

MINUTES OF COUNCIL MEETING
May 3, 2010

A regular council meeting was duly called to order by Mayor Robert Roesler on Monday, May 3, 2010 at 7:00 p.m. Members present, Robert Roesler, Carroll Behne, Jim Poirot, Kurt Olson and Brad Ringnell. Absent, none. Also present, City Admin/EDA Dir Jamie Letzring and Deputy Clerk Irene Schlaphoff.

Motion by Poirot to approve the agenda, second by Olson, carried.

Motion by Behne to approve the minutes as written and sent to each council member for study, second by Poirot, carried.

Consent agenda including payment of bills was declared approved.

City Attorney Jim Wilson was present to advise the council regarding a setback issue in which a property is in violation of the zoning ordinance by disregarding the five-foot setback from a neighboring property and the alley. Mr. Wilson stated that granting a variance is not an option as this situation does not meet qualifications, and that the building inspector is responsible only for construction and not for zoning and setbacks. Regardless of the information presented on the submitted building application, the applicant did not build legally. He also addressed the grandfather clause, a 2006 change in the law that will not apply in this matter; City Code prevails. As advised by legal counsel, motion by Ringnell to request Bolton & Menk perform a survey to determine and define lot lines, second by Poirot, carried.

Greg Mitchell of Bolton & Menk was present with plans and specifications for the N Osborne/W First Street/East Third Street projects, and answered questions that had arisen since the public hearing. Mr. Mitchell stated that easements must be secured, advertisement for bids will commence on May 6 with bid opening at 10:00 a.m. at City Hall on May 28, 2010.

Motion by Ringnell to approve Resolution 2010-12 Approving Plans & Specifications and Ordering Advertisement for Bids, second by Poirot. Behne, present; Olson, yea; Poirot, yea; Ringnell, yea; Roesler, yea; Resolution 2010-12 approved. Mr. Mitchell stressed that any changes the property owners seek should be determined within the week.

Councilor Ringnell excused himself from the meeting at 7:30 p.m.

At this time Ordinance 2010-01 Updated Assessment Policy was introduced.

Motion by Behne to approve a pulltab request to CER Summer Recreation in the amount of \$500.00 to be paid in installments, second by Olson, carried. The first payment will be in the amount of \$250.00.

SFD Chief Bert Schwager and Fire Department member Doug Hartke appeared before the council to clarify the use of township charges and the agreements made between the Sherburn Fire Department and the townships over the years. They also inquired about the equipment replacement policy and the possibility of purchasing a pumper/tanker combined unit, citing a law that requires two pumpers in every department in order to qualify for 2% State Aid for Fire Relief. Mayor Roesler spoke again of the massive local government aid cuts that would equal the total cost of two units. This loss of revenue was not anticipated and it would require a 15% annual increase in the levy just to sustain the equipment replacement schedule. He recommended attendance at the Fiscal Hardship Meeting in Mankato on Thursday, May 13 from 3:00-8:00 p.m. Fire Chief Schwager suggested that township money be applied directly to the replacement fund rather than to the General Fund; Councilor Behne stated the need to sit down and discuss all ideas, even those that may be controversial.

Mayor Roesler reported on the Loyalty Day program he attended at the MCW elementary school, and again mentioned the Addressing Fiscal Hardship meeting on May 13th.

Admin report:

- MidContinent Communication employees will be visiting their current customers door-to-door in the upcoming week.
- Council will meet in special session on June 1st at 5:00 to award the contract for the N Osborne/W First/E Third Street project.

Councilor Ringnell returned at 8:30 p.m. and inquired about infrastructure in the streets connecting South Lake and Kenzie Streets; also clean-up and maintenance of drainage ditches by Temperance Lake Ridge and East Second Street to Temperance Lake.

Motion to adjourn by Behne, second by Ringnell, carried. Meeting declared adjourned at 8:30 p.m.

Irene Schlaphoff, Deputy Clerk