

**City of Loretto**  
**Minutes of Regular City Council Meeting**  
**July 12, 2011**

**CALL TO ORDER**

Mayor Koch called the meeting to order at 7:00 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, and Engineer Chad Isakson.

There were two people in the audience.

**SET AGENDA**

The agenda was approved with the following addition:

- under Monthly Reports – Streets – Sidewalk Policy for 120 W. Railway St.

**APPROVE MINUTES**

On a motion by Lohr, seconded by Neumann, to approve the June 14, 2011 Minutes as submitted.

Motion carried, Tepfer abstained.

**FEASIBILITY STUDY PUBLIC HEARING OF RAILWAY/ST. JOHN STREETS**

Engineer Isakson presented the information to open the public hearing for St. John and West Railway Streets regarding the street improvement of full reconstruction of Railway Street West (from Lorenz Street) and St. John Street with asphalt streets, concrete curbing, extension of water system, replacement of two manholes and one lining in the sewer lines; and the proposal of a storm sewer system.

Attorney Callies informed the Council of their options:

- continue the public hearing to obtain further input from the land owners;
- close public hearing and proceed with ordering the project;
- close the public hearing and a decision will need to be made within six months

Mayor Koch opened the public hearing at 7:10 p.m.

Those in attendance for the public hearing:

<u>Name</u>	<u>Address</u>
Tim & Mary Lou Pivec	220 St. John Street

It should be noted that Gary Koecheler, property owner of three parcels, submitted a note with potential assessments against his parcels and verbally stated to the Public Works Director that he was opposed to the improvement.

Those speaking in regards to the public hearing:

<u>Name</u>	<u>Address</u>
Tim Pivec	220 St. John Street
Mary Lou Pivec	220 St. John Street

Summary of discussion (italics are the answers by consultants):

Soil contamination percentage of cost - *30% figured in based on information from contractors, it's an unknown cost until you get to the soils*; dust issues if the city doesn't proceed; in favor of moving forward with the project; any grant money available – *existing roadways have less access to those types of funds – an application can be made to the Petro Fund for contaminated soil – not guaranteed – don't like to project those numbers into the final costs as they are reimbursable funds*; lack of property owners at this meeting; continuing the public hearing; 100% assessment to the landowners; Council concern that 100% of the property owners are not in support of the project; Business outlook – is it feasible for the business owners to spend this amount of money; raising rent on those that rent from the businesses to be assessed; good time to get the work done due to contractors bidding jobs lower due to the economy; the cost of the improvements now will cost less than in the future; what the cost to the city would be; another option to assess for 75% of the project cost; the bigger the better for road width; 26' on St. John and 45' along West Railway; sidewalk – not feasible in this project; beautify the downtown area with this improvement; assessment costs; how would the city pay for the project; it would be helpful to have information from the bond attorney about financing the project; reject the bids and project if the price is too high; environmental impact would be positive; no obligation to bid the project although the City incurs the costs that have been spent if this project does not continue into construction and is not assessed; Hypothetical cost of the environmental impact would be to the budget; cost to be distributed to the entire town or to the property owners – could be city cost also; if you don't assess, you are raising taxes; Super Fund monies – major/larger contaminations are usually funded.

On a motion by Lohr, seconded by Neumann, to adjourn the hearing until the September 13, 2011 Council meeting and direct Callies to contact a Bond Counsel to get input for the August 23<sup>rd</sup> Budget Workshop.

The engineer will get information to the business owners regarding the continuation of the public hearing.

### **MEDINA POLICE REPORT**

Officer Boecker informed the Council of activities in June increased traffic stops at the beginning of the month.

No action taken.

### **REDEVELOPMENT COMMITTEE MEMBER – RESOLUTION 2011- 15**

On a motion by Lohr, seconded by Neumann, to adopt Resolution 2011- 15, A RESOLUTION APPOINTING A MEMBER TO THE LORETTO REDEVELOPMENT ADVISORY COMMITTEE.

Motion carried unanimously.

### **ACCEPTING DONATIONS**

On a motion by Neumann, seconded by Lohr, to approve Resolution 2011-16 , A RESOLUTION ACCEPTING DONATIONS FROM AREA RESIDENTS AND BUSINESSES FOR FUN FEST FIREWORKS.

Motion carried unanimously.

On a motion by Neumann, seconded by Lohr, to approve Resolution 2011- 17, A RESOLUTION ACCEPTING A DONATION FROM THE LORETTO LION'S CLUB.  
Motion carried unanimously.

### **JOINT POWERS AGREEMENT FOR STATE COMMUNICATIONS**

Attorney Callies informed the Council that this information was necessary for the local Police Department, the Criminal Attorney, and the State to share information.

On a motion by Neumann, seconded by Tepfer, to approve the State of Minnesota Joint Powers Agreements with the City of Loretto on behalf of its city attorney and police department and authorize the Mayor and City Clerk to sign the agreement.

Motion carried unanimously.

### **COMPOST SITE**

Mayor Koch presented a draft letter regarding an agreement with business owner Gary Koehler regarding a compost site at 240 St. John's Street.

Council reviewed the draft letter and made some revisions and a place for Gary to sign. They also discussed a designated area for the residents to place the brush; signage; hours; clarifying that a permit be obtained prior to any burning; no supervision by city personnel. Leuer inquired of the city's responsibility as he recalled that Gary wanted city supervision; consensus was that city staff will monitor the site.

On a motion by Lohr, seconded by Tepfer, to revise the letter, give Leuer the authority to work with Gary to finalize details, and advertise to residents and business owners once everything is in place.

Motion carried unanimously.

### **LEAGUE OF MN CITIES – LIABILITY COVERAGE**

On a motion by Lohr, seconded by Pedersen, 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.

### **AXEL'S EVENT**

Callies stated that she would like more time to review this matter and bring back to the August 2<sup>nd</sup> meeting. Given the information received, the Council felt confident of the event.

On a motion by Neumann, seconded by Lohr, to approve the event contingent upon approval of Callies review.

Motion carried unanimously.

### **REDEVELOPMENT COMMITTEE ITEMS (RAC)**

#### **Minutes**

Consensus of the Council was to accept the June 23, 2011 RAC Minutes as submitted.

#### **Grant Application Status**

Lohr informed the Council that the grant that was initially being sought has a timeline of one year to acquire land; he doesn't feel that this would be achieved so they will not apply for the grant at this time.

## Other

Lohr informed the Council that the next meeting will be on Thursday, July 14<sup>th</sup> from 3:30 – 5:30 p.m. and there will be presentations made by mfra (planning) and Ehlers (financial). Lohr also informed the Council that RAC members will be participating in the Fun Fest to get the word out to the residents about the progress being made.

## **INFORMATIONAL ITEMS**

### Recycling Update

The incentive program has not made a difference in the tonnage as the numbers are in line with 2010 recycling tonnage amounts.

### Fire Merger Meeting – Thursday, August 4, 2011

Leuer informed the Council that they were encouraged to attend a fire merger meeting on Thursday, August 4, 2011 at 7 p.m. at the St. Peter & Paul facility. The goal is to get input and information to supplement the information needed regarding the merger between the Hamel and Loretto fire departments.

Patnode was directed to post notice of the meeting.

### Fun Fest Meeting

Barry Andersen and Cindy Spaulding were present to update the Council on the sub-committee meeting with the focus of a Friday Night Street Dance to kick off the Fun Fest. The Council was presented a financial handout of estimated numbers of having a band and all the expenses associated with that type of evening (approximately \$5,800). They were seeking permission from the Council to enter into any agreements with vendors to move forward on this event. They stated that the way to generate income was through the sale of buttons (\$10 each) and that allowed entrance into the street dance and chances of winning prizes. Money collected that exceeds the expenses of the Fun Fest are earmarked for beautification projects within the city.

Discussion was made regarding: permission to grant the street closure and re-routing traffic onto Lorenz; allowance to exceed the noise level after hours; liquor license allowance on the street; punching holes in the street for tents; banner to be placed on the corner of CR 19 & 11; bands being considered (Stampede, Section 30, Red Dot Garage); local bands in favor of larger named bands; placement of stages and tents; rational for Friday night vs. Saturday night (keeping the family event for Saturday); cost sharing more on the bar owners vs. city bearing all the costs; all bar establishments are willing to sell buttons to promote the event; buttons for sale of a different color for the Saturday event for entrance to the inflatables; advertisement of the event in various places.

On a motion by Lohr, seconded by Pedersen, to allow the street dance to occur on Friday, September 16, 2011 with an amount not to exceed \$6,000 with the understanding that the Liquor License be expanded to the outside premise as permitted under MN Statutes, allowing the tent posts to be anchored into the street, allowing the road closure, and temporary signage on County Roads 11 & 19.

Motion carried unanimously.

The Council thanked the committee members for all the work that they have done up to this point.

## Yellow Ribbon Update

Neumann informed the Council that the Yellow Ribbon Kickoff will be held on Tuesday, July 26<sup>th</sup> at 7 p.m. at the Delano City Hall and he's talked to local organizations about the City of Loretto becoming a Yellow Ribbon Community. The purpose of this Committee is to connect active service members and their families with community support, training, services and resources on a volunteer basis.

## **MONTHLY REPORTS**

### **City Hall**

No items brought forward.

### **Streets**

#### Sidewalk – 120 West Railway Street

On a motion by Neumann, seconded by Lohr, to move forward on the sidewalk replacement at 120 W. Railway Street at the cost to the property owner of \$450 as per the city's Sidewalk Policy.

It was noted that the property owner did not respond to the letter that was sent regarding replacement options.

Motion carried unanimously.

### **Water**

Leuer informed the Council that the well house expense will be reimbursed by the insurance company of the neighboring property that had the fire that damaged the well house siding.

### **Wastewater**

No items brought forward.

### **Parks**

#### Providence Academy letter

Koch informed the Council that Providence Academy rented the ball fields from the city this year and sent a letter to the Council thanking them for the use of the fields.

A question was raised inquiring of the cost effectiveness of this arrangement. Koch stated that he is working on a financial report and will have it available at the budget workshop.

### **Storm water**

#### Meeting updates

Noted information regarding the comments to the implementation plan for the Lake Sarah TMDL and the status of the request to extend the comment period on the MS4 standards.

#### Drainage Plan

Leuer informed the Council that he was directed to conduct a Drainage Plan by the previous Council. Currently, he is working on a problem along Creekview Lane that was created when the snow was being pushed back and crushed a pipe creating water to drain under the sidewalk which created it to break. His thought was to place a pipe under the sidewalk to take that water drainage and get it to the catch basin which would alleviate approximately four properties drainage and not undermine the sidewalk or roadway in the future.

Leuer's thought process was to get input from the residents, determine areas that have a higher priority (with an engineer), and work on fixing the water drainage areas based on an overall plan. Plans to budget accordingly throughout the years to get the water into a drainage area so that it will not adversely affect the streets and curbs in future years.

The majority of the Council felt that this was a private problem and that the city should not get involved in drainage issues on private properties, only in the right-of-way. Leuer informed the Council that previous Councils did correct problems that were created in relation to poor drainage design in these newer developments (Highlands & Meadows) since it created drainage issues to existing homes.

Resident Karl Bekkala of 120 Meadow Drive was at the meeting to express concerns of water drainage in his neighborhood. Leuer informed the Council of new information he learned of drainage issues in that development that is possibly playing a part in tilting of the curbs and catch basins and damage to the asphalt and again, asked for engineering help to figure out how to solve these problems so future damage to the roadway is limited.

Council directed staff to contact Jim Kujawa, the County representative for the Pioneer Sarah Creek Watershed Commission, to get his input on this situation.

Leuer inquired of Creekview project stating that he intended to place pipe under the sidewalk and run it to the catch basin along Sunnyridge Lane to alleviate that problem.

The Council consensus was that it was a private matter and the homeowner should pay for the pipe and lay it if that was his intent, otherwise they just wanted the sidewalk replaced without the drainage pipe underneath.

Council consensus was for Leuer to bring back to a future meeting a drainage plan for their review which would include solid pipe instead of perforated pipe in the right-of-ways.

**\*\*\*\*\* The Attorney was dismissed at 9:35 p.m. \*\*\*\*\***

#### Wetland Delineation status

The report was received by staff on Monday (7/11) and a meeting will be set up with Medina representatives to review the information within the next few weeks.

#### **FINANCIAL**

##### July Bills

On a motion by Lohr, seconded by Neumann, to approve check #'s 900E-921E and 19448-19483 in the amount of \$71,244.18.

Motion carried unanimously.

##### Monthly & Quarter Report

The Monthly report dated 7/6/11 and Quarterly Report was received by the Council.

#### **ADJOURN**

On a motion by Neumann, seconded by Lohr, to adjourn at 9:42 p.m.

Motion carried unanimously.

#### **ATTEST:**

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Cynthia J. Patnode, City Clerk

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Kent Koch, Mayor