

MINUTES OF COUNCIL MEETING

October 17, 2011

A regular council meeting was duly called to order by Mayor Robert Roesler at 5:00 p.m. on Monday, October 17, 2011 with members Robert Roesler, Kurt Olson, Brad Ringnell and Jeff Ross present. Absent, Carroll Behne. Also present, City Admin/EDA Dir Jamie Letzring, Deputy Clerk Irene Schlaphoff and City Attorney Jim Wilson.

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

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

Consent agenda including payment of bills was declared approved.

Attorney Steve Sunde was present with his client Tim Schwager regarding a zoning issue, their belief that the City of Sherburn would not enforce the setback requirement, and upon learning otherwise, asked the council to reconsider their position. Contractor Doug Rosenberg stated that it would be very difficult to move or reduce the building size because of in-floor heat and furnace location, adding that this would not happen in other small towns. Mr. Schwager felt that it was physically impossible to comply with the zoning ordinance at this time and that the court order was so vague he did not understand what was being asked of him. City Attorney Jim Wilson advised that the issue has been settled by the court and is out of the realm of council responsibility or authority, regardless of what is done in other communities.

In her street project update, City Administrator Jamie Letzring reported that we are still waiting for additional estimates for pothole repairs on Lynn and E Fifth Streets. These repairs could be delayed until next spring when contractors are taking on projects and could be coupled with additional catch basin replacements in order to control costs. Mayor Roesler reminded council of the I & I that was discovered on Elm Street during the N Osborne/W First Street project, and suggested a comprehensive project utilizing the repair and maintenance fund. City Engineer Greg Mitchell will be asked to address this at the November 21st council meeting.

Because the required substantial completion date of October 15th on the E Cargill/W First Street project is past, motion by Ringnell to authorize liquidated damages in the amount of \$500/day to be deducted from the final pay request, second by Olson, carried. Greg Mitchell has learned that Civil Ag will be paving on October 21st; after backfill and testing, this will constitute substantial completion.

Bid opening date for the proposed Temperance Lake Ridge memory care expansion is Tuesday, October 25 at 2:00; a copy of the plans is available at City Hall. To date, 133 CD plan discs have been sent out, and this number does not include those subcontractors who may have obtained information from the Miller Architects' website.

Motion by Ringnell to approve pull tab donations to the Children's Fall Festival Harvest Party in the amount of \$100.00, and to the Holiday Festival Parade Committee in the amount of \$200.00, second by Ross, carried.

Motion by Olson to accept a Vickie Rosenberg Memorial Tree donation from Doug Rosenberg, second by Ringnell, carried. Large shade trees are welcome at the city parks near the play areas. The Memorial Tree will be planted this fall by family members.

Two estimates were received for shingling the town houses: Rosenberg Construction in the amount of \$18,000.00 and Chuck's Roofing and Siding LLC in the amount of \$17,250.00. Motion by Roesler to accept the proposal from Rosenberg Construction in the amount of \$18,000.00, work to be completed in May 2012, second by Olson, carried.

Administrator report:

- City-wide fall leaf pick-up is scheduled for Wednesday, November 9, 2011.
- Ditch clean-out between W Second and W Third Street and culvert replacement on W Second St will take place within the next two weeks.

- Final assessment hearing for the 2010 street projects will be held on November 21st, and as required by MN Statute Sec 429, individual notice will be sent to affected property owners.
- If council is interested in the purchase of a leaf compactor/mulcher, research will be conducted. If this item could be considered as a Joint Powers purchase, Mayor Roesler will pursue the idea with area mayors.

In other business, Councilor Ross expressed a concern with construction equipment in the right of way, potentially causing problems or accidents. Upon inquiry, council also learned that a manhole repair on Swanson Drive is part of Svoboda's punch list; the used red rock is used for icy gravel roads and for packing hydrants.

Mayor Roesler announced that the Region Nine director resigned effective October 12, 2011; for property owners who are being assessed, the interest rate for the 2010 street project is 6% and can be spread over 15 years, or can be paid off. Elm Street sewer line is damaged and because the camera could not get through the collapse, all agreed that it should be considered as a priority to address inflow and infiltration. City Administrator Jamie Letzring will contact City Engineer Greg Mitchell.

Motion to adjourn by Ringnell, second by Olson, carried. Meeting declared adjourned at 6:18 p.m.

Irene Schlaphoff, Deputy Clerk