

**MINUTES  
CITY OF ISANTI  
CITY COUNCIL  
May 18, 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 Jeffery Kolb, Sue Larson, and Ross Lorinser.

Members Absent: Councilor Jim Kennedy.

Staff Present: City Administrator Don Lorsung, Assistant City Administrator/City Clerk Irene Bauer, City Attorney Clark Joslin, Finance Director Kristi Smith, Economic Development Director Sean Sullivan, City Planner Lisa Krause, Lieutenant Gene Hill, City Engineer Brad DeWolf and Financial Advisor Paul Donna with Northland Securities.

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

**E. Proclamations/Commendations/Certificate Awards** - There were none.

**F. Approve Minutes**

Motion by Larson, second by Lorinser to approve the Regular and Closed Session minutes of the April 4, 2010 meeting of the City Council 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:

- Community Involvement Team
  - o Take a Kid Fishing day is scheduled for June 5<sup>th</sup>
    - Sponsored by the Isanti Lions, Sportsman's Club, and Isanti Police Department
- Historic Downtown Committee
  - o Flowers for downtown
    - Industries Inc. have been contracted to do the watering of the plants
  - o Isanti Family Farmers Market grand opening is scheduled for June 5<sup>th</sup>
- Liquor Store Committee
  - o Reviewed monthly financials
  - o Discussed staffing for Memorial and Jubilee/Rodeo Days
- Community Ed Advisory Council
  - o Presentation by Mike Brown on Early Childhood Program
- Friends of the Library
  - o Will take part in Farmers Market for the second time

- Summer Reading Program
  - Quilt Raffle
    - Sponsored by the Isanti Lions
- GPS 45:93
  - Annual Meeting on May 25th
    - Dan McElroy is the guest speaker, State Transportation
- Jubilee Day Committee
  - Committee assignments

Mayor Wimmer reported that a contingency plan has been developed for Public Works operations and will be brought to DAC for review. The plan will then go to Council for action; that this is the first of all Department contingency operation plans to be developed.

Mayor Wimmer reported that the Mayors Employers Appreciation Luncheon for all City Employers and will be held on June 24<sup>th</sup> on the green area located east of City Hall. Serving the lunch will be Representative Eastland, Senator Olseen, Commissioner Duff and City Engineer DeWolf.

**J. Public Hearings** - There were none.

#### **K. Business**

##### **1. Consider Reducing Sewer Usage Charge – 933 Winsome Way NW**

Smith gave a staff report whereas staff has received three complaints regarding the sewer usage charge. Smith reviewed the process for establishing the sewer rate.

There was discussion on how accounts that have zero reads, high consumption amounts and establishing the basis of 5,000 gallons as a base charge for users that have a zero read. Smith stated that the sewer usage charge is based on the average usage for the first three months of the year; and if the resident is not in the home over the winter months and they have a zero read that the base 5,000 gallons is used to establish the sewer rate.

Ms. Hoffer, 933 Winsome Way NW was present and stated that she resides in an association unit, is not a 'snowbird' and does not use water outside of her home; that her water usage has always been approximately 1,000 per month. That she did take an extended vacation over the winter, and when she received her water and sewer bill she was charged a sewer rate based on an average of 5,000 gallons usage and even though she does not use this much water every month, her sewer usage charge will not change for the balance of the year. Smith stated that Ms. Hoffer does have an average usage of approximately 1,000 gallons.

There was discussion on how to establish formulas that address the different types of customer usage.

Motion by Larson, second by Lorinser to adjust Ms. Hoffer's sewer usage rate based on her average water usage and to direct staff to review formulas for establishing sewer usage rates. Motion carried unanimously.

##### **2. Resolution No. 2010-109, a Resolution Approving the Isanti Area Chamber of Commerce Special Event Application; Providing City Services; Approving Temporary Sign; and Waiving Temporary Sign Application Fee**

David Englund, Jubilee Days Chair was present. Mayor Wimmer stated that Don Johnson from the Lutheran Church has proposed to designate a handicap area for viewing of the

parade in the most southerly part of their parking lot and wanted to ensure that the Isanti Area Chamber of Commerce was aware of the request.

Motion by Lorinser, second by Larson to approve Resolution No. 2010-109 as presented.  
Motion carried unanimously.

**3. Resolution No. 2010-110, a Resolution Approving an Interim Use Permit to Minnco Credit Union, 309 & 311 Credit Union Drive**

Krause gave a staff report whereas Minnco Credit Union has submitted an application for an Interim Use Permit to host a temporary motor vehicle sales event on their properties located at 309 and 311 Credit Union Drive NE. The event will occur on Friday, June 18<sup>th</sup> and 19<sup>th</sup>. The inventory on site will consist of 125 cars and trucks and 30 motorcycles and ATVs. Krause stated that the intended use meets the conditions of the zoning ordinance and that the Planning Commission has recommended its approval.

Motion by Lorinser, second by Larson to approve Resolution No. 2010-110 as presented.  
Motion carried unanimously.

**4. Resolution No. 2010-111, a Resolution Approving Preliminary Plat Amending the Planned Unit Development Known as Villages on the Rum 3<sup>rd</sup> Addition**

Krause gave a staff report whereas Premier Bank has requested preliminary plat approval amending the Planned Unit Development known as Villages on the Rum Third Addition. The Development Agreement for the Third Addition provided that the development was to be completed seven years from the date the agreement was entered into and that this time is running out and the developer has until June 27, 2010 to finish all of the phases associated with the Villages on the Rum Third Addition. Krause stated that staff has met with Mr. Doug Schultze, representative of Premier Bank in an effort to extend the agreement between the City and the bank that will allow for the future development of Villages on the Rum 3<sup>rd</sup> Addition. Krause briefly reviewed the proposed Planned Unit Development amendments and stated that the Planning Commission has recommended the approval of the amended Villages on the Rum 3<sup>rd</sup> Addition Planned Unit Development preliminary plat.

There was discussion on outlots and if they should be private or remain public and there was discussion on the maintenance of outlots. City Engineer DeWolf stated that it is essential to City structure that there are stormwater ponds that are the outlots in the subdivisions and that they meet stormwater and water quality standards

There was general comment made on the liability of stormwater ponds and the discussion on the maintenance of them.

Motion by Lorinser, second by Kolb to approve Resolution No. 2010-111 as presented.  
Motion carried unanimously.

**5. Resolution No. 2010-112, a Resolution Declaring the 2006 Dodge Charger as Surplus Property and Authorize its Disposal**

Hill gave a staff report whereas a new squad car was purchased using forfeiture funds and replaces a 2006 Dodge Charger. There was discussion that a training center had shown interest in purchasing the Dodge Charger, and there was brief discussion on obtaining fair market value for the vehicle. Hill stated that the training center would give credits to officers in lieu of receiving actual payment for the vehicle. There was brief discussion on

the number of miles on the vehicle and it was noted the vehicle has 123,000 miles on it. Hill stated it is proposed that bids would be received for the vehicle and if the bids received were not favorable that an option would be to authorize selling the vehicle at public auction.

Motion by Lorinser, second by Kolb to approve Resolution No. 2010-112 as presented. Motion carried unanimously.

**6. Resolution No. 2010-113, a Resolution Approving Application Submitted by the City Engineer for Funding from the Public Facilities Authority (PFA) Drinking Water Program**

DeWolf gave a staff report whereas the City Engineer completed an application to be considered by the Public Facilities authority Drinking Water Program for financing of the City of Isanti's water supply improvements as listed in the Capital Improvements Plan. The improvements submitted for consideration include the reconstruction of Well House No. 1, the completion of the Bluebird Park watermain loop, and the installation of radio read water meters.

Motion by Lorinser, second by Larson to approve resolution No. 2010-113 as presented. Motion carried unanimously.

**7. Resolution No. 2010-114, a Resolution Related to Parking Restrictions for Railroad Avenue Improvement Project**

DeWolf gave a staff report whereas in accordance with the Feasibility Report, Railroad Avenue has been designed to not allow parking on either side. That this design without parking was necessary to minimize wetland impacts along Railroad Avenue SE. That pursuant to Municipal State Aid rules, the City is required to pass a resolution that states the City will restrict parking on both sides of Railroad Avenue SE from Towns Edge Road SE to Palomino Road SE.

Motion by Lorinser, second by Larson to approve Resolution No. 2010-114 as presented. Motion carried unanimously.

**8. Resolution No. 2010-115, a Resolution Authorizing 2010 Budget Amendments**

Smith gave a staff report whereas the Finance Committee has recommended amendments to the 2010 budget. The amendments reduce Street Maintenance from \$115,000 to \$7,500, a transfer of \$162,736 from the Capital Replacement Fund to the General Fund, and reduce reliance on the General Fund balance to \$0. Smith noted the current cash balance in the Capital Project Fund as of April 30, 2010 is \$948,743.03 and that half of the cost of the Public Works truck will be charged to the Capital Project Fund and will reduce the fund by an amount of approximately \$13,000.

Motion by Larson, second by Lorinser to approve Resolution No. 2010-115 as presented. Motion carried unanimously.

**9. Resolution No. 2010-116, a Resolution Providing for the Competitive Negotiated Sale of \$835,000 General Obligation Utility Revenue Bonds, Series 2010A**

Financial Advisor Paul Donna, Northland Securities reviewed the proposed resolution to obtain a bond issue for the CSAH 5 Lift Station and the water portion of the Railroad Avenue Improvements. Donna noted that the finance plan summary presents a fifteen year debt service schedule as recommended by the Finance Committee. There was brief discussion on

going out for a new credit rating and that should it come in favorable that it would save the City interest costs that would be paid on the issue.

Motion by Larson, second by Lorinser to approve Resolution No. 2010-116 as presented.  
Motion carried unanimously.

**10. Ordinance No. 485, an Ordinance Amending City Code Chapter 245 – Peddling, Soliciting and Transient Merchants**

Lorsung gave a staff report whereas by direction of the Council the ordinance regulating activities of peddlers, soliciting and transient merchants has been revised. The ordinance defines regulated activities that require licensing for the aforesaid groups and the ordinance also provides for exempted activities. The ordinance sets rules of conduct for such merchants and recognizes the ability of a resident to place a placard excluding such activities on their property.

Council Kolb inquired if signing could be placed on all entrances to the City relating to the regulation of peddlers, solicitors, and transient merchants. City Attorney Joslin stated that he will check to see if there are any restrictions for this type of signage.

Motion by Lorinser, second by Larson to adopt Ordinance No. 485 as presented. Motion carried unanimously.

**11. Resolution No. 2010-117, a Resolution Adopting a Policy for Use of City Water Hydrants**

Lorsung gave a staff report whereas the City does not have a policy in place for non-emergency use of City of Isanti water hydrants. Lorsung stated that a policy has been prepared to adequately protect the City water supply and to comply with the State of Minnesota Plumbing Code. Lorsung stated that the Development Advisory Committee met with various users of City water through hydrants and discussed the potential impacts of the adoption of the proposed policy.

There was general discussion on the use of fire and water hoses for non-potable water and if there is abuse that must be corrected. There was discussion that the water supply must be protected as well as the users or the public that may be drinking non-potable water.

Motion by Lorinser, second by Larson to approve Resolution No. 2010-117 as presented.  
Motion carried unanimously.

**L. Consent Agenda**

1. Accounts Payable in the Amount of \$405,136.37 and Payroll in the Amount of \$67,007.15
2. Approval of the April 13, 2010 Planning Commission Meeting Minutes
3. **Resolution No. 2010-118**, a Resolution to Amend Resolution No. 2010-002 as it Relates to Meeting Date for the Planning Commission and Establishes Dates for Canvass Board Meetings
4. **Resolution No. 2010-119**, A Resolution Authorizing Exchange of Deeds for Clarification of Legal Description/Boundary Correction Purposes
5. **Resolution No. 2010-120**, a Resolution Approving Temporary On-Sale Liquor License for the Isanti Firefighter's Rodeo Association
6. **Resolution No. 2010-121**, a Resolution Approving Neighborhood Stabilization Program Item

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

At 7:53 p.m. Wimmer announced that the Council would go into a short recess to clear out the Chambers whereas City Council would then go into Closed Session for a Personnel Matter.

## **N. Closed Session**

### **1. Personnel Matter**

Mayor Wimmer announced the meeting had gone into closed session and announced that there were other individuals present in the Chambers and inquired of the subject employee if the intent was to have the personnel matter reviewed in closed or open session. The subject employee, Ms. Lonie Evans stated that she would like the review of the personnel matter to take place in open session. The Council Chambers was re-opened to the general public and Mayor Wimmer announced to the general public that the subject employee of the personnel matter has requested the review take place in open session of the City Council.

City Administrator Lorsung stated that present were additional staff that may desire to speak on this matter and were City Attorney Clark Joslin, Liquor Store Manager Shari Harker, and Assistant City Administrator/City Clerk Irene Bauer. Lorsung stated that the purpose of the session is to consider disciplinary action for employee misconduct.

City Attorney Joslin stated that Council is to consider the allegations and to have such discussion as the Council deems appropriate in regards to the allegations. Joslin stated that it is not the purpose here tonight to conduct a hearing or investigation of the matter; that the investigation report is before the Council, but Council may wish to give the employee the opportunity to address the Council if the employee so chooses. Joslin stated after that it is up to the Council to take any action the Council deems appropriate, if any

City Council discussed the allegations of employee misconduct and Council heard from the Employee. Following discussion a motion was made.

Motion by Kolb, second by Lorinser to terminate Ms. Lonie Evans employment with the City effective May 19, 2010. Motion carried unanimously.

Mayor Wimmer announced that next the City Council would be going into closed session for labor negotiations and Council will take a brief recess to allow the Council Chambers to clear out.

### **2. Collective Bargaining**

Wimmer re-convened the meeting back into open session at 8:33 p.m. Wimmer stated that Mr. Joslin, City Attorney, would provide comment on what was discussed in Closed Session.

Joslin stated that the Closed Session was held for the purpose of updating Council and discussing the status of negotiations with regard to the two labor contracts that are pending

Joslin stated that an update was given and discussion took place as to the status and procedure and available options in regard to each of the contracts. That it was noted of any terms of change in position by the unions relative to the proposal that Council has made and that there has not been any commitment to any change of position. That following discussion of potential options for proceeding, the matter was brought back into open session.

Mayor Wimmer stated that there are options relating to the contracts that include continuing to try to negotiate or to move forward with the last and final offer for the Local 49 contract.

Motion by Lorinser, second by Larson to move forward to make the last and final offer with the contract that had been previously presented to the Local 49 (Public Works Union) and to authorize Labor Attorney Madden to work with the City on the last and final offer and set a minimum of two weeks to complete.

City Attorney confirmed that the two weeks would start from the date the final proposal was sent out and Council affirmed but that it must be sent out in a timely basis.

Motion carried unanimously.

**Adjournment**

Motion by Larson, second by Lorinser to adjourn. Motion passed unanimously. Meeting adjourned at 8:36 p.m.

Respectfully Submitted,

Irene J. Bauer  
Assistant City Administrator/City Clerk