

**MINUTES
CITY OF ISANTI
CITY COUNCIL
July 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, Ralph Johnson, and Sue Larson.

Members Absent: Council Member Jeffery Kolb

Staff Present: City Administrator Don Lorsung, Assistant City Administrator/City Clerk Irene Bauer, City Attorney Clark Joslin, City Engineer Brad DeWolf, 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 presented. Motion carried unanimously.

E. Proclamations/Commendations/Certificate Awards

1. Mayor's Float Award

Mayor Wimmer presented the Mayor's Float award from the recent Jubilee Day's Parade to Galaxy Gymnastics.

2. Commendation to the Public Works and Police Departments relating to Parade Assistance

Mayor Wimmer read a memo from Brian Strike, Isanti Jubilee Day Parade Chair recognizing the fantastic job Public Works Director Patrick Meyer and his employees and Police Chief Ron Sager and his employees did toward making the Isanti Jubilee parade run so smoothly. Strike also thanked the City of Isanti for all the City does to support the Isanti parade.

F. Approve Minutes

Motion by Duff, second by Larson to approve the July 1, 2008 Regular City Council Meeting and Closed Meeting minutes as presented. Motion carried unanimously.

G. Citizens Input

John Bettendorf, Isanti Area Chamber of Commerce President thanked the City for the donations provided for the Jubilee Day Parade and wished to express the Chamber's appreciation for individual contributions made toward the Jubilee Day event.

State Senator Rick Olseen and State Representative Rob Eastlund provided legislative updates that included:

- Bonding bill
- State budget deficit

- Tax breaks for Veterans
- Health Care reform

There was discussion on the disparity of LGA between the City of Cambridge and the City of Isanti. Olseen reviewed the LGA formula.

H. Announcements

Announcements were read.

I. Council Committee Reports

Councilmember Larson reported she had attended the following meetings:

- Police Committee
- Isanti Community Partnership (ICP)
- Community Involvement Team

J. PUBLIC HEARINGS:

There were none.

K. BUSINESS ITEMS:

1. Resolution No. 2008-190, a Resolution Approving Pension Increase for the Isanti Fire Relief Association

A request was made by the Isanti Fire Relief Association to increase their pension from \$3500 to \$3800 for each year that the person has served as an active member of the Isanti Volunteer Fire Department.

Finance Director Pierce confirmed that the City Auditor had reviewed this request and found no problem with it.

Motion by Duff, second by Larson to approve Resolution No. 2008-190 as presented.
Motion carried unanimously.

2. Request to Permanently Mount Flower Planter to Sidewalk

Mayor Wimmer inquired if caps were to be placed on the bolts that hold the downtown benches in place and he was assured by Chamber Member Guthmueller that this was to be done within a week's time.

Business owner Jaysen Guthmueller requested that he be allowed to permanently mount an urn flower planter to the sidewalk in front of his place of business located at 105 Main Street West.

There was discussion on a need for a policy that would address locating items on City sidewalks.

There was discussion on snow removal and how items placed on the sidewalks make it more difficult for City employees to clear snow from the sidewalk. Guthmueller stated that many of the merchants remove the snow from the front of their businesses themselves.

Motion by Larson, second by Johnson to approve the request by Guthmueller to permanently mount an urn planter to the sidewalk in front of his place of business located at 105 Main Street West. Motion carried unanimously.

3. Resolution No. 2008-191, a Resolution Approving Final CIC Plat – RWL Properties, LLC

Krause gave a staff report whereas RWL Properties received approval from the City to develop a multi-tenant industrial building on property at 101 Isanti Parkway NE that allowed for the subdivision and the creation of a Common Interest Community (CIC). The owner desires to sell the units and in order to do so the petitioner is required to follow the City's requirement for Preliminary and Final Platting.

The Planning Commission held a public Hearing on the request for Final CIC Plat on July 8th and has recommended approval of the Final CIC Plat for RWL Properties.

Motion by Larson, second by Johnson to approve Resolution No. 2008-191 with conditions as provided within. Motion carried unanimously.

4. Ordinance No. 439, an Ordinance Relating to Accessory Garages

Krause gave a staff report whereas Council requested clarification of items within an Ordinance relating to detached accessory garages. Krause reviewed the items that related to useable lot area and access issues relating to side yard setbacks.

The Planning Commission reviewed the above stated items at their July 8th meeting and recommended the changes as provided within the ordinance as presented.

Duff requested that 'steep slope' is defined and staff reviewed the language provided within the proposed ordinance.

Motion by Duff, second by Larson to adopt Ordinance No. 439 as presented. Motion carried unanimously.

5. Ordinance No. 440, Ordinance Amending Ordinance No. 397 Relating to the Outdoor Parking and/or Storage on Residentially Zoned Property

Krause gave a staff report on nuisance enforcement issues that were brought before the City Council at a Work Session that was held on June 17th. The primary issue was whether boats, campers, and trailers should be permitted to be parked on residential properties during the summer months as they are primarily 'in use' at this time of the year.

The Police Committee and the Planning Commission have reviewed and discussed this matter. The Planning Commission reviewed the matter at their July 8th meeting and recommended the following:

- The size of a boat trailer and/or boat, camping trailer, enclosed trailers, flat bed trailer, fish house on wheels, and all other non-self propelled RV's (except snowmobiles and ATV's) are limited to twenty feet in length.

- That the maximum number of items permitted be increased to two. One item could be in the front yard and another could be in the side/rear yard. The item located in the side/rear yard would need to meet screening and surface requirements.
- The 'time allowed per calendar year' be changed to 'seasonal'. (Specific dates were established and presented to Council and described as follows: **Seasonal:** Occurring at or dependent on a particular season. Those units, to include boat trailer and/or boat, camping trailer, enclosed trailer, flat bed trailer, and all other non-self propelled RV's (except snowmobiles and ATV's) will be permitted from April 1st to November 30th. Fish Houses on Wheels will be permitted from November 15th to March 30th.
- That a blanket regulation be added to the ordinance that requires each of the items to be operable, useable, and currently licensed.

Johnson stated that he has a problem with the definition of 'seasonal' as he would like to see the inclusion of snowmobiles and ATV's; and that they should also be allowed to be on trailers in the winter season.

There was brief discussion on the proposed changes as recommended by the Planning Commission.

Motion by Duff, second by Larson to adopt Ordinance 440 as presented. Motion carried unanimously.

6. Resolution No. 2008-192, a Resolution Authorizing Temporary Sign Permit

Krause gave a staff report whereas Isanti Custom Meats has been approved for the purchase of land from the City as well as have been approved for a Site Plan and Conditional Use Permit to construct a Meat Market on the property at 30 Main Street West. The property has not yet transferred to the new owner. Don Fiedler, the proposed builder for Isanti Custom Meats has requested permission to place an 8' x 4' sign on the property to be located near the south side of the property.

Motion by Larson, second by Johnson to approve Resolution No. 2008-192 as presented. Motion carried unanimously.

7. Resolution No. 2008-193, a Resolution Approving Updated Property Tax Abatement Agreement between the City of Isanti and Joseph Demo and to Transfer Real Property

Vita gave a staff report whereas on June 17, 2008 the City Council approved the Property Tax Abatement Agreement between the City of Isanti and Joseph Demo and to Transfer Property. Following the above stated meeting, Mr. Demo's attorney requested some changes are made to the Development Agreement by including two subordinations; extending the start date from July 1, 2008, and adding the legal entity of Mr. Demo.

Motion by Johnson, second by Larson to approve Resolution No. 2008-193 as presented. Motion carried unanimously.

8. Resolution No. 2008-184, a Resolution Approving the 'Agreement for Loan of Minnesota Investment Fund' Between the City of Isanti and Ever Cat Fuels, LLC

Vita gave a staff report whereas on February 5, 2008 the City Council authorized the submission of an application for a grant under the State of Minnesota Investment Fund Program and the making of a business loan to Ever Cat Fuels, LLC. The City has received approval of the Minnesota Investment Fund (MIF) loan. The agreement for the loan provides that the City administers the loan; the State is paid back 80% of the loan and the City retains 20% plus interest. The 20% plus interest will be used towards an EDA Revolving Loan Fund.

Motion by Larson, second by Johnson to approve Resolution No. 2008-184 as presented. Motion carried unanimously.

9. Resolution No. 2008-185, a Resolution Ordering Public Hearing to Consider Nuisance Abatement for Property in Violation of Nuisance Ordinance No. 123

Wacha gave a staff report whereas property at 459 3rd Avenue NW is in violation of City Ordinance No. 123, Section 2.12 (junk, debris and/or unlicensed vehicle) and Ordinance 397, Section 3 (expired license tabs, not on impervious surface and/or not properly screened). The property owner was notified of the violations by First Class mail many times beginning October 9, 2007 and continues to be in violation of the above stated ordinances.

Motion by Larson, second by Duff to approve Resolution No. 2008-185 as presented that provides for a public hearing to be held at 7:00 p.m. on August 6, 2008 to hear on the matter as stated above. Motion carried unanimously.

10. Resolution No. 2008-186, a Resolution Accepting Bid for the Water Treatment Plant Project

City Engineer DeWolf, Bolton & Menk, Inc. gave a staff report whereas on Tuesday, July 8, 2008, six bids were received as a result of an advertisement for bids for the Water Treatment facility project. Bids ranged from a low bid in the amount of \$4,020,000 to a high bid amount of \$4,769,000. The Engineer's estimate for the project was \$5,695,000.

Bolton & Menk have reviewed the qualification of the low bidder, Municipal Builders, Inc., and have discussed the project schedule with them. Bolton & Menk stated that it is their opinion that Municipal Builders, Inc. is qualified to complete the work in accordance with the contract documents.

Mayor Wimmer stated that the City should look at lowering the water rates because the bid received for the construction of the Water Treatment Plant Project was much lower than expected.

It was noted that the Water Treatment Plant will remove radium, iron, and manganese. The plant should be operational within 12 – 14 months.

Motion by Johnson, second by Duff to approve Resolution No. 2008-186 that awards the bid for the construction of the Water Treatment Plant to Municipal Builders, Inc. for the bid amount of \$4,020,000. Motion carried unanimously.

L. Consent Agenda

The following consent agenda was considered:

1. Accounts Payable in the Amounts of \$139,820.94 and Payroll in the Amount of \$77,677.02
2. Approval of June 10, 2008 Planning Commission Meeting Minutes
3. **Resolution No. 2008-197**, a Resolution Approving Modifications to the Site Plan – Ever Cat Fuels
4. **Resolution No. 2008-198**, a Resolution Approving Exempt Gambling Permit for the Rum River Chapter Ruffed Grouse Society
5. **Resolution No. 2008-199**, a Resolution Extending the Appointment of Ms. Lisa Crawford as Interim Liquor Store Manager
6. **Resolution No. 2008-200**, a Resolution Accepting Street and Infrastructure for Brookview South 6th Addition

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

M. Other Communication

Other communication was reviewed as presented.

L. Closed Session – Personnel Matter

At 8:10 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 8:32 p.m. City Attorney Joslin provided the following summary of the closed meeting:

The following were present at the Closed Session: Mayor Wimmer, Councilmember's Duff, Johnson, and Larson. Also present were City Attorney Clark Joslin, City Administrator Don Lorsung, and City Clerk Irene Bauer.

During the closed meeting, Council reviewed and discussed a Memorandum of Understanding (MOU) that had been negotiated with IUOE, Local 49. Union Representative Mark Pothen signed the MOU after bringing to the Public Works Employees. The MOU was the result of a Public Works employee who received a DWI and consequently lost his Driver's License and CDL classification.

The Council was apprised by City Attorney Joslin of their options relating to the approval of the MOU and the status of the employee.

Following the discussion, the closed meeting concluded and the open meeting was reconvened.

Motion by Larson, second by Johnson to approve the Memorandum of Understanding as presented and authorize the City Administrator to sign the document. Motion carried unanimously.

Adjournment

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

Meeting adjourned at 8:34 p.m.

Respectfully Submitted,

Irene J. Bauer
Assistant City Administrator/City Clerk