

**Lanesboro City Council**  
**Regular Meeting**  
**Monday, August 5<sup>th</sup>, 2013**  
**5:30 p.m.**  
**City Council Chambers**

**Council Present:** Steve Rahn, Ceil Allen, Tom Smith, Keith Eide, Tom Dybing

**Staff Present:** David Todd, City Administrator and Thomas Manion, City Attorney, Rob Wagner, Autumn Johnson

**Visitors:** Theresa Coleman, Citizen Gallery, Eric Bunge, Rich Horihan (RLH Grain)

**Public Hearing:**

Mayor Rahn called the Public Hearing to order at 5:30 p.m.

**A. RLH Grain: Conditional Use Permit for 18 Beacon Street**

A concerned citizen brought a container to the Council that contained alleged debris from the grain elevator owned and operated by Richard Horihan of RLH Grain. The jars contained a light colored matter that was described as grain dust and “bee’s wings.” The citizen stated that this is what fills the downtown area during processing of the grain and corn. She stated that she cannot open her windows, or hang clothes to dry, and it makes breathing difficult on days in which the debris is heavy.

Mr. Horihan stated that the new equipment is supposed to decrease the debris from the process. He stated that there will always be debris and that when drying corn, there will always be “bee’s wings” in the process. He indicated that during the process of unloading corn, bee’s wings are constant and that you will never be able to eliminate completely this type of debris.

Tom Manion, City Attorney stated that the city should take a conservative approach; what can the Council or Planning and Zoning put into the permit that can mitigate the debris?

Rich Horihan stated that there is no way to eliminate the debris, although the new equipment is supposed to help reduce the amount of debris released into the air.

A citizen asked about the safety risk from fire, given that the amount of heat generated from the dryer and the amount of “bee’s wings” that are collected within the construct of the machinery.

Rich Horihan stated that there is always a risk of fire given that the flame shoots directly across the debris that is collected in the base of the dryer. But the fires are usually small and can be contained rather quickly and extinguished.

Mayor Rahn stated that the debris is a pollution control issue and that the comments were ranging off task.

Tom Manion asked if there was any change to the process of loading or unloading.

Rich Horihan stated that there were not any changes to the process.

Tom Manion asked if the conditional use permit were to be granted, what time frame are we looking at as far as construction of the leg and dryer.

Rich Horihan stated that he would start immediately and that construction may take a month to complete

A citizen complained that the height of the leg obstructed the view of the bluff from the neighborhood.

Council Member Dybing stated that the cedar trees in the neighborhood offered more of an obstruction to the bluffs than the leg would.

Mayor Rahn thanked the citizens for their input and stated that, unless there were any more comments, this portion of the public hearing for RLH Grain Conditional Use Permit was concluded.

Mayor Rahn opened the public hearing for Eric Bunge.

**B. Eric Bunge: Conditional Use Permit for 104 and 106 Parkway Avenue North**

Jon Pieper stated that Mr. Bunge has never been in compliance with the original CUP as it was written.

Eric Bunge challenged his assertion and asked, "When?"

Jon Piper stated that there are always vehicles parked down there and stated, "Go down there right now, you'll see vehicles parked on those lots."

Council Member Dybing indicated that there is opening in the fence that allows vehicle access. He further stated that at the last meeting of Planning and Zoning, there was additional conditions that the P&Z Committee would like to see in addition to the language from the original CUP. He read from the meeting minutes as follows: *The*

*Commission indicated that they would like to see additional restrictions on the original conditional use permit as follows: One year renewal period rather than two years, fencing in front of the lots to be constructed of flower boxes to provide separation, the new permit will require the monitoring of vendors in direct competition with downtown businesses, and finally, the requirement of an alley border privacy fence will be installed.*

Tom Manion stated that the city could grant an **Interim Use Permit** rather than a CUP due to the time restrictions of the conditions.

Eric Bunge stated that there is no demand for patronage at the empty lots at 104 and 106 due to the Amish being allowed to sell in the park. He further stated that they only charge \$20.00 per weekend and that leaves no money to install planter boxes. He stated that he doesn't want to pay \$100.00 every year; he would prefer a longer term on the CUP to make it cost effective.

Tom Manion stated that the city created these CUPs to create an open air marketplace to use those vacant lots for a purpose.

Mayor Rahn indicated that he would like to take care of the issue with the Amish in the park once and for all; put it to rest. He stated that further discussion within Planning and Zoning needs to take place regarding the CUP for Mr. Bunge

Mayor Rahn thanked the public for their comments and stated absent any further discussion, the public hearing for Eric Bunge was closed.

Mayor Rahn made a motion to conclude the Public Hearing portion of the regular meeting of the City Council. Motion was seconded by Council Member Allen. Motion carried all in favor.

Mayor Rahn entertained a motion regarding the CUP for RLH Grain. Council Member Dybing made a motion to grant the CUP for RLH Grain for the 132' leg and an additional dryer. Motion was seconded by Council Member Smith. Council Member Allen voting aye. Mayor Rahn and Council Member Eide recused themselves from the vote due to work performed for RLH Grain privately. Motion passed; 3 ayes, 2 recused.

Council Member Smith made a motion to grant an **Interim Use Permit** to Mr. Bunge until Planning and Zoning could meet again regarding the CUP. Motion was seconded by Council Member Dybing. Motion passed all in favor

## **Regular Meeting:**

Mayor Rahn called the Regular Meeting to order at 6:20 p.m.

- A. Agenda:** Mayor Rahn suggested adding the public hearings and the water workshop training to the agenda. Mayor Rahn motioned to approve the agenda with the additions. Motion was seconded by Council Member Dybing. Motion carried all in favor.
- B. Minutes:** Council Member Smith moved to approve the minutes of the July 1, 2013 meeting. Motion seconded by Council Member Dybing. Motion carried all in favor.

## **Committee/Commission Reports:**

### **A. Library: July 16<sup>th</sup>, 2013**

Council Member Keith Eide provided the update for the Library in the absence of the Library Director. Council Member Eide stated that the circulation increased during the month of July and that the Summer Reading Program was going extremely well. He stated that the Library was entertaining options for a Mural to be painted in the hallway by the handicapped restrooms. He also stated that the Library had been experiencing problems with Humidity; they purchased a dehumidifier and will be monitoring the improvements. The Sons of Norway has applied for a grant in the amount of \$250,000 for books and will keep the council apprised of the outcome.

### **B. Ambulance Department: Monthly Update**

Autumn Johnson provided an update for the Ambulance Department regarding the USDA funding for the new ambulance. She indicated that the USDA has received all of the paperwork and the money has been earmarked for Lanesboro. Closing of the loan portion of the funding should take approximately 6-8 weeks.

### **C. Public Utilities: July 22<sup>nd</sup>, 2013**

City Administrator Todd provided the update for the council. He advised that the PUC recommended approval of phase 1 and 2 of the Water Radium Project to include the addition of a garage for the storage of equipment. He stated to the Council that the PUC amended the project to leave two of the three pressure reducing valves underground and that the savings generated by the amendment would fund the construction of the garage. Council Member Smith stated that he was opposed to adding the garage to the project due to the cost. He stated that he was trying to save the city money by not adding to the cost of the project. Administrator Todd reminded the Council that the garage would be made possible by realizing the savings of the amendment to the project and not in addition to the project, so there would be no additional cost for the

garage. Likewise, the PUC recommends starting the water pilot project immediately as this is a necessary step prior to the implementation of the full project phase 1 or 2. The pilot project will be conducted by Tonka Construction and Equipment within the next 3-4 weeks and is required by the Minnesota Department of Health. Administrator Todd stated that the PUC was also recommending appointment to the open PUC seat vacated by Joe O'Connor upon his resignation. The PUC was recommending Theresa Coleman to be appointed to the vacancy citing her experience in local government and the advanced knowledge of the projects currently facing the city. Council Member Smith stated that he was opposed to the appointment recommendation without advertising to the public out of fairness. Mayor Rahn stated that the Council must approve the position on the PUC as they come up for the unexpired terms. Council Member Allen stated that we should move on the appointment as we have someone willing and able to fill the vacancy currently. She stated that there was no guarantee that there would be any interest in the open seat if we advertised. Administrator Todd reminded the Council that, according to state statute, there is no obligation to notify the public of the open seat. Further, the open seat does not need to be a council member and appointment can be a non-member of the council. City Attorney Tom Manion agreed with the legal opinion provided by the LMC regarding the appointment of an unexpired term. Council Member Allen made a motion to appoint Theresa Coleman to the vacant PUC seat. Motion was seconded by Dybing. Motion passed with Mayor Rahn and Council Member Eide voting aye and a no vote by Council Member Smith.

**D. Heritage Preservation Commission: July 15<sup>th</sup> 2013**

No Report

**E. Planning and Zoning: July 17<sup>th</sup>, 2013**

Council member Dybing provided the update for the Council. He stated that the P&Z Commission recommended the approval of a Home Occupation Permit for Monica and Robert Hatch d.b.a. Spirit of Quest LLC. The business is located at 117 Parkway Ave North Apt. 1 and they provide intuitive vibration readings, a drum circle, as well as writing workshops. The Commission also discussed CUPs for RLH Grain for 18 Beacon Street and Eric Bunge for 104 and 106 Parkway Ave North. Additionally, they recommended the approval of a building permit for Cliff Grevstad for an addition to his home located at 600 Kenilworth. Mayor Rahn motioned to approve the home occupation license for Spirit of Quest LLC and building permit for Cliff Grevstad and cited the approval of the CUP for RLH Grain and the Interim Use Permit for Eric Bunge pending further discussion by the P&Z Commission. Motion was seconded by Council member Dybing. Motion passed all in favor.

**F. Park Board: July 9<sup>th</sup>, 2013**

Marge Drake provided the Council an update for the Park Board meeting that occurred on July 9<sup>th</sup>. Drake stated that the Park Board discussed the upcoming Buffalo Bill Days and that the board would take a shift at the beer and brat tent on Saturday August 2<sup>nd</sup>. Drake stated that the Rochester Area Fund had sent a check in the amount of \$75,000 earmarked for use for city parks and that the remainder of the funds would be forthcoming. She stated that the David Drake Memorial Fund currently has just over \$3000.00 in it earmarked for the purchase of trees for the park. She requested that the council contribute money for planting once a decision on what type of trees to purchase was made.

**G. Lanesboro Chamber of Commerce:**

No report.

**H. Fire Department:**

Rob Wagner provided the report for the fire department. Wagner stated that they were short of members for calls for service for the previous month. He wanted to express thanks to the City Council for their support during Buffalo Bill Days. He requested a temporary liquor license for an upcoming event on August 17<sup>th</sup> of the Mike Bell Memorial Cancer Fundraiser. He stated that a group of about 250 bikers were coming to Lanesboro on that date. He requested the authority to close part of Coffee Street in front of the firehouse to accommodate the group. He stated that they will be served lunch and light refreshments for a period of about an hour and a half to two hours. He stated that the event was coordinated by Julia Borgen and the group was named Leather and Pipes. He stated that he has already coordinated with the police department to provide assistance so that the group can get in and out of Lanesboro safely and without traffic issues. Council Member Dybing made a motion to approve the temporary liquor license and street closure for August 17<sup>th</sup>. Motion was seconded by Council Member Allen. Motion carried all in favor.

**Regular Business: Staff**

- A. Accounts Payable:** Council Member Dybing moved to approve the payment of the accounts payable as submitted. Motion was seconded by Council Member Smith. Motion carried with all Council Members voting aye.
- B. Resolution 2013-11: Authorizing Assessment for Unpaid Utility Charges.** The resolution was tabled as a large payment was received prior to the Council meeting.
- C. Rick Lamon-Extension of Vacation Contingency for Beacon Street:** Council Member Smith moved to extend the vacation contingency for Mr. Lamon or another year.

Motion was seconded by Council Member Dybing. Motion carried with all in favor voting aye.

- D. 111 Kenilworth-Erosion Due to Water Run-Off (Katie Glenn and Jeremy Van Meter):** Tom Manion provided an opinion for the city regarding this issue. He stated that the city has no liability in this regard and suggested that if a claim is filed in writing, the city turn it into their insurance provider.
- E. Use of Bobcats on City Sidewalks:** Mayor Rahn asked that the City Administrator check with other cities regarding whether they have ordinances dealing with this issue and report back to the Council.
- F. MNDOT Land Acquisition:** City Administrator Todd advised the Council that representatives from MNDOT met with him at City Hall regarding land acquisition on Highway 16, Fillmore County. The project is for replacement of a bridge and MNDOT will be acquiring land adjacent to it for easement rights. A portion of the property is owned by the city. In researching the ownership of the property, MNDOT discovered that a local resident named Luther Olson had thought he was the owner of the tract and had been paying property taxes on it for more than 20 years. However, the deed to the property had never been transferred, as referenced by the County Recorder's Office, so in reality, the city owns a .91 acre tract of the parcel #18.0180.000. Tom Manion advised that the city would need to make a decision on whether the tract of land is worth keeping and also how the city should proceed with MNDOT and also with Mr. Olson. Administrator Todd advised that as information becomes available, he will keep the Council apprised.
- G. Drake-Wilford Alley (Tom Smith):** Marge Drake addressed the Council regarding the alley behind her residence. She stated that every time it rains, the alley funnels water into her back yard and that the water will occasionally encroach nearly up to her deck and foundation of her home. She asked what the city plans to do about it. She was advised that the easy fix would be to dredge out the ditches so that the water could drain. However, Council Member Smith stated that the elevation of the alley and other factors involving mechanisms for storm drainage would preclude the "easy" fix from being successful long-term. Smith stated that the storm water drainage for the street to the north of her home (Hwy 16) would need to be reengineered and replaced and also the alley would need to be repaved with adequate curbing to divert the water. Mayor Rahn stated that the streets are very important and that there are other streets that are as much in need of fixing. Drake asked why the city hasn't fixed them yet. Mayor Rahn alluded to the lack of finances presently to put towards street repair for all of the streets in Lanesboro. Drake stated that the city needed to raise taxes so that the needed repairs can get done. She stated that it was not realistic for the city to not raise taxes or for citizens to expect taxes to remain the same when that money is needed for repairs to the infrastructure. The Mayor agreed and stated that not everyone would be so willing to raise taxes. City Administrator Todd advised the Council that Yaggy-Colby Engineering proposed a software program that would help the city prioritize the streets and other projects while assisting the city with financial management that could be of some benefit to help us prioritize the upcoming projects as well as the streets and other

infrastructure needs. The Council asked if Todd would request Yaggy-Colby to come to a City Council meeting to demonstrate the software. Todd advised the Council that he was told by Dillon Dombrovski that the cost of the software would be around the \$3000 mark.

#### **H. Ambulance**

- 1. Ambulance Purchase:** City Administrator Todd provided the city with the Letter of Agreement, Loan and Grant Documents from the USDA regarding the purchase of the ambulance so that everyone had the most current and precise information.
- 2. Part-Time Director Position:** Administrator Todd advised the Council that a new position description was crafted and that an Employment Agreement would need to be drafted in cooperation with the City Attorney prior to employment with the selected candidate. Todd advised that these items would hopefully be done by this coming Friday, August 9<sup>th</sup>.

- I. Pay Equity:** Administrator Todd provided an updated salary scale for 2013 which included data that addressed the inequity which will bring the city into compliance with the Minnesota Office of Management and Budget. Council Member Smith made a motion to adopt the new salary scale. The motion was seconded by Council Member Eide. Motion passed all in favor.

- J. Consulting Services (Theresa Coleman Proposal):** The Council was asked to consider a proposal for services by Theresa Coleman regarding the coordination, records retention, data management, and ordinance assistance for the Council and PUC. Coleman stated that the bulk of the service involves files that are under the purview of the PUC but that some of the file management would be a joint City and PUC venture. She stated that the allocation of the work would be about 1/5 for the city and 4/5 for the PUC. Her proposal included a fee of \$5,000 which would be paid accordingly \$1000 city and \$4000 PUC. Mayor Rahn asked if the city could utilize current staff to do the work rather than hire Coleman. City Administrator Todd advised that the bulk of the work to be done had already been started by Coleman prior to his arrival and that due to the time consuming nature of the project, it would be better to have someone who could devote time to the project to complete it in a timely manner. Likewise, due to the upcoming budget preparation and related tasks, and the transition duties related to the position an independent contractor would benefit not only the Administrator but the Council as well. Council Member Smith made a motion to accept the proposal from Coleman. Motion was seconded by Council Member Allen. Motion passed all in favor.

- K. Permission to Act as Fiduciary for Sons of Norway Grant:** Council was advised that the Sons of Norway were in the pre-application phase for a grant to improve their building and they needed access to the grant portal to complete this process. Motion was made by Council Member Dybing to act as the fiduciary for the grant process. Motion was seconded by Council Member Allen. Motion passed all in favor.

- L. Ordinance-Updated Rates and Fees:** Council indicated that Coleman handle this under her agreement with the city and PUC.



- M. FEMA-Flood Disaster Update:** Administrator Todd briefed the Council about the upcoming meeting with the Fillmore County Emergency Management as well as the State Department of Emergency Management regarding the disaster declaration. It was stated through the County EMC that FEMA would be reimbursing 75% of the relief and that the Governor had created a bill that would have the state reimburse the other 25%. More information will be forthcoming after the subsequent meeting with the state and county officials.
- N. TH 250 Storm Water Project-Completed:** The Council was provided an invoice for the project that, upon completion, was under budget. The invoice recommended payment to Blitz Construction in the amount of \$54,981.25. Council Member Dybing made a motion to execute payment to Blitz and accept the invoice. Motion was seconded by Council Member Allen. Motion passed all in favor.
- O. 2014 LGA Certified Amount:** Council was provided a memo from the Minnesota Department of Revenue certifying our 2014 LGA in the amount of \$\$210,284, an increase of \$5764 from the previous year.
- P. Miscellaneous**
- 1. Local Board of Appeal and Equalization Memo:** Council was provided a memo regarding having a trained member of the LBAE and the ramifications of not having that member present during Council meeting and the importance of having a quorum. Council Member Dybing stated that he is the trained member and that there would be enough for a quorum.
  - 2. Sylvan Park Project:** Council has decided put the Sylvan Park Project on hold until funding could be addressed. Council Member Smith made the motion to delay the Sylvan Park Project. Motion was seconded by Mayor Rahn. Motion passed all in favor.
- Q. Upcoming Training:** Council Member Smith provided an opportunity for training and information regarding funding for Public Utilities projects. The training is a water workshop and the information gathered would be beneficial to individuals or Council Members who were involved in the budget process and/or funding the projects. The work shop is a one day event that takes place in Minneapolis. Council Member Smith made a motion to send someone to the training. Motion was seconded by Council Member Dybing. Motion carried all in favor.
- R. ADJOURN:**  
Council Member Dybing moved to adjourn the regular meeting of the Lanesboro City Council. Motion was seconded by Mayor Rahn. Motion carried all in favor voting aye.

Next Council Meeting is scheduled for September 2<sup>nd</sup>, 2013

Respectfully Submitted,

David Todd  
City Administrator