

**City of Loretto**  
**Minutes of Regular City Council Meeting**  
**November 15, 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, and City Attorney Paula Callies.

There was one person in the audience.

**SET AGENDA**

The agenda was approved with the following:

- under Informational Items – remove Direction on Logo

**APPROVE MINUTES**

On a motion by Lohr, seconded by Neumann, to approve the October 11, 2011 Minutes as submitted.

Motion carried unanimously.

**MEDINA POLICE REPORT**

Mayor Koch informed the Council that the Police Department left information for the Council that October was a relatively quiet month.

No action taken.

**LORETTO FIRE DEPARTMENT SERVICE CONTRACT**

On a motion by Tepfer, seconded by Pedersen, to authorize the Mayor and Clerk to sign the "Contract for Fire Protection between the City of Loretto and the Loretto Volunteer Fire Department".

Motion carried unanimously.

**LORETTO FIRE DEPARTMENT EMPLOYEE AGREEMENT**

Attorney Callies clarified that upon review of the Employment Agreement with Jeff Leuer, it appears that the City and the Fire Department have mutually agreed on particular terms for Leuer's employment that are different from a typical "at-will" employee.

On a motion by Tepfer, seconded by Lohr, to approve the Terms of Employment Agreement as is for Jeff Leuer and direct the Mayor and City Clerk to sign the agreement.

Motion carried unanimously.

**SNOWPLOWING CONTRACT**

Discussion ensued regarding regular snowplowing operations (winging back) vs. special operations (plowing further up on property) and the responsibility of any damage incurred related to both. Public Works Director will review for cost sharing for special operations.

On a motion by Neumann, seconded by Tepfer, to approve the "Agreement for Snow Removal Service" for years 2011-2014 snowplow contract as submitted with Gary Koecheler and authorize the Mayor and City Clerk to sign.

Motion carried unanimously.

#### Sidewalks/Bike path

Due to complications experienced during the 2010-2011 Season, Public Works Director would like direction from the Council regarding the snowplowing to be completed by the contractor and staff for the 2011-2012 Season.

After a brief discussion, Council consensus was to have the contractor clear the snow from the sidewalks in front of the businesses along West Railway Street, along County Road 19 that have sidewalks, staff to clear the bike path from Hwy 55 to County Road 115 for use by the residents; Public Works staff to use discretion regarding East Railway Street; and the Public Works Director is the person in charge of making the determination of when the streets and sidewalks get plowed (usually between a 2 & 3 inch snowfall).

#### **EMBEDDED SYSTEMS, INC. CONTRACT RENEWAL**

On a motion by Lohr, seconded by Tepfer, to approve the Contract Renewal with Embedded Systems, Inc. for the City of Loretto's tornado siren.

Motion carried unanimously.

#### **ON-SALE TEMPORARY LIQUOR FOR STS. PETER & PAUL**

On a motion by Lohr, seconded by Neumann, to approve the temporary On-Sale Liquor License for Sts. Peter and Paul for their 12/3/11 Winter Fest.

Motion carried unanimously.

#### **RESOLUTION 2011-29, DONATION FROM LION'S**

On a motion by Lohr, seconded by Pedersen, to approve Resolution 2011-29, A RESOLUTION ACCEPTING A DONATION FROM THE LORETTO LION'S CLUB.

Motion carried unanimously.

#### **A-Z CONDITIONAL USE PERMIT (CUP)**

Callies gave the history of legal issues related to the A-Z property from 2002 to the current date. A-Z previously had a CUP for auto sales which was revoked for noncompliance in 2002. A-Z operates auto repairs on the site as a non-conforming use. A-Z has had a long history of code violations on the property. Loren Kohnen, the City's building official, recently inspected the property on November 1, 2011 and provided a report to the City.

Callies summarized options to address the situation:

- 1) Criminal prosecution for code violations;
- 2) civil lawsuit;
- 3) enforcement under the hazardous building statute if warranted based on further inspection
- 4) Start up the letter writing regarding tagging and towing the vehicles and other removal of debris again by the Code Enforcement Officer.

### Summary of discussion:

Letter writing has been used and has not been effective so why do again; give notice to owner; make an order identifying the problems of inadequate maintenance; is it a public safety hazard; Code Enforcement Officer inspect and make a determination; many years of non-compliance; if he stays in the building the problem may not go away; access the building for fire code compliance; discussion of costs that will be incurred by the city and process for assessing to the property owner; working with the criminal lawyer (Steve Tallen), civil attorney (Paula Callies), and the Code Enforcement Officer (Loren Kohlen) for the process to move forward.

On a motion by Neumann, seconded by Pedersen, to:

- 1) Authorize Kohlen to send notification to Ralph Miller regarding violations of the Stipulation of Settlement dated 3/26/2004 and Loretto City Code including Section 531:10 Parking and Storage of Junk Vehicles and 531:15 Storage of Parts, Engines, and Related Accessories;
  - 2) Request an inspection by the Fire Marshall to ensure compliance with current fire code standards;
  - 3) Callies to contact Tallen to update him on the situation and gather information regarding the process;
  - 4) Callies to notify Miller in letter format the process being taken to clean up his property.
- Motion carried unanimously.

### **INFORMATIONAL ITEMS**

#### Recycling Update

September Incentive winners: Recycling – Gust family; Organic – Wise family.

#### Compost Update

Leuer informed the Council that it appears that businesses from outside the city seem to be taking advantage of the drop off location and the financial obligations would be borne by the city of Loretto when it comes time to haul the material away.

Consensus of the Council was to obtain information regarding a camera to track activity.

#### Holiday Train Update

Leuer presented a letter he drafted for Wade Klick, owner of the property where the Christmas tree will be placed. He received input from the insurance agent and attorney. Consensus of the Council was to authorize Leuer to sign and send the letter to Wade Click. Tree decorating with members of the Holiday Train Committee and other interested people will be on Saturday, November 19<sup>th</sup> at 1 p.m. at 150 North Medina Street – all are invited.

#### Fire Merger Update

Leuer informed the Council that a meeting for the fire merger findings for the Loretto and Hamel departments will be held on Thursday, December 15<sup>th</sup> at 7 p.m. at St. Peter & Paul Community Center. He would like the Council to attend if they are available and extended the invitation to any and all property owners in those fire districts.

#### Tom Van Beusekom letter

Council member Neumann expressed his concern of the transparency of the parks and would like to track it to find ways to increase revenue.

Van Beusekom was in the audience to state that his frustration came after the grant application for the Hennepin County Sports Grant was passed after the preliminary levy and budget was set and these funds weren't able to be taken into consideration. He also felt that since the city is currently over budget in the parks that additional projects in that area should not be completed as was voted on at the October meeting. He also felt that overall the Council seems to be doing a good job.

Koch stated that he appreciated the input and would like to clarify information in the letter as it relates to the Loretto Community Athletic Association (LCAA). He stated that the grant application actually came from a Council member and that the LCAA did not approach the city for this application. Koch did approach the LCAA, Loretto Lions, and the City Council (at the September meeting) to request support for the application prior to doing any work. He received positive support from all three and then proceeded with the application.

#### Redevelopment (RAC) Update

Council member Lohr informed the Council that he did an interview with the Delano Herald regarding RAC and the story should appear next week.

## **MONTHLY REPORTS**

### **City Hall**

#### Office Assistant position

On a motion by Neumann, seconded by Lohr, to approve to hire Mary Kaye Schneider as the Office Assistant for the City of Loretto with the hire date of 11/18/11 with a wage of \$11.50/hr at 10 hours per week.

Motion carried unanimously.

#### Computer Purchase

On a motion by Pedersen, seconded by Lohr, to approve the purchase of a new desktop computer and funding to from the budgeted line item for computers.

Motion carried unanimously.

#### City Hall space

Due to creating a third work station for city staff and the purchase of a new fire truck by the fire department which will reduce the amount of their meeting space location, the fire department has indicated that 2012 may be the last year they will be able to rent their space to the City of Loretto. At one time, the FD thought of adding on or building a new building but that is now at least five years out and they will need space prior to that. At this point in time, it's more favorable for the FD to use this space for their gatherings and have the city move out. The current lease agreement will be reviewed by the attorney as the notification date for the ending of the lease was to be done by September 1<sup>st</sup>. The Council expressed that they did not want to put any undue hardship on the Fire Department and would work with them on terminating the lease.

Council member Pedersen has been working with Leuer on a future location and it appears that the property to the north of the current City Hall looks feasible. The space is 1100 sq. ft. and would be able to accommodate city staff and council chambers. It also meets the requirements for holding elections. Since the increased expenditures were not part of the 2012 budget, current equipment could be used and then budget in 2013 for cubicles to separate out the offices.

### Summary of discussion:

Increase of square footage by about 250 sq. ft.; willingness to reduce the first year rent by signing a 10 year lease; realtor input regarding comps; vacancy of other buildings; lease agreement information on new site; negotiate lease rates for 2012; community input; availability of space; grants for City Hall to move into the RAC development; affordability of space in the long-term; price is great for the square footage; timeframe of availability. Council consensus was to gather more information on the lease agreements (both current and future) and lease rates, obtain realtor comps in relation to other cities that lease space and bring to the December meeting for Council input.

### Credit Card limit

Council consensus was to remain at \$3,000 and keep the paper checks for payments to vendors vs. credit card.

### Council member meetings

Koch informed the Council to submit the numbers of meetings attended for the year (including December) by November 30th to the Patnode for payment.

### Streets

No items brought forward.

### Water

#### Water usage report

A comment was made on the usage of water at the park for October and it was noted that new sod on baseball field was the source.

Leuer stated that the water sales were coming in on target.

### Wastewater

#### City of Independence request

Leuer informed the Council on the contention between the cities of Independence and Medina on the issue regarding a hook-up in the sanitary system that they jointly own and maintain. Independence was looking for Loretto's support in their request to add units to the system.

Leuer informed the Council that Loretto may have future rights that Medina is saving for and by supporting either city on this may cause friction when/if Loretto is in need of those rights.

Council consensus was to not get involved in the potential dispute between the two neighboring cities.

### Parks

The Hennepin County Youth Grant was delivered and will be known by mid-December if approved.

### Storm water

On Thursday, September 17<sup>th</sup> a public hearing will take place at the Independence City Hall at 6 p.m. to comment on the 2<sup>nd</sup> Generation Plan amendment revisions that have been approved by the Commission.

**\*\*\*\*\* The Attorney was dismissed at 9:13 p.m. \*\*\*\*\***

**FINANCIAL**

November Bills

On a motion by Tepfer, seconded by Neumann, to approve electronic check #'s 989-1009 and paper checks 19595-19631 for a grand total of \$96,576.83.

Motion carried unanimously.

Monthly Report

Council reviewed the Monthly report dated 11/9/11.

No action taken.

Year-to-date Report

Council reviewed the Monthly report dated 11/9/11.

No action taken.

**ADJOURN**

On a motion by Neumann, seconded by Tepfer, to adjourn at 9:17 p.m.

Motion carried unanimously.

**ATTEST:**

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Cynthia J. Patnode, City Clerk

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Kent Koch, Mayor