

**MINUTES
CITY OF ISANTI
CITY COUNCIL
November 3, 2010
Isanti City Hall**

Mayor Wimmer called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was recited.

Members Present: Mayor George Wimmer, Councilors Louise Duff, Jim Kennedy, Sue Larson, and Ross Lorinser.

Members Absent: None.

Staff Present: City Administrator Don Loring, Assistant City Administrator/City Clerk Irene Bauer, City Attorney Clark Joslin, Finance Director Kristi Smith, Economic Development Director Sean Sullivan, City Planner Lisa Wilson, and City Engineer Brad DeWolf.

Motion by Kennedy, second by Larson to approve the agenda as presented. Motion carried unanimously.

E. Proclamations/Commendations/Certificate Awards

F. Approve Minutes

Motion by Larson, second by Kennedy to approve the minutes of the October 19, 2010 Regular City Council meeting as presented. Motion carried unanimously.

G. Citizens Input. There was none.

H. Announcements - Announcements were read.

I. Council Committee Reports

Councilor Larson reported on the following meetings she had attended and announced upcoming events:

- Isanti Area Fire District
 - o Station 3 is under construction – located on County Roads 9 & 45
- LMC
 - o Draft Policies
 - o League Conference planning
- GPS 45:93
 - o Website
- Isanti Community Involvement Team
 - o Santa Day to be held at the Arena on Dec. 4th
 - o Snowmobile-ATV parade is scheduled for Jan. 1st.
 - Following these events the Isanti Community Involvement Team will dissolve and the Isanti Area Chamber of Commerce will be

coordinating the events for Santa Days, Snowmobile-ATV parade, and Take a Kid Fishing

- Downtown Committee
 - o Meeting on Main Street on Saturday at 9:00 a.m. – Chamber downtown holiday decorating
- Friends of the Isanti Area Library
 - o Anniversary Open House is scheduled for Nov. 10th – Noon to 4:00 p.m.
- ECRDC
 - o CEDES Report
 - Isanti City Projects:
 - Acquisition and creation of rail industrial park
 - Downtown revitalizations
 - Development of a medical center

J. Public Hearings. There were none.

K. Business

1. Resolution No. 2010-253, a Resolution Approving the Preliminary Plat for Banksite 2nd Addition.

Wilson gave a staff report whereas a request was received from Kevin Johnson, Managing Partner acting on behalf of Banksite Developer for Preliminary Plat approval for Bank Site 2nd Addition. The subdivision of property would result in the creation of two commercial lots and four outlots. Outlot C is the location of a future right-of-way connection linking the existing 7th Avenue NE to the southern portion of 7th Avenue NE that is a part of the Preliminary Plat for the Woodland Commercial Park.

The Planning Commission reviewed the matter in a public hearing held at a special meeting on October 25, 2010 and recommended approval of the Preliminary Plat for Banksite 2nd Addition with City staff's conditions based upon the findings of fact.

Motion by Kennedy, second by Larson to approve Resolution No. 2010-253 as presented.
Motion carried unanimously.

2. Ordinance No. 496, an Ordinance Amending Ordinance No. 445, Zoning; Section 7 Business Districts, Article 2 "B-2" General Business District to include Senior Residential Care Facilities as a Conditional Use

Wilson gave a staff report whereas a request was received from Prairie Senior Cottages of Isanti LLC to amend the Zoning Ordinance as it pertains to the "B-2" General Business District to include Senior Residential Care Facilities as a Conditional Use.

Wilson stated that currently the zoning ordinance allows for these types of facilities within the R-3A, R-3B, R-4, CBT-1, and CBT-2 Districts as a conditional use. These types of facilities are not listed as permitted, conditional, or interim uses within the "B-2" General Business District. The Planning Commission reviewed this matter in a public hearing at a special meeting held on October 25, 2010 and recommended denial of the request to amend Ordinance No. 445 Zoning, Section 7 Business Districts, Article 2 "B-2" General Business District to include Senior Residential Care Facilities as a conditional use based upon the Findings of Fact and Approval as submitted to the Planning Commission whereas it did not meet the intended use of the district.

There was discussion by the Council on the Planning Commission's recommendation to deny the amendment to Ordinance No. 445 and their findings of fact and that the use was not a good fit for the district.

Wilson stated that if City Council chose to approve the amendment to Ordinance 445 they would have to include their finding of fact to support the approval.

There was much discussion and review of the intended use for the area when the Comprehensive Plan was updated. There was comment made that there was extensive talk of the multiple uses intended for the districts and that it included this type of project.

Wilson stated that the Comprehensive Plan provides the type of uses intended for the district include uses that have intense auto traffic and examples provided were fast food establishments and lumberyards. It was noted that a health care facility is an allowed use.

Motion by Kennedy, second by Larson to approve Ordinance No. 496 as presented with the finding of fact that senior care facilities were an intended health care use in the district when the Comprehensive Plan was updated. Motion carried unanimously.

Council was in consensus to direct Staff to take this matter back to the Planning Commission to include Senior Care Facilities as an intended use in the district based on the intended health care uses when the Comprehensive Plan was updated.

3. Resolution No. 2010-254, a Resolution Approving the Request for an Extension for the Final CIC Plat for Townsedge Business Center

Motion by Kennedy, second by Larson to approve Resolution No. 2010-254 as presented. Motion carried unanimously.

4. Website Update

Sullivan gave a staff report whereas on August 18, 2010 the City of Isanti contracted with Lynn True, dba Permanent Excellence to host the city e-mail system and to develop a better organized and functional website by October 18, 2010. As of October 28, 2010 the scope of services outlined in the contract held with Ms. True was not fully completed to the satisfaction of the City. Lynn True was asked to propose a detailed course of action moving forward and an e-mail response was provided for City Council review.

The week of September 20th City Staff had serious concerns that the project was not progressing according to schedule and asked the contractor to have a live demo in place for staff the week of September 28th with a review of the demo by DAC on October 1. The contractor was unable to have a functional demo in place at this deadline. Staff expressed its dissatisfaction to DAC and was directed by DAC to bring some alternative solutions to the City Council for discussion.

Staff contacted Kevin Linden, Linden Web Design and Derek Hatten (original Joomla Architect for our current site) and asked for proposals on how the city could move forward in getting a professional quality, functional website. Only Linden Web Design and Lynn True provided a plan of action moving forward.

Sullivan stated that Staff is looking for direction on the following items:

1. Status of Contract with Lynn True. Direction is needed on termination, extension, or potential settlement for services rendered to this point.
2. Permission to work with a contractor in the future. It was stated that the only two options received and presented were from Linden Web Design and Lynn True.
3. City Council could direct staff to re-issue a RFP for website and e-mail hosting.

Sullivan stated that through research by the vendors it had come to the attention of City Staff that Joomla has the functionality to handle all of the requests of the services identified in the contract with Lynn True. Staff understands the importance of a professionally done website and the need to act quickly to get the website working properly.

There was much discussion on the current status of the website, that there is an improvement in its functionality, but not all areas have been fixed to allow for all functions of the site to take place.

There was concern by the Council and discussion that not all of the conditions of the contract were met by the deadline of October 18th as provided in the contract between the City and Lynn True (Permanent Excellence).

Council invited Ms. True to speak and Ms. True requested a short extension to complete the remaining work on Joomla website. That there has been a lot of 'behind the scenes' work taking place that cannot yet be seen in the functionality of the site. Ms. True stated that there were initially many areas that were beyond her personal control; that she has found the resources to solve the problems within the website; she is not willing to abandon the project.

When asked of Ms. True of the percentage of completion of work that has occurred on the website, she replied 40-50%. When asked when she felt she would have the website at 100% Ms. True stated she would do her best to have it completed by November 16th.

It was noted that the contract with Ms. True included not only to get the Joomla version of the website operational, but to redesign the site using Expression Engine. That the site has not been redeveloped using Expression Engine; and that the current site using Joomla is not fully functional. There was discussion on costs that should be paid to Ms. True per the contract based on what has been completed to date.

Motion by Lorinser, second by Kennedy to terminate the current contract with Permanent Excellence and award the proposal submitted by Linden Web Design to complete the required work needed to get Joomla fully functional. Motion carried unanimously.

Joslin stated there should be discussion on the transition from one vendor to another based on the effect on the City of the potential to lose email function and access to the website.

Motion by Larson, second by Kennedy to direct staff to work with Ms. True (Permanent Excellence) in the interim transition of services from her company to the new vendor. Motion carried unanimously.

Motion by Lorinser, second by Kennedy to direct staff to move forward to work out a new agreement for the needed web services with Kevin Linden, Linden Web Design. Motion carried unanimously.

5. Resolution No. 2010-255, a Resolution Providing for the Issuance and Sale of \$1,835,000 General Obligation Improvement Refunding Bonds, Series 2010B, Pledging for the Security Thereof Special Assessments and Levying a Tax for the Payment Thereof

Motion by Kennedy, second by Larson to approve Resolution No. 2010-255 as presented.
Motion carried unanimously.

6. Resolution No. 2010-256, a Resolution Certifying Delinquent Charges for City Services Collectible in 2011

Smith gave a staff report whereas a list of unpaid charges for delinquent city services that include water/sewer, nuisance mowing, and snow removal has been prepared. The total assessment in the amount of \$25,945.88 will be levied against the delinquent properties and collected with taxes payable in 2011.

Motion by Larson, second by Lorinser to approve Resolution No. 2010-256 as presented.
Motion carried unanimously.

7. Review of Nuisance Mowing on Large Tracts & Subdivisions

Lorsung gave a staff report whereas the City has received complaints about nuisance weeds (tumbleweeds) coming from platted undeveloped properties adjacent to developed lots. In some situations the weeds come from several undeveloped lots adjacent to developed residential properties, and/or from large tracts that are either platted or staged at some point for development. This appears to be a larger issue on tracts that are not actively being farmed for crops, as the weeds tend to develop over time. Some developers have mowed their subdivisions on a periodic basis. This has greatly assisted in keeping the weed problem to a minimum. The City Council had reviewed mowing priorities in 2008, and at that time decided that such subdivisions and large tracts will not be mowed. The Development Advisory Committee has reviewed this matter and current policy.

There was brief discussion on the need to mow platted undeveloped properties and how often the properties should be mowed. There was consensus of the Council to direct Staff to develop a policy that includes platted undeveloped properties are to be mowed by the end of June and a second mowing by mid August; and in years that receive more rain events, additional mowing may be required.

L. Consent Agenda

1. Approval of Kuechle Underground, Inc. Pay Estimate No. 4 in the amount of \$60,871.63 for Work Completed on the County Road 5 Lift Station Improvement Project
2. Approval of R.L. Larson Pay Estimate No. 3 in the amount of \$86,536.33 for Work Completed on the Railroad Avenue SE Improvement Project
3. Approval of Accounts Payable in the Amounts of \$303,528.27 and Payroll in the Amount of \$68,525.49
4. Approval of September 28, 2010 Park and Recreation Board Minutes
5. Approval of September 28, 2010 Economic Development Authority Board Minutes
6. **Resolution No. 2010-257, a Resolution Approving Temporary 3.2 Beer Licenses to the Blaine Jaycees**

7. **Resolution No. 2010-258**, a Resolution Offering Part-Time Liquor Store Clerk Position to Ms. Teresa Askins
8. **Resolution No. 2010-259**, a Resolution Authorizing and Approving the Contract for Crop Land for the Purpose of Crop Farming of Certain Property

Motion by Kennedy, second by Larson to approve the Consent Agenda items as presented.
Motion carried unanimously.

N. Closed Session

At 7:45 p.m. Wimmer announced that the Council would go into a brief recess to clear out the Chambers. Wimmer stated that the City Council would then go into closed session to discuss labor negotiations.

At 7:48 p.m. City Council went into closed session.

1. Labor Negotiations

At 7:55 p.m. Council came out of closed session. Mayor Wimmer requested City Attorney Clark Joslin provide a summary of the closed session.

Joslin stated that during the course of the closed session there was discussion held in regards to the 'Notice of Desire to Negotiate' that was received from Law Enforcement Labor Services (LELS – Police Union). There was discussion of potential avenues of which to proceed; following that discussion the closed session was ended and went back into open session.

Motion by Kennedy, second by Larson to direct the Personnel Committee and Staff to move forward with the process to file a 'Petition for Mediation Services' as it relates to moving forward with LELS negotiations. Motion carried unanimously.

Adjournment

Motion by Duff, second by Lorinser to adjourn. Motion passed unanimously. Meeting adjourned at 7:56 p.m.

Respectfully Submitted,

Irene J. Bauer
Assistant City Administrator/City Clerk