

**MINUTES  
CITY OF ISANTI  
CITY COUNCIL  
September 16, 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, Community Development Director Carla Vita, City Planner Lisa Krause, and City Engineer Brad DeWolf.

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

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

Mayor Wimmer welcomed the Owls Hockey Team and their members to Isanti. The Owls Hockey Team have moved their team to play in Isanti at the Isanti Ice Arena.

The Mayor read a proclamation in recognition of 10 years of Senior Dining at the Isanti Community Center. The Mayor awarded the proclamation to two senior members.

**F. Approve Minutes**

Motion by Duff, second by Larson to approve the September 2, 2008 Regular City Council meeting and the Canvass Board meeting and Special Meeting minutes of September 10, 2008 as presented. Motion carried unanimously.

**G. Citizens Input**

Keith Koehler, 702 Marion Street stated that he was a former employee of the City in the Public Works Department; and was present to voice his frustration with the Public Works Department and the actions that have taken place. Koehler stated that he had stated his frustrations when he was an employee of the City and no action was taken; and now he would like to express his thoughts publicly. Koehler stated that if it was the City Council, Personnel Committee, or whoever was responsible for suspending Meyer is making the problem within the Department worse. Koehler stated there are problems within the Department and in the past he has voiced what those problems are and no one has listened. Koehler stated that each time Meyer is disciplined; the City is making the problems that occur in the Department even worse and that there are guys in the Department that are wasting tax dollars and wasting time. Koehler stated that the City needs to take a look at who is actually working and who is not and how Meyer can do his

job effectively and have the City support him. Koehler stated there have been prior meetings and the City said they would stand behind Meyer at 100%, but that talk is cheap; the City can say one thing, but no action has been taken. Koehler advised the City to take a hard look as to who the employees are within the Public Works Department and who the City wants working in the Public Works Department.

#### **H. Announcements**

Announcements were read.

#### **I. Council Committee Reports**

Councilmember Larson reported on the following meetings she had attended:

- EDA has a joint meeting with Isanti Area Chamber of Commerce scheduled for September 23, 2008
- Business-Industrial Subcommittee
- Downtown Committee
- Liquor Store Committee
- Community Involvement Team
- Friends of the Library

#### **J. PUBLIC HEARINGS:** There were none.

#### **K. BUSINESS ITEMS:**

1. **Resolution No. 2008-239, a Resolution Approving the Conditional Use Permit as Requested by Freeport Finishing to Permit the Manufacturing, Processing, or Storage of Hazardous Waste as a Byproduct on the Property Located at 243 North Dual Boulevard NE**

Krause gave a staff report whereas Freeport Finishing has requested a Conditional Use Permit to allow for the manufacturing, processing, and storing of hazardous wastes as a byproduct on the property located at 243 North Dual Boulevard NE. Freeport Finishing finishes wood and fiberglass products with liquid coatings and uses hazardous liquid, lacquers, sealers, topcoat and primer, and paint. The company holds a MPCA permit and a hazardous waste generator permit. The business has been located on the property for approximately two years; and it was brought to the attention of City Staff that the business had not received a Conditional Use Permit for the property that would have allowed the established use on the property to be in conformance with the Zoning Ordinance.

The Planning Commission held a public hearing on this matter at their September 10, 2008 meeting and recommended approval of the Conditional Use Permit.

There was brief discussion on this matter.

Motion by Larson, second by Johnson to approve Resolution No. 2008-239 with the conditions as provided therein. Motion carried unanimously.

**2. Resolution 2008-240, a Resolution Approving the Conditional Use Permit as Requested by Donald Benny to Permit the Selling of “Used Boats, Trailers, Motors, Parts, and Other Accessories” with Outdoor Display on the Property Located at 444 East Dual Boulevard NE and to Permit Joint Parking Facility with Another Business Within the Vicinity Located on the Property at 441 East Dual Boulevard NE**

Krause gave a staff report whereas Donald Benny has requested a Conditional Use Permit to allow for the sale of used boats in an outdoor display at 444 East Dual Boulevard NE. Krause reviewed the site plan that provided for two boats with or without motors to be parked on the black top area and ten trailers would be displayed on the south side of the building on gravel and/or grass.

Eighteen parking spaces are necessary for the property located at 444 East Dual Boulevard NE and the proposed plan allows for two spaces. Krause reviewed Mr. Benny’s request to allow for joint parking with property he owns across the street at 441 East Dual Boulevard NE that has thirty-five spaces.

The Planning Commission heard on this matter at a public hearing on September 20, 2008 and recommended approval of the Conditional Use Permit and to allow for joint parking with property at 441 East Dual Boulevard NE.

There was discussion on the past issues by the applicant’s non-compliance with the Nuisance Ordinance. There was discussion on the conditions set within the proposed Resolution, and that these conditions would have to be followed by the applicant so as not to be in violation of the Conditional Use Permit and City Ordinance.

There was brief discussion on requiring a fence and it was noted that the property is zoned industrial and a fence is not required.

The request for a Conditional Use Permit meets all the requirements as set forth within City Ordinance. There was concern of the time it would take to process any violations of the terms and conditions proposed in the Conditional Use Permit if the applicant violates those terms and conditions. City Attorney Joslin stated that if the applicant violates the terms and conditions of the Conditional Use Permit, the City would have the authority to follow due process as provided within State Statute.

Motion by Larson, second by Johnson to approve Resolution No. 2008-240 with the terms and conditions as provided therein. Motion carried 4-1 (Kolb opposed).

**3. Ordinance No. 442, an Ordinance Amending Ordinances No. 176, Zoning, Section 2: Definitions, Section 9: “B-2” General Business District; and Section 10: “I-1” Industrial Park District and Amending Ordinance No. 249, Regulating the Tier One Zoning Code for the Industrial District and Ordinance No. 251, Regulating the Tier One Zoning Code for the General Business District to Include Farming as an Interim Use**

Krause gave a staff report whereas there have been inquiries made by property owners that have vacant land within the Business and Industrial Districts if they can farm the property. Farming is permitted within the Residential districts; however it is not listed as a permitted, conditional, or interim use within the Business or Industrial Districts; unless the use had previously been established on the property.

The Planning Commission heard on this matter at a Public Hearing on September 20, 2008 and reviewed the Ordinance amendment that would include farming as an interim use in the Business and Industrial Districts. The Planning Commission recommended approval of the ordinance amendment.

Motion by Larson, second by Kolb to adopt Ordinance No. 442 as presented. Motion carried unanimously.

**4. Resolution No. 2008-241, a Resolution Approving Joint and Cooperative Agreement for the Cambridge-Isanti Bike/Walk Trail**

Vita gave a staff report whereas a committee consisting of representatives from Isanti County, City of Cambridge, and City of Isanti have been meeting to negotiate an agreement on the pre-construction, construction, and post-construction of the Cambridge-Isanti Bike/Walk Trail.

It was stated that the City of Cambridge had approved the agreement and Isanti County would be acting on this item at their Board meeting on September 17, 2008.

Motion by Larson, second by Duff to approve Resolution No. 2008-241 with the amendment to the agreement to delete on page 1., item number 1, the words ‘and the Township’. Motion carried unanimously.

**5. Resolution No. 2008-242, a Resolution Designating Bike/Walk Trail Advisory Committee Designee for Year 2008**

Wimmer briefly reviewed the need to appoint a member from the Council to serve on the Bike/Walk Trail Advisory Committee and stated he would serve in this capacity.

Motion by Kolb, second by Larson to approve Resolution No. 2008-242 appointing Mayor Wimmer as the appointed Council Member to serve on the Bike/Walk Trail Advisory Committee. Motion carried unanimously.

**6. Resolution No. 2008-243, a Resolution Approving Don Fiedler Companies the use of City Property for the Storage of Supplies and Parking of Equipment**

Vita gave a staff report whereas Don Fiedler Companies is the contractor for construction of a building to be located on 30 West Main Street have requested the use of the lot located on the east side of City Hall to store materials and park their equipment.

Motion by Johnson, second by Larson to approve Resolution No. 2008-243 with the conditions as provided therein. Motion carried unanimously.

**7. Resolution No. 2008-244, a Resolution Authorizing Change Order for the Water Treatment Facility Project**

DeWolf gave a staff report whereas sodium hypochlorite, a chemical needed to run the Water Treatment Facility is very expensive to purchase and poses some safety risks to the plant operator(s). Staff has evaluated an option of an onsite system that would generate the chemical and also did a cost analysis. DeWolf reported that to install a Miox system that would generate the chemical would cost an additional \$304,300.00; and the payback period would be 3.5 years. Funding for this system would be eligible under the Public Authority Loan that the City will be using to fund the Water Treatment Facility.

Motion by Johnson, second by Larson to approve Resolution No. 2008-244 as presented. Motion carried unanimously.

**8. Resolutions Approving Quotes for Completion of Developments**

DeWolf gave a staff report whereas staff has secured quotes to complete the remaining deficiencies within certain developments per direction of the Council. All of the quotes received for the developments are provided within the Resolutions that follow and were reviewed and acted on contingent that the City has received the funds from the Letter of Credit for each of the developments.

**a. Resolution No. 2008-245, a Resolution Awarding Quote to Complete South Park Addition**

Motion by Johnson, second by Kolb to approve Resolution No. 2008-045 awarding the low quote to C & L Excavating Inc. in the amount of \$34,580.00 to complete the development of South Park Addition. Motion carried unanimously.

**b. Resolution No. 2008-246, A Resolution Awarding Quote to Complete Fairway Greens Addition – Residential**

DeWolf reported the bank is making an effort to complete this development with their own contractor, and would like to meet with City Staff on site to see if they are interested in doing that. DeWolf requested advice if the Council is interested in letting the bank complete the work on the development on their own; and if Council provides authorization to allow the bank to complete the work on their own, the quote received would be contingent upon the developer's bank starting work within the next two weeks.

Motion by Johnson, second by Larson to approve Resolution No. 2008-046 awarding the low quote to C & L Excavating Inc. in the amount of \$91,325.00 to complete development of the Fairway Greens Addition – Residential and authorizing the City Engineer to work with the Developer's bank to complete the development; and if the work is not completed in a timely fashion, the City Engineer is authorized to have the work completed. Motion carried unanimously.

**c. Resolution No. 2008-247, a Resolution Awarding Quote to Complete Villages on the Rum 3<sup>rd</sup> Addition**

Motion by Johnson, second by Larson to approve Resolution No. 2008-047 awarding the low quote to C & L Excavating Inc. in the amount of \$26,797.50 to complete the development of Villages on the Rum 3<sup>rd</sup> Addition. Motion carried unanimously.

**d. Resolution No. 2008-248, a Resolution Awarding Quote to Complete Villages on the Rum 3<sup>rd</sup> Addition – Phase 2**

Motion by Larson, second by Johnson to approve Resolution No. 2008-048 awarding the low quote to C & L Excavating Inc. in the amount of \$9,475.00 to complete the development of Villages on the Rum 3<sup>rd</sup> Addition – Phase 2. Motion carried unanimously.

**e. Resolution No. 2008-249, a Resolution Awarding Quote to Complete Villages on the Rum 3<sup>rd</sup> Addition – Phase 3**

Motion by Johnson, second by Larson to approve Resolution No. 2008-049 awarding the low quote to C & L Excavating Inc. in the amount of \$58,672.25 to complete the development of Villages on the Rum 3<sup>rd</sup> Addition – Phase 3. Motion carried unanimously.

**f. Resolution No. 2008-250, a Resolution Awarding Quote to Complete Villages on the Rum 4<sup>th</sup> Addition**

Motion by Larson, second by Johnson to approve Resolution No. 2008-050 awarding the low quote to C & L Excavating Inc. in the amount of \$80,264.00 to complete the development of Villages on the Rum 4<sup>th</sup> Addition. Motion carried unanimously.

**g. Resolution No. 2008-251, a Resolution Awarding Quote to Complete Villages on the Rum 5<sup>th</sup> Addition**

Motion by Larson, second by Johnson to approve Resolution No. 2008-051 awarding the low quote to C & L Excavating Inc. in the amount of \$7,934.00 to complete the development of Villages on the Rum 5<sup>th</sup> Addition. Motion carried unanimously.

**9. Resolution No. 2008-252, a Resolution Appointing Interim Treasurer**

Lorsung gave a staff report whereas State Statute provides that all cities shall have a Treasurer. The Finance Director, who was also the appointed Treasurer for the City resigned effective September 12, 2008, leaving the City without a Treasurer. The City requires three signatures on account payable and payroll checks and these signatures include the signature of the Treasurer, City Clerk, and Mayor. The Treasurer is also responsible for signing other reports and documents.

The Finance Committee met on this matter and recommended City Administrator Don Lorsung is appointed interim Treasurer until such time as the Finance Director position is filled.

Motion by Duff, second by Larson to approve Resolution No. 2008-252 that appoints City Administrator Don Lorsung as interim Treasurer. Motion carried unanimously.

**10. Resolution No. 2008-253, a Resolution Accepting Proposal for Interim Finance Services**

Lorsung gave a staff report whereas the Finance Committee met with Mr. Steve McDonald from Abdo, Eick and Meyers LLC; the firm provides auditing services for the City; and discussed services they could provide to the City in the interim period the City is without a Finance Director. A proposal was submitted from Abdo, Eick and Meyers

for interim finance services for the City for an estimated cost of \$1,640 to \$2,590 plus hourly rates for other services as needed.

Motion by Larson, second by Johnson to approve Resolution No. 2008-253 as presented. Motion carried unanimously.

#### **11. Cable Access Concept – Joint Powers Agreement**

Lorsung gave a staff report whereas Councilmember Kolb and he have been meeting with representatives from the City of Cambridge, Isanti County and the School District to discuss the merit of a joint relationship to develop and manage the cable access channel. A draft Joint Powers Agreement has been developed and the City of Cambridge approved the agreement, however did not provide funding to support the funding portion of the agreement.

There was general discussion on the funding and at this time the City does not have the funds to support the annual operating funding as outlined in the agreement. There was brief discussion on reallocating Franchise Fees that could be used to support the funding portion of the Joint Powers Agreement.

Motion by Kolb, second by Larson to table action on this item until the funding to support the agreement has been determined. Motion carried unanimously.

#### **12. Ordinance No. 443, an Ordinance Amending Ordinance 171 (Water Services), Section 6 – Right to Discontinue Service Reserved**

Lorsung gave a staff report whereas an amendment to the City Water Utility Ordinance has been developed that will allow for shut off of water services at a premises when the City is notified of an electric and/or gas utility shut off during the cold weather time period of the year.

Motion by Johnson, second by Larson to adopt Ordinance No. 443 as presented. Motion carried unanimously.

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

1. Approve Municipal Builders, Inc.'s Pay Estimate Request No. 2 in the amount of \$285,679.25 for Work Completed on the Water Treatment Facility Project
2. Approve Douglas-Kerr's Pay Estimate Request No. 2 in the amount of \$142,951.81 for Work Completed on the 2008 Street and Utility Improvement Project
3. Approve Loan to Ever Cat Fuels in the Amount of \$194,000 Contingent on Receipt of MIF Funds
4. Accounts Payable in the Amounts of \$816,566.31 and Payroll in the Amount of \$72,692.84
5. Approval of August 12, 2008 Planning Commission Meeting Minutes
6. Approve Providing a Letter of Recommendation to Administrative Assistant Trudi Breuninger
7. **Resolution No. 2008-254**, a Resolution Accepting Rum River Meadows 1<sup>st</sup> and 2<sup>nd</sup> Additions and Placing in a Two Year Warranty

8. **Resolution No. 2008-255**, a Resolution Approving Temporary 3.2 Beer Licenses to the Blaine Jaycees

Motion by Johnson, second by Larson to approve the Consent Agenda as presented.

Motion carried unanimously.

**M. Other Communication**

Other communication was reviewed as presented.

**L. Closed Session – Personnel Matter**

At 8:00 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 9:05 p.m.

The following were present at the Closed Session: Mayor Wimmer, Councilmember's Duff, Johnson, and Larson. Also present were Public Works Director Patrick Meyer, City Attorney Clark Joslin, City Administrator Don Lorsung, and City Clerk Irene Bauer. Past employee Keith Koehler was present for the first five minutes of the closed session.

City Attorney Joslin provided the following summary of the closed meeting:

During the closed session there was review and discussion amongst the Council members of allegations of misconduct regarding Public Works Director Pat Meyer related to his job duties and performance.

Following discussion of the specific allegations and the concerns regarding the employee's job performance and suggestions of how these issues may be addressed, the Council invited Mr. Meyer, who was present throughout the closed session, to make any comments if he desired and he indicated he did not care to make any comment.

Following a thorough discussion, the closed session was ended and the Council resumed into open session.

Motion by Johnson, second by Larson to retain Public Works Director Patrick Meyer with no further discipline and require that he takes management training.

There was discussion on providing training for Meyer and Lorsung stated he would work to obtain a quote from Kit Welchlin for his services and bring this back to City Council at the October 7<sup>th</sup> Council meeting.

There was discussion that there should be further discipline because there are serious issues relating to Meyer's job performance and it was suggested that Meyer is given a one week's suspension without pay and Meyer would be required to take management training.

Motion by Johnson, second by Larson to amend their motion to further discipline Public Works Director Patrick Meyer by suspending him without pay for a period of one week,



require Meyer take management skills training with a 90 day review of Meyer's progress.  
Motion carried unanimously.

**Adjournment**

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

Meeting adjourned at 9:10 p.m.

Respectfully Submitted,

Irene J. Bauer  
Assistant City Administrator/City Clerk