

**MINUTES  
CITY OF ISANTI  
CITY COUNCIL  
August 6, 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:

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, Police Chief Ron Sager, and CSO Officer Steve Wacha

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

**E. Proclamations/Commendations/Certificate Awards**

1. Mayor's Presentation of Great Yard Awards for the Month of July

Mayor Wimmer presented certificates to the following property owners for the July Great Yard Award:

- 1<sup>st</sup> Place – David and Tara Hallberg
- 2<sup>nd</sup> Place - Lavelle and Lydia Wallace
- 3<sup>rd</sup> Place - Dan and Bridget Collison

**F. Approve Minutes**

Motion by Duff, second by Larson to approve the July 15, 2008 Regular City Council Meeting and Closed Meeting minutes, and the July 29, 2008 Special Budget Meeting minutes as presented. Motion carried unanimously.

**G. Citizens Input**

There was none.

**H. Announcements**

Announcements were read.

**I. Council Committee Reports**

Councilmember Duff reported on the Highway 65 Coalition meeting he had attended.

Mayor Wimmer reported on the ICP meeting he had attended.

Councilmember Larson reported on the Liquor Store Committee meeting she had attended. Larson reported the next meeting of the Highway 65 Coalition is scheduled for September 25<sup>th</sup>, 2008 at 7 p.m. at Isanti City Hall.

## **J. PUBLIC HEARINGS:**

### **Nuisance Abatement – 459 3<sup>rd</sup> Avenue NW**

Mayor Wimmer opened the public hearing at 7:05 p.m.

Wacha reviewed violations on property located at 459 3<sup>rd</sup> Avenue NW whereas it is in violation of Ordinance 123, Section 2.12 relating to junk, debris and unlicensed vehicles; and Ordinance 397, Section 3 relating to expired license tabs of vehicles, vehicles are not on impervious surface and are not properly screened.

Wacha reviewed the letters that were sent out to the property owner that dated back to October 9, 2007 to present. Wacha presented pictures that displayed the violations. The pictures also displayed a large pile of household trash.

James Harris, 459 3<sup>rd</sup> Avenue NW stated he does not have junk cars, but has inventory. Harris stated he does auto body repair and has been doing this for thirty years. Harris stated this is his livelihood, the parts are valuable but getting outdated and plans to scrap them out and sell them; that is why they are all sitting out. Harris stated that the reason he has not cleaned up his property is because of lack of funds. Harris stated that he does have good parts, but does not have anyplace to store them, but will be getting rid of them. Harris said he finally found a way to get rid of the trash by bringing in a big tandem truck and loader; Harris said he could afford to do that. Harris stated that as far as the vehicles go, he has disposed of eight of them. He stated that he has some vehicles that he uses for storage when he makes purchases at sales; the purchases include items he can use to fix up his house; and he also uses the vehicles to store auto parts in.

Harris stated he felt the ticket he received should be removed as he has been making an effort to clean up his property.

Mayor Wimmer clarified that the compliance letters were first sent out on October 9, 2007 and since then the City has been trying to get Harris to clean up his property. Wimmer inquired if he is operating a business and Harris said yes, but felt it is more of a hobby as he is unable to make money from it. Harris stated he occasionally does purchase a vehicle and sells it. He has good cars that he uses for storage purposes.

Hearing no further questions or comments, Mayor Wimmer closed the public hearing at 7:14 p.m.

There was further review of the pictures of the current condition of the property and much discussion on the violations.

Harris requested an additional thirty days to clean up the property. There was discussion relating to the request and it was noted that the household trash is a safety concern.

**Resolution No. 2008-201, a Resolution to Authorize Nuisance Abatement for Property Located at 459 3<sup>rd</sup> Avenue NW**

Motion by Kolb, second by Larson to approve Resolution No. 2008-201 as presented. Motion carried unanimously.

Mr. Sydney Nelson stated that he lives in a duplex at 459 3<sup>rd</sup> Avenue NW and that the nice cars and motor home belong to him and inquired what would happen to his property. Council advised he take this up with the property owner James Harris.

**K. BUSINESS ITEMS:**

**1. Isanti Area Chamber of Commerce Isanti Fall Fest**

Isanti Area Chamber of Commerce Executive Director Jan Peterson stated that the Chamber's Isanti Fall Music Fest is scheduled to take place on September 13<sup>th</sup>. The Chamber is considering two sites for the event. The Rodeo Association has invited them to use the Rodeo Grounds and because the site provides a shelter for the bands, a dressing area and the proper electrical hookups, this site is the primary option the Chamber is looking at. Should the Chamber determine to use the Rodeo site, they would be seeking permission from the Council to use Unity Park for the car show.

The second option would be the use of Main Street. But because there is not the proper electrical hookup this is a less desirable site.

The Chamber also requested the band is allowed to play until 11 p.m., and requested the use of and delivery and pickup of city owned picnic tables.

There was comment if the Chamber had made a request to the Park Board for the use of Unity Park and Peterson stated no. After brief discussion it was determined the Chamber would approach the Park Board.

Motion by Johnson, second by Larson to approve the request by the Isanti Area Chamber of Commerce the use of Unity Park and the use of City picnic tables and provide assistance to deliver and pickup the tables, and to approve the 11 p.m. play time of the band. Motion carried unanimously.

**2. Resolution No. 2008-202, a Resolution Authorizing Staff to Order and Place Two (2) Small Identification Signs Near the Entrances to Bluebird Park**

Vita gave a staff report whereas the Park Board is recommending approval to place identification signs near the entrances of Bluebird Park. The funding for the signs would come from the Park Dedication Fund.

Duff questioned the park hours proposed at 7 a.m. to 10 p.m., and if the hours should reflect the City's Curfew Ordinance that establishes 9 p.m. as the curfew for youth. There was brief discussion that adults also use the parks and this would restrict them to 9 p.m. Youth with adults would not be restricted by the Curfew Ordinance.

Motion by Johnson, second by Larson to approve Resolution No. 2008-202 as presented.  
Motion carried 4-1 (Duff opposed).

**3. Resolution No. 2008-203, a Resolution Authorizing Purchase of Traffic Control Devices and Installation**

Chief Sager gave a staff report whereas the Police Department has been working with the School District and the County Highway Department on the intersection of County Road 5 and 3<sup>rd</sup> Avenue. The area of concern is located on City right-of-way. Traffic going north on 3<sup>rd</sup> Avenue is attempting to make an improper left hand turn into the front parking entrance of the school. The recommendation is to install five low profile high impact highway delineators that are 48 inches high. The cost is approximately \$218 for the purchase and installation and this cost would be shared between the City and the School District. The City's share of funding is approximately \$109 would come from the Police Department budget.

Motion by Duff, second by Larson to approve Resolution No. 2008-203 as presented.  
Motion carried unanimously.

**4. Resolution No. 2008-204, a Resolution Authorizing Law Enforcement Assistance for the Republican National Convention (RNC)**

Chief Sager gave a staff report whereas the Isanti Police Department has been asked to provide officers to assist the St. Paul Police Department for the upcoming Republican National Convention that is to be held in the City of St. Paul. Sager stated that Isanti Officer's would be assigned to working security within the facility.

Joslin provided a brief review of potential liability to the City and possible Worker's Comp claims that could arise and would be the responsibility of the City.

There were comments made relating to providing help and assistance to a neighboring City and in turn the City receiving assistance some time in the future should they need it.

There was brief discussion on mileage reimbursement and Sager stated his Officers would not be reimbursed as their drive would be similar when reporting to their regular job as an Officer.

Motion by Duff, second by Larson to approve Resolution No. 2008-204 that authorizes the Police Department to provide law enforcement assistance for the RNC and to enter into a Joint Powers Agreement between the City of St. Paul and the City of Isanti.  
Motion carried unanimously.

**5. Reimbursement Resolutions:**

- a. **Resolution No. 2008-205, a Resolution Establishing Procedures Relating to Compliance with Reimbursement Bond Regulations Under the Internal Revenue Code as it relates to the 2008 Street & Utility Improvement Project**
- b. **Resolution No. 2008-206, a Resolution Establishing Procedures Relating to Compliance with Reimbursement Bond Regulations**

**Under the Internal Revenue Code as it relates to the Water  
Treatment Facility**

Motion by Larson, second by Kolb to approve the above stated Resolution No's. 2008-205 and 2008-206 as presented. Motion carried unanimously.

**6. Resolution No. 2008-207, a Resolution Authorizing Aluna Design to  
Provide Services for Hosting Audio on the City Website**

Lorsung gave a staff report whereas a proposal from the City's website provider, Aluna Design Group, was received that provided three options to assist and host audio from City Council regular meetings. Staff is recommending the second option that provides the City convert the recorded cd to mp3 format and uploads the mp3 file to the server. The recommendation is to have 6 months of meeting audio on the website based on the current memory that is allocated in the website server. The City would monitor the removal of old files.

The cost to the City for this service is a one-time set up fee of \$50.00 and an on-going \$5.00 per month hosting charge. Funding would come from the technology budget.

Motion by Duff, second by Larson to approve Resolution No. 2008-207 as presented. Motion carried unanimously.

**7. Villages on the Rum 3<sup>rd</sup> Addition**

**a. Extending Call Date of Letter of Credit**

Douglas Schulze, Premier Bank was present and reviewed the request by the City to draw on the Irrevocable Letter of Credit No. 805 held by Premier Bank in the amount of \$255,846 relating to Villages on the Rum Third Addition. Of that amount, the City is requesting to draw \$30,846 that will be used to complete a number of punch list items in Villages on the Rum Third Addition.

The City had provided a letter to Premier Bank that gave until August 11, 2008 of which to have all punch list items completed or the City would call in the letter of credit.

Schulze requested a 30 day extension of the August 11<sup>th</sup> deadline to allow additional time to complete the punch list items.

Wimmer stated that a plan was to have been received from Mr. Brian Iverson for the completion of the punch list items, and to date no plan has been received from Iverson or from the Bank.

There was discussion on the punch list items to be completed, the extension of time, and discussion on the MPCA concerns and improvements that must be completed.

**b. 3<sup>rd</sup> Avenue Improvement**

Mr. Schultze addressed the letter relating to Villages on the Rum Third Addition Letter of Credit No. 805, whereas the City had provided a letter to Premier Bank indicating the City's desire to draw on the Irrevocable Letter of Credit No. 805 that is in the amount of

\$255,846. Of that amount, the City is requesting to draw \$225,000 that will be used to fund approximately half the cost for the construction of a portion of 3<sup>rd</sup> Avenue.

There was review and discussion on the 3<sup>rd</sup> Avenue Improvement. Joslin stated that the construction of 3<sup>rd</sup> Avenue is provided within the Development Agreement as signed by the Developer. The City may consider agreeing to hold off drawing from the Letter of Credit for the 3<sup>rd</sup> Avenue Improvement until the project commences or the funds are needed to pay for the project. Joslin expressed concern if sometime in the future Premier Bank would be unable to honor the Letter of Credit because they would not have the funds to support the Letter of Credit. Schultze stated that the Letter of Credit would stay in place and if they were to agree that the use of the funds could be used for the 3<sup>rd</sup> Avenue Improvement, the City could draw as bills come due.

Joslin suggested a written agreement is in place should the City desire to delay drawing from the Letter of Credit for 3<sup>rd</sup> Avenue and secure this with a performance bond.

Motion by Johnson, second by Larson to approve the request for a 30 day extension to complete the punch list items and then draw \$30,846 from the Letter of Credit. Motion failed with a 2-3 vote.

Motion by Kolb, second by Duff to approve drawing \$30,846 from the Letter of Credit to allow for the punch list items to be completed immediately. Motion carried with a 3-2 vote.

Motion by Duff, second by Larson to table the 3<sup>rd</sup> Avenue Improvement item. Motion carried unanimously.

#### **L. Consent Agenda**

The following consent agenda was considered:

1. Accounts Payable in the Amounts of \$428,234.34 and Payroll in the Amount of \$69,552.39
2. Approve Minutes:
  - a. June 24, 2008 Park & Recreation Board
  - b. June 24, 2008 EDA
3. **Resolution No. 2008-208**, a Resolution Appointing Election Judges for the 2008 Primary Election
4. **Resolution No. 2008-209**, a Resolution Accepting Street and Infrastructure for Isanti Hills 5<sup>th</sup> Addition
5. **Resolution No. 2008-210**, a Resolution Authorizing Community Center Entry Repair
6. **Resolution No. 2008-211**, a Resolution Accepting Liquor Store Clerk I Lisa Crawford's Resignation
7. **Resolution No. 2008-212**, a Resolution Declaring Certain City Property as Surplus and Authorizing its Disposal
8. Approve Letter of Support for County-wide Emergency Operations Center
9. **Resolution No. 2008-213**, a Resolution Amending the Tax Abatement Agreement with Joseph Demo

10. **Resolution No. 2008-214**, a Resolution Offering the Public Works Maintenance Technician Position to Mr. Victor Fanth

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.

**Adjournment**

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

Meeting adjourned at 8:32 p.m.

Respectfully Submitted,

Irene J. Bauer  
Assistant City Administrator/City Clerk