

**MINUTES
CITY OF ISANTI
CITY COUNCIL
August 19, 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, Jeffery Kolb, and Sue Larson.

Members Absent: None.

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 Johnson to approve the agenda as presented. Motion carried unanimously.

E. Proclamations/Commendations/Certificate Awards

Mayor Wimmer recognized Isanti Hardware Hank business owner, John Bettendorf, on the award he received by the North American Retail Hardware Association as the 'Young Retailer of the Year'. Wimmer read his letter of support of John Bettendorf's nomination for the Young Retailer of the Year award.

F. Approve Minutes

Motion by Johnson, second by Larson to approve the August 6, 2008 Special Budget and Regular meeting minutes as presented. Motion carried unanimously.

G. Citizens Input

There was none.

H. Announcements

Announcements were read.

I. Council Committee Reports

Councilmember Larson reported on the Friends of the Library meeting she had attended.

Mayor Wimmer reported the updating of the Zoning Ordinances for the Comprehensive Plan that was adopted will be discussed at the September Planning Commission Meeting.

J. PUBLIC HEARINGS: There were none.

K. BUSINESS ITEMS:

1. Housing Programs – Jenny Rydberg, USDA

Jennifer Rydberg, Area Specialist for the US Department of Agriculture, Rural Development, gave a presentation and reviewed the programs they have relating to Home Loans and Home Improvement Loans and Grants.

2. Resolution No. 2008-215, a Resolution Approving the Conditional Use Permit as Requested by MJS Services LLC to Permit the Alteration and Movement of Land on the Properties Located at 308 CSAH 23 NW and 710 CSAH 5 NW as Well as to Construct a Storm Water Pond Within the Ponding Easement Directly to the East of Such Property

Krause gave a staff report whereas MJS Services, LLC requested a Conditional Use Permit for the alteration and movement of land that would enable them to grade the existing parcels located at 308 CSAH 23 NW and 710 CSAH 5 NW, and would enable them to construct a stormwater pond on the property immediately to the east of the parcels. Krause reviewed the conditions that would be required for the Conditional Use Permit as provided within the Resolution.

The Planning Commission reviewed the above stated request at Public Hearing held on August 12, 2008 and recommended approval of the Conditional Use Permit.

Motion by Duff, second by Larson to approve Resolution No. 2008-215 as presented. Motion carried unanimously.

3. Resolution No. 2008-216, a Resolution Approving Temporary 3.2 Beer License to the Blaine Jaycees

Bauer gave a staff report whereas the Blaine Jaycees have requested a Temporary 3.2 Beer License to sell 3.2 beer at the Minnesota Owls game that will be held at the Ice Arena on September 20, 2008. Bauer stated the Blaine Jaycees intend to obtain a Temporary 3.2 Beer License for many of the home games. The Ordinance regulating the issuance of Temporary 3.2 Licenses provides that the City may issue not more than twelve one-day temporary licenses to any one organization for any one location within a 12-month period. The Blaine Jaycees have 24 games in a season and the current ordinance requirements will limit the number of licenses the Blaine Jaycees can obtain for the events.

Keith St. Marie, representative for the Blaine Jaycees was present. Council discussed with Mr. St. Marie how contributions would be used and St. Marie stated they contribute to programs within the communities where they obtain their licenses.

St. Marie also discussed their goal to assist in creating an Isanti Chapter of the Jaycees within the next few years.

There was discussion on the number of temporary licenses that can be issued within one year and Council was in consensus to direct Staff to review the State Statutes to see if the number of temporary licenses issued to one organization within one year can be increased.

Motion by Duff, second by Larson to approve Resolution No. 2008-216 as presented. Motion carried unanimously.

4. Resolution No. 2008-217, a Resolution Setting Date for the City Council to Meet to Canvass Returns and Declare Results of the September 9, 2008 Municipal Primary Election

There was brief review of the need to set a date for the Canvass Board to meet to canvass the returns and declare the results of the September 9, 2008 Municipal Primary Election.

Motion by Larson, second by Johnson to approve Resolution No. 2008-217 that sets a date of September 10, 2008 at 8:00 a.m. for the City Council to meet to canvass returns and declare the results of the September 9, 2008 Municipal Primary Election. Motion carried unanimously.

5. Fairway Greens Project
a. Financing Option

Lorsung stated that Staff had a positive meeting with Representatives from Construction Mortgage Investors Company (CMIC) and feels that Council can move forward with the Fairway Greens Improvement project.

b. Resolution No. 2008-218, a Resolution Accepting Bid for Private Development Fairway Greens Subdivision

DeWolf gave a staff report whereas ten bids were received for the Fairway Greens Industrial project. The project costs including the low bid, administration, and engineering are expected to be \$319,575. \$270,000 has been drawn from one Letter of Credit and the balance of \$49,757 will come from CMIC based on the discussion that took place on this date with CMIC.

Motion by Larson, second by Johnson to approve Resolution No. 2008-218 contingent that all funds are received for the financing of the project. Motion carried unanimously.

6. Authorization to Receive Quotes on Development Punchlists

- a. South Park**
- b. Villages on the Rum 3**
- c. Villages on the Rum 3-2**
- d. Villages on the Rum 3-3**
- e. Villages on the Rum 4**
- f. Villages on the Rum 5**

DeWolf gave a staff report whereas staff would like to proceed in which to draw on funds from various Letter of Credits for the completion of punchlist items that include South Park, Villages on the Rum 3, Villages on the Rum 3-Phase 2, Villages on the Rum 3-Phase 3, Villages on the Rum 4, and Villages on the Rum 5.

Motion by Larson, second by Duff to approve receiving quotes to allow for completing the punchlist items within the above stated developments upon accessing the necessary funds from the Letter of Credits. Motion carried unanimously.

7. 3rd Avenue North Improvement

City Attorney Joslin provided an update on the status of obtaining funds from a Letter of Credit (LOC) held by Premier Bank for funding the improvement of Third Avenue North as provided within the Development Agreement between the City of Isanti and Brian Iverson.

Premier Bank delivered a check to City Hall on this date for \$36,000 plus dollars for the other punch list items per the engineers estimate and the City's request for payment.

There was review and general discussion that Premier Bank agreed the proceeds would be available upon request for the 3rd Avenue North Improvement but they did not initially desire to release the funds. Based on this, the City had requested they secure the funds with a bond until such time the improvement took place in 2009. Rather than incur the expense for the bond, Premier Bank has agreed they would pay out the funds upon the City's request. Joslin stated that the Council may wish to proceed moving forward with the project contingent upon the actual receipt of those funds as it appears that the City will be receiving the funds. Should any of the funds be unused for the project, they would be returned.

L. Consent Agenda

The following consent agenda was considered:

1. Douglas-Kerr Underground, LLC Pay Request No. 1 in the Amount of \$174,790.70 for the 2008 Street and Utility Improvement Project
2. Ryan Contracting Company Pay Request No. 5 in the Amount of \$51,306.76 for the SE Quadrant Street Improvement Project
3. Municipal Builders, Inc. Pay Request No. 1 in the Amount of \$134,463.00 for the Isanti Water Treatment Facility Project
4. Accounts Payable in the Amounts of \$506,748.16 and Payroll in the Amount of \$71,544.16
5. Approval of July 8, 2008 Planning Commission Meeting Minutes
6. **Resolution No. 2008-219**, A Resolution Offering Employment to Mr. Gary Hanscom for the Liquor Store Clerk I Position
7. **Resolution No. 2008-220**, A Resolution Offering Employment to Ms. Lonie Dorholt for the Liquor Store Clerk II Position
8. **Resolution No. 2008-221**, a Resolution Approving Temporary 3.2 Beer License to the Isanti Lions Club
9. **Resolution No. 2008-222**, a Resolution Authorizing to Enter into a Memorandum of Understanding with One Call Concepts

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.

N. Closed Session – Personnel Matter

At 7:45 p.m. Mayor Wimmer announced there will be a five minute recess prior to going into closed session.

Open Session

Summary of Closed Session

The Council came out of Closed Session at 8:03 p.m. at which time Mayor Wimmer announced the open meeting was again in session. 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, Kolb and Larson. Also present were City Attorney Clark Joslin, City Administrator Don Lorsung, and City Clerk Irene Bauer.

Clark stated that during the closed session the Council discussed the status relating to a disciplinary matter involving Public Works employee James Lindgaard. Council was given a status update in regards to the provisions of the Memorandum of Understanding (MOU) that the City had entered into with the Union pertaining to situations of the type of conduct that is in question. Discussion of options regarding potential disciplinary action were reviewed and following that discussion the meeting was reopened.

There was brief discussion that any action on employee Lindgaard as provided within the MOU, and would be effective following the close of business on Wednesday, August 20, 2008.

Motion by Kolb, second by Duff to instruct staff to fulfill the provisions as set within the MOU by terminating Public Works employee James Lindgaard if the requirements as provided within the MOU have not been met by the close of the business day on Wednesday, August 20, 2008 and to be executed the next day.

Adjournment

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

Meeting adjourned at 8:06 p.m.

Respectfully Submitted,

Irene J. Bauer
Assistant City Administrator/City Clerk