

**MINUTES
CITY OF ISANTI
CITY COUNCIL
January 15, 2008**

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

The Pledge of Allegiance was recited.

Members Present: Mayor George Wimmer, Council Members Alan Duff, Jeffery Kolb, and Sue Larson.

Members Absent: Councilmember Johnson.

Staff Present: City Administrator Don Lorsung, Assistant City Administrator/City Clerk Irene Bauer, City Attorney Clark Joslin, City Engineer Bryan Oakley, Finance Director Rita Pierce, Community Development Director Carla Vita, and City Planner Lisa Krause

Motion by Larson, second by Duff to approve the agenda as modified. Motion carried unanimously.

E. Proclamations/Commendations/Certificate Awards

There were none.

F. Approve Minutes

Motion by Larson, second by Duff to approve the January 2, 2008 Regular Meeting minutes as presented. Motion carried unanimously.

G. Citizens Input

The 2007-2008 Isanti Ambassadors introduced themselves and gave reports on events they have been involved in.

H. Announcements

Announcements were read.

I. Council Committee Reports

There were none.

J. PUBLIC HEARINGS:

J.1. Amendment to the Purchase and Development Agreement and Business Subsidy Agreement with Three Star Holdings, LLC and Hi-Lo Manufacturing Company

Vita gave a staff report whereas Three Star Holdings, LLC has entered into a Development Agreement with the City for property the City previously sold to them. At that time Three Star Holding entered into a Development and Business Subsidy Agreement for the development of the property. Three Star Holding is in the process of selling the property to Hi-Lo Manufacturing; one of the conditions of the sale is the approval of the assumption agreement.

Vita reviewed the conditions of the agreement.

Mayor Wimmer opened the Public Hearing at 7:10 p.m.

Hearing no questions or comments from the public, Mayor Wimmer closed the hearing at 7:10 p.m.

a. Consider Resolution No. 2008-007, a Resolution Approving an Assignment and Assumption Agreement, Amendment to Purchase and Development Agreement, and Business Subsidy Agreement with Three Star Holdings, LLC and Hi-Lo Manufacturing Company

Motion by Larson, second by Kolb to approve Resolution No. 2008-007 as presented. Motion carried unanimously.

BUSINESS ITEMS:

K.1. Consider Resolution No. 2008-008, a Resolution Approving the Conditional Use Permit as Requested by Hi-Lo Manufacturing to Permit Hazardous Waste as a Byproduct on the Property Located at 702 East Dual Boulevard

Krause gave a staff report whereas the petitioner, Hi-Lo Manufacturing, is requesting a Conditional Use Permit (CUP) to allow for the manufacturing, processing, or storing of hazardous wastes as a byproduct on the property located at 702 East Dual Boulevard. The business turns cast iron parts into high quality finished parts that are then supplied to the health and fitness and all-terrain vehicle industry. In the manufacturing process, a small quantity of hazardous waste is generated. The Fire Chief has received copies of the MSDS sheets for the Hazardous Wastes and as the quantities produced on site are small, the Fire Chief did not see any issues.

The Planning Commission held a public hearing at their January 8, 2008 meeting on this matter and made a recommendation to the City Council for approval of the CUP to Hi-Lo Manufacturing.

Motion by Larson, second by Kolb to approve Resolution No. 2008-008 as presented with all conditions as provided therein. Motion carried unanimously.

K.2. Consider Resolution No. 2008-009 – a Resolution Approving the Final Plat for the Qwest Addition

Krause gave a staff report whereas Qwest is requesting Final Plat approval that permits the rearrangement of parcel lines for property located at 105 First Avenue West.

The Planning Commission held a public hearing at their January 8, 2008 meeting on this matter and made a recommendation to the City Council for approval of the Final Plat for the Qwest Addition with conditions as presented by Staff.

Motion by Larson, second by Kolb to approve Resolution No. 2008-009 as presented with all conditions as provided therein. Motion carried unanimously.

K.3. Consider Ordinance No. 425, an Ordinance Amending Ordinance No. 123, Defining and Prohibiting Nuisances and Providing Penalty for Violation, to Include Regulations for Outdoor Smoking Areas; and Ordinance No. 426, an Ordinance Amending Ordinance No. 176, Zoning, Section 8 “B-1” Central Business District; Section 9 “B-2” General Business District; Section 10 “I-1” Industrial Park District; and Section 13 General Provisions, to Include Provisions and Regulations for Outdoor Patios/Decks and Smoking Shelters

Krause gave a staff report whereas the VFW approached the City in regards to the placement of a smoking shelter on their property. The request was based on the State of Minnesota’s recent approval of the “Freedom to Breathe Act of 2007”; whereas the Act eliminated smoking in public places, places of employment, public transportation and at public meetings. The elimination of smoking within restaurants, bars, and similar gathering places has had a negative effect upon these types of businesses.

Staff did considerable research that might allow for outdoor patios/decks and smoking shelters as well as the regulation for these outdoor public smoking areas.

The Planning Commission held a public hearing at their January 8, 2008 meeting on this matter and made a recommendation to the City Council for approval of the proposed ordinances relating to outdoor patios/decks and smoking shelters as well as the regulation for these outdoor public smoking areas.

Motion by Duff, second by Larson to approve Ordinance No. 425 as presented. Motion carried unanimously.

Motion by Duff, second by Larson to approve Ordinance No. 426 as presented. Motion carried unanimously.

K.4. Consider Resolution No. 2008-010, a Resolution Approving the Request from Kevin Johnson, Representing Bank Site Investments LLC for an Extension to the Final Plat for Banksite First Addition

Krause gave a staff report whereas the City Council may approve up to two extensions for a term not to exceed one additional year for an extension to record a final plat. Mr. Kevin Johnson requested in written form a one year extension for the filing of the Final Plat for Banksite First Addition plat.

Motion by Larson, second by Duff to approve Resolution No. 2008-010 that provides for an extension of one year or January 15, 2009 for the filing of the Final Plat for Banksite First Addition. Motion carried unanimously.

K.5. Consider Resolution No. 2008-011, a Resolution Ordering a Public Hearing on the Authorizing the Submission of an Application for a Grant Under the State Minnesota Investment Fund Program and the Making of a Business Loan to Ever Cat Fuels, LLC

Vita gave a staff report whereas Ever Cat Fuels, LLC has requested from the City to apply for Minnesota Investment Funds (MIF). The process provides that the City administer the loan whereas this insures the State is paid back their 80% portion of the loan and the City retains 20% plus interest. The 20% plus interest that is retained by the City would allow the City to begin a Revolving Loan Fund.

Vita reviewed the application process.

Motion by Larson, second by Kolb to approve Resolution No. 2008-011 that establishes a public hearing to be held on February 5, 2008 to consider authorizing the submission of an application for a MIF loan for Ever Cat Fuels, LLC. Motion carried unanimously.

K.6. Consider Ordinance No. 427, an Ordinance Amending Ordinance 345, an Ordinance Establishing Rules and Regulations for Pawn Shops

Lorsung gave a staff report whereas staff is requesting an amendment to the pawnshop ordinance relating to the expiration of the pawnshop license date. Currently the ordinance provides for a January 1st expiration date, and staff is requesting consideration that the expiration date is changed to March 31st to allow it to be consistent with other City licenses. Lorsung stated Staff has found there is also a need to amend the ordinance to better define the requirement for the renewal of an existing license.

Motion by Larson, second by Kolb to approve Ordinance No. 427 as presented. Motion carried unanimously.

K.7. Consider Resolution No. 207-012, a Resolution Adopting Public Use of Municipal Conference Rooms Policy

Lorsung gave a staff report whereas a policy has been developed relating to the public use of meeting rooms in City Hall.

The 'Purpose' of the policy is as follows: "The intent of this policy is to permit public use of City Hall conference rooms for public meeting purposes, civic purposes, and non-profit organizations whose membership largely consists of Isanti residents or whose purpose is to provide services to Isanti residents". There was considerable discussion if only Isanti residents should be allowed to use the meeting rooms. After review of the above stated 'Purpose', Council was in consensus that it appeared the intent of the policy was that civic and non-profit organizations who request the use of the rooms would largely consist of Isanti Residents or the purpose of the meeting would be to provide services to the residents of Isanti; therefore the users or the benefiting parties of the users would be the residents of Isanti.

Motion by Duff, second by Larson to approve Resolution No. 2008-012 as presented. Motion carried unanimously.

K.8. Consider Ordinance No. 428, an Ordinance Amending Ordinance No. 310, an Ordinance Setting Forth Fees Within the City of Isanti

Lorsung gave a staff report whereas the proposed ordinance that amends Ordinance No. 310 that sets fees, will allow the City Council to adopt, delete or set fees on an annual basis by resolution. This will shorten the process and expense of ordinance adoption. The Council may still hold any public hearing per requirement of any enabling ordinance that established the fee or through the Council's own prerogative to hold a public hearing.

Motion by Duff, second by Larson to approve Ordinance No. 428 as presented. Motion carried unanimously.

K.9. Consider Changing the February 5, 2008 Council Meeting due to Precinct Caucuses

The Minnesota Precinct Caucuses are scheduled for Tuesday, February 5, 2008 at 7:00 p.m. which is the same day as the regularly scheduled Council meeting. Public meetings may not be held after 6:00 p.m. on that day. There was discussion on when the February 5th Council meeting should be held.

Motion by Duff, second by Larson to change the start time of the Tuesday, February 5, 2008 Council meeting from 7:00 p.m. to 3:00 p.m.

L. Consent Agenda

The following consent agenda was considered:

1. Consider Accounts Payable in the Amounts of \$327,991.61 and Payroll in the Amount of \$63,526.92
2. Consider Approval of Mayor Wimmer & Councilmember Duff's Requests to Attend the Winter 2008 EDAM Conference
3. Consider Approval of Special Event Application – Home Show – Debbie Bray
4. Consider **Resolution No. 2008-013**, a Resolution Approving Exempt Gambling Permit to Industries, Inc.
5. Consider **Resolution No. 2008-014**, a Resolution Approving Gambling Premise Permit for the Military Order of the Cootie #99, Auxiliary 35961
6. Consider **Resolution No. 2008-015**, a Resolution Approving Gambling Premise Permits for the Isanti Lions
7. Approval of December 11, 2007 Planning Commission Meeting Minutes
8. Consider **Resolution No. 2008-016**, a Resolution Approving Gambling Premise Permit for VFW Post 2735

Motion by Larson, second by Kolb to approve the above stated Consent Agenda as presented. Motion carried unanimously.

M. Other Communication

Other communication was reviewed as presented.

N. Closed Session

Review of Status of Labor Contract Negotiations

At 7:41 p.m. Mayor Wimmer announced there will be a five minute recess prior to going into closed session.

Summary of Closed Session

The Council came out of Closed Session at 8:30 p.m. City Attorney Joslin provided the following summary of the closed meeting:

City Attorney Clark Joslin stated the following were present at the Closed Session: City Attorney Clark Joslin, Mayor Wimmer, Councilmembers Duff, Kolb, and Larson. Also present were City Administrator Don Lorsung and City Clerk Irene Bauer who are also members of the Negotiating Team. Joslin stated in closed session he provided an update to Council of the status of the negotiations on the contract for the Local 49'ers Operating Engineers for the Public Works employees. There was also an update provided on the status of negotiations on the contract for the LELS Union for the Police Officers.

Joslin stated he described in detail to the Council the terms of the provisions that are being proposed for modification of the Local 49'ers contract that expired as of December 31st for the Public Works employees. Joslin stated the 49'ers union representatives have

indicated they are willing to recommend to their membership all points of a negotiated contract including the compensation package.

Joslin stated he had reported the Negotiation Team had not reached a point of tentative agreement with LELS and that the sticking points appear to be the compensation.

There was consensus of the Council to proceed to place the 49'ers Labor Contract as negotiated on the February 5th Council agenda.

There was consensus of the Council to direct the Negotiation Team to proceed with the negotiations with the LELS Union.

Adjournment

Motion by Larson second by Duff to adjourn. Motion passed unanimously.

Meeting adjourned at 8:35 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Irene J. Bauer", written in a cursive style.

Irene J. Bauer

Assistant City Administrator/City Clerk