING CONDITIONAL USE LICENSE AGREEMENT WITH HENNEPIN COUNTY.

Motion carried unanimously.

### Public Hearing regarding a Conditional Use Permit (CUP) for Empire Cycle, LLC

Planner Fuhrman gave the background on the Empire Cycle application. The use is not in compliance with the zoning of this property and she is recommending denial based on the incompatibility of the use for this motorcycle repair shop.

The applicants and owner were present.

Mayor Koch opened the public hearing at 7:47 p.m.

Those in attendance for the public hearing:

<u>Name</u>	<u>Address</u>
John Manro	owner of 250 Medina St. N.
Kim Hanner	owner of 240 Medina St. N
Adam Cerny	Applicant
Eric Riley	Applicant

Those speaking in regards to the public hearing:

<u>Name</u>	<u>Address</u>
John Manro	owner of 250 Medina St. N
Darlene Chapman (via phone message)	owner of 239 Medina St. N
Kim Hanner	owner of 240 Medina St. N
Adam Cerny	Applicant
Eric Riley	Applicant

Summary of discussion:

Felt that with the economy the way it was, that leniency should be given so that businesses would be able to get started even if the zoning prohibits it; anything that gives Loretto more recognition is positive; redevelopment is in the future for this property; history of the current building – it started off as a garage prior to the re-zoning that made this type of use non-compliant; noise concerns can be alleviated with the hours that they will post – 10-7 (M-F), 10-4 (Sat), closed Sundays; no outside storage; hope to have 10-30 bikes average.

On a motion by Tepfer, seconded by Neumann, to close the public hearing at 7:52 p.m.

Motion carried unanimously.

Summary of Council discussion:

This land is zoned General Commercial and this use is not General Commercial; love to have the business but it's not the right location according to the zoning; CUP runs with the land and if granted and there cannot be a time limit placed on the CUP which means that a same type of business could continue if these applicants moved out and another business moved in-less control for the Council; concern of the noise factor with the revving up of the motorcycles but their stated hours make this a non-issue; vehicle parking issues addressed with inside storage; if the Redevelopment occurs as planned, the owner will be notified; by the applicant's information, the applicant's plan is that this is a temporary location but the CUP is not, as it runs with the land.

The general consensus of the Council was that they would like to have the business located in Loretto and even in that location if there were another possibility.

Attorney Callies then mentioned that other cities have a tool called "Interim Uses" that could handle this type of situation. However, the City of Loretto does not have this tool in their Code. An Interim Use limits the time of a specific thing happening on a specific parcel and it ends at specific time/date or when the property changes hands. The zoning code would need to be changed and then the applicants could apply for that.

Callies also informed the Council that when a request is made like this, there has to be a decision within 60 days of the application otherwise the application is approved as to the request. The Council had the choice to either approve or deny the CUP.

Callies informed the Council that the Council does have the right to do a zoning text amendment and there are certain procedures to follow.

Callies informed the applicants that they could withdraw their application for a CUP and reapply for a Zoning Amendment – specifically an Interim Use to allow a motorcycle repair facility in a General Commercial District – which could be done in tandem if the Council desired.

Questions arose to the amount of the fees (which were explained).

At this time, the applicants (Adam Cerny & Eric Riley) withdrew their application for a Conditional Use Permit and stated that they would reapply for a Text Amendment with the acknowledgement that this would occur at the February 8<sup>th</sup> City Council meeting.

General consensus of the Council was that they were in favor of this process as a way to allow this business to occur in that district. However, the vote will be taken at the February meeting.

Resolution 2011-03, Lion's Warming House

Callies briefed the Council on liability on the warming house and heater. A brief discussion followed.

On a motion by Lohr, seconded by Neumann, to approve Resolution 2011-03, A RESOLUTION ACCEPTING A DONATION FROM THE LORETTO LION'S CLUB  
Motion carried unanimously.

**PAY EQUITY REPORT**

On a motion by Lohr, seconded by Tepfer, to approve the Pay Equity Report as prepared by the City Clerk for the year concluded 2010.

Motion carried unanimously.

**OPEN BOOK MEETING DATE – APRIL 27, 2011**

On a motion by Neumann, seconded by Lohr, to approve the Open Book Meeting for Wednesday, April 27, 2011 from 5:00 – 6:30 p.m. at City Hall which is held by the Hennepin County Assessors.

Motion carried unanimously.

**HOLIDAY LIGHTING CONTEST WINNERS**

The following are the winners of the Holiday Lighting Contest: First place is Hank Pepin at 152 Creekview Lane; second place is the Spaulding family at 180 Hillview Lane, third place went to the Awker family at 125 Meadow Drive. Hank Pepin was in the audience to receive his certificate and award and congratulated for the decorating that he undertook to make the town look more festive. The winners were awarded a gift certificate for a free oil change at local business West Hennepin Auto & Tire, that sponsored this event. Best neighborhood holiday lighting was a three way tie with The Ponds area/Highlands area/and Albert/Elsen Streets (bragging rights-no awards). The Medina Police served as judges for the contest.

**INFORMATIONAL ITEMS**

Redevelopment Committee (RAC) Update

Redevelopment Action Plan

Fuhrman briefed the Council on the role of the Redevelopment Committee and the Action Plan (that is a work in progress) stating that a revised/updated copy will be forthcoming. The RAC is a five member committee made up of residents and business owners (one of which is to be a Council member) to make recommendations on redevelopment opportunities along Medina Street North (County Road 19) from St. Peter Street to West Railway Street (which is made up of five parcels). As the Planner, Fuhrman attends and prepares for the meetings, but is not a voting member.

Two seats are up at the end of the month and an ad was placed in the Delano Herald regarding the two open slots for the RAC and is on the City website and has been sent out to the email listing of interested parties. We have had one application back and two inquires. Applications are being accepted until 1/26/11.

The RAC hopes to review the applications at their 1/27/11 meeting and make a recommendation for the 2/8/11 City Council meeting.

The 1/27/11 meeting will also be the kick off meeting with the consultants that will be working with the grant money that was awarded through the Livable Communities Act (through the Metropolitan Council) in the amount of \$36,440. Two of the land owners were present at the meeting and requested to be kept more informed of the progress of the RAC and that they may have expertise to offer this group.

They were invited to attend the 1/27/11 RAC meeting that will take place at the City Hall from 3:30 – 5:30 p.m. as all meetings are open to the public.

#### Draft Minutes

Council reviewed the Draft RAC 12/16/10 Minutes.

No action necessary

**\*\*\*\*\* The Planner was dismissed at 8:38 p.m. \*\*\*\*\***

#### Holiday Train update

Successful year with 750 lbs of food collected and \$16,316.65 cash donated which benefits the surrounding food shelves.

Great volunteer efforts were made by the Loretto Fire Department, Medina Police Reserves and various other Police Reserve Officers, along with local businesses that contributed to the success of this event.

#### Feasibility Study Update – Railway Street/St. John Street

Attorney Callies informed the Council of the general process of a Feasibility Study which determines the approximate cost of the project and how the assessments will be applied. These streets have been marked by the engineers as to be rebuilt instead of being repaired due to their deterioration and age. Monies have been budgeted for the Feasibility Study in 2011 in the General/ Water/Wastewater and Stormwater Funds since the study is to take into consideration upgrading/or adding utilities under those streets.

The consensus of the Council was to have this item be placed on the February Meeting as an Action item to authorize the Feasibility Study.

Leuer informed the Council that there may also be grant opportunities with this project if utilities are included.

#### Recycling Update

##### Incentive Program

The Council reviewed and agreed to the recycling incentive program that will give people that recycle a chance to get a three month credit (\$15) on their recycling and/or organics utility charge.

##### 2010 Recap - Recycling participation

Participation in the recycling program has increased although the material that is recycled has been reduced by approximately 19 tons from 2009. The numbers from the organics program are not yet in to tell if that is the offset to the reduced tonnage.

Lake Minnetonka Communications Commission (LMCC)

The City Council declined the offer to conduct a survey at this time.

League of MN Cities (LMC) Dividend

Informational purposes only and no action required. City received \$1,810.

Overtime Policy

Patnode informed the Council that the Auditors suggested that the city adopt an overtime policy.

Council consensus was to have Patnode look to the LMC for a template of an overtime policy and get it to the Council Personnel Representatives for their consideration.

Loretto Fire Department Merger Grant Update

Leuer informed the Council that the Loretto and Hamel Fire Departments received a \$33,000 grant to do a Feasibility Study on consolidating the two fire departments. Leuer informed the Council that the cost to each city would be minimal. More information will be given as it moves along in the process.

Electronic Communications between Council members

Callies briefed the Council on the LMC Risk Management pamphlet "Electronic Communications between Council Members" which lays out the ways a Council member may unknowingly violates the Open Meeting Law. She stated it's a good refresher to go through to keep themselves in check.

Callies stated that city business should be discussed in an open meeting at Council meetings. One on one discussion is ok when talking to another Council member but not to text or email. New Council orientation that the League puts on and new members will be attending (or have attended) will also cover this.

**MONTHLY REPORTS**

**City Hall**

Employee Contract/Loretto Fire Department (LFD)

Patnode expressed her concern about not fulfilling the LFD contract as it relates to the employment wage increase of the Public Works Supervisor for budget year 2011. The contract was adopted in 2006 for a five year period (2007-2011).

Herb Koch, Fire Chief at the time this contract was adopted gave the history of how this contract came to be and felt that the City should honor the contract. The consensus of the Council was to assign the Personnel Committee members the task to review the contract and bring to a future Council meeting with a recommendation.

**Streets**

Snowplowing issues

Leuer requested (and Council agreed) that the Council members assigned to the Street Committee meet with him to discuss snow issues and bring back to a future Council Meeting.

**Water**

No items brought forward.

**Wastewater**

**Volunteering Agreement**

Leuer requested (and Council agreed) that he meet with the Council representatives assigned to the Personnel Committee regarding the Volunteer Agreement. He stated that has put together a job description and sent it off to Callies for input. He also informed the Council that the MN Department of Health wants to approve this agreement prior to the City Council approving it since they are working with chemicals that could have an impact on the city as a whole.

**Parks**

No items were brought forward.

**Storm water**

Council member Lohr suggested a committee be formed to deal with all the water issues.

No action taken.

**\*\*\*\*\* The Attorney was dismissed at 9:14 p.m. \*\*\*\*\***

**FINANCIAL**

**Review of final bills and last payroll for 2010**

On a motion by Lohr, seconded by Tepfer, to approve check #'s 773E-795E and 19263-19283 in the amount of \$39,281.04

Motion carried unanimously.

**2010 Year End Budget**

The 2010 year end budgets were submitted for review. Auditors will begin the audit on January 25 – 26, 2010.

**2011 Final General Fund Budget**

Informational only. No action required.

Herb Koch voiced his input that some of the excess money in the Capital Fund from 2010 be put into the park vs. all into the Street Capital Fund.

**January Bills**

On a motion by Tepfer, seconded by Pedersen, to approve check #'s 19284-19299 in the amount of \$7,310.69

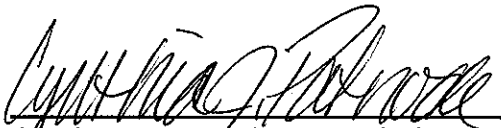
Motion carried unanimously.

**ADJOURN**

On a motion by Neumann, seconded by Pedersen, to adjourn at 9:26 p.m.

Motion carried unanimously.

**ATTEST:**

  
Cynthia J. Patnode, City Clerk

  
Kent Koch, Mayor