

MINUTES
CITY OF DELANO
City Council/Economic Development Authority
Thursday, February 4, 2010
7:00 PM

1. CALL TO ORDER

Mayor McDonald called the regular meeting of the Delano City Council/Economic Development Authority of Thursday, February 4, 2010 to order at 7:02 PM.

PLEDGE OF ALLEGIANCE

2. ROLL CALL

Members Present: Joe McDonald, Mayor
Holly Schrupp, Council Member
Brad Hotchkiss, Council Member
Larry Bartels, Council Member
Betsy Stolfa, Council Member

Members Absent: None

Also Present: Phil Kern, City Administrator
Marlene E. Kittock, City Clerk/AV Technician
Vince Vander Top, City Engineer
Alan Brixius, City Planner
Paula Bauman, Recorder

Motion Number (M-10-028) Motion by Holly Schrupp, seconded by Brad Hotchkiss to approve the Agenda of the Delano City Council/Economic Development Authority meeting of Thursday, February 4, 2010 with the addition of 14B Discuss DASA City Representative to discuss ice rink expansion. Correct 8B: Discuss Northwest Industrial Park analysis. Motion Carried.

3. MINUTES

A. Minutes from the regular City Council/Economic Development Authority of Tuesday, January 19, 2010.

Betsy Stolfa asked the attendance be corrected.

Motion Number (M-10-029) Motion by Betsy Stolfa, seconded by Holly Schrupp to approve the minutes from the regular City Council/Economic Development Authority of Tuesday, January 19, 2010 with corrections. Motion Carried.

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4. SPEAKERS, PRESENTATIONS AND AWARDS

Joe McDonald recommended discussing the announcements early due to Attorney/Client Privileges at the end of the meeting.

Joe McDonald expressed condolences to Jon Steinmetz's family, former Mayor of Delano, as Jon's father, George Steinmetz, passed away earlier this week.

Saturday, February 6, 2010 – Lake Sarah Fishing Tournament with DASA. Tickets are on sale at All Season's Sports.

Saturday, February 6, 2010 – School Gala Event at Rockford Township Hall. Tickets are available to be purchased on the school's website.

Relay for Life Events:

Wednesday, February 17 – Informational Meeting for new teams and team captains at Light of Christ Lutheran Church at 6:30 PM.

Pancake Breakfast, Saturday, February 27, 2010 at Applebees from 8:00 AM – 10:00 AM.

Gateway to the West Chamber Banquet on Saturday, February 13, 2010.

A. Discuss DASA City Representative to discuss ice rink expansion

Phil Kern stated Jim Cruse with the Delano Area Sports Arena, DASA, has discussed an expansion of a small practice rink to the facility. Mr. Cruise has asked for a group discussion regarding the expansion of the building with representatives of the School Board, Chamber of Commerce and the City Council. Kern asked Council if anyone is interested in attending the meeting. Kern reminded Council if three or more Members would like to attend the meeting will need to be posted in accordance to the Open Meeting Law. The meeting will be held during the week of February 15th. Council stated someone will be in attendance. No motion taken.

5. CONSENT ITEMS

EDA:

A. Motion to approve the quarterly financial report of the Delano EDA/Crow River Villa Apartments for the third quarter of fiscal year 2009-2010.

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City:

- B. Motion to approve the purchase of two computers for the Fire Department/Delano Fire Relief Association.**
- C. Approve Resolution R-10-01 regarding monetary limits on municipal tort liability.**

Motion Number (M-10-030) Motion by Holly Schrupp, seconded by Larry Bartels to approve Consent items 5A and 5B as submitted. Motion Carried.

- 5C. Approve Resolution R-10-01 regarding monetary limits on municipal tort liability.**

Betsy Stolfa asked for a clearer explanation of what this is in regards to. Kern stated there is a tort liability for municipalities which puts a cap on how much people can sue cities for. Cities can elect to have those limits waived or not to waive their tort liability. It is recommended not to waive.

Motion Number (M-10-01) Motion by Betsy Stolfa, seconded by Brad Hotchkiss to adopt Resolution R-10-01 accepting the Liability Coverage Limits from the League of Minnesota Insurance Trust and not waiving the tort liability. Motion Carried 5-0 by Roll Call Vote.

- 6. CITY STRATEGY No. 1: Provide high quality infrastructure and services in a planned fiscally responsible manner.**
 - A. Consider architectural concept plans for the Delano Heritage Center; authorize preparation of re-roofing and fire suppression plans and specifications.**

Kern stated MacDonal and Mack, Historic Architects, were hired to develop a concept plan and construction plan for the Delano Village Hall, which is located at Second Street North and Bridge Avenue. A subcommittee has been formed and met with the architects to develop this concept plan. The plan for Council's consideration has kept in mind the historic nature of the building as well as a variety of uses for the space. Kern reviewed the concept plan which included an elevator in the bell tower, additional bathroom space, public conference room, garage type glass doors to access the lower level and allowing for larger displays, formal display cases for historic artifacts, designated coat area for upper level banquet room, raised stage, and catering kitchen.

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Council discussed the plans for consideration; Stolfa questioned the large wall of windows located in front of the elevator. Debbie DeBeer, Historic Preservation Committee member, stated those windows will be opaque and you will not be able to see the elevator mechanisms. Stolfa then questioned the entering and exiting of the elevator on different sides. Jason Thompson, Historic Preservation Committee member, stated the committee was told by the architect that this could be done and is currently looking into cost. Stolfa then discussed the bathrooms stating she would like to see some sort of privacy when exiting them; stating they seem to open right into the room.

Mayor McDonald questioned the cost of the project. Kern stated the first step was to design a concept plan and the costs will be brought to council at a later date. The committee wanted to make sure the concept plan is functional for the needs of the building. McDonald commented on the conference room shown in the concept plan and asked if this is functional for the Historical Society. Mr. Thompson stated there is currently storage there and the conference area would be more beneficial for all who use the building. McDonald stated he believes the coat area upstairs isn't aesthetically pleasing and questioned if there could be another area for the coats. Council Member Schrupp stated the idea was to have a designated area for coats; during large events there wouldn't be coats hanging on backs of chairs and along walls. This suggestion also helped with security concerns as the coats are in the room where the event is being held.

Council stated they were pleased with the designs. Kern stated the new roof installation and fire suppression system needs to be completed before June to received grant funding on the project. Consensus of Council was approval of the concept plan submitted for the Delano Village Hall – no motion was taken.

B. Consider request from Delano Jaycees for reallocation of Community Meeting Room funds to Park Improvement Funds.

Kern stated in 1999 the Delano Jaycees donated \$25,000 to the City of Delano for the purpose of installing an elevator in the Delano Heritage Center (then the Delano Library) for access to the second floor meeting room. The Delano Jaycees are now requesting that this funding be reallocated for Central Park improvements. The Jaycees have held discussions with staff and members of the Park Board with possibilities of using these funds for building improvements, scoreboards, and improved fencing along with other miscellaneous items. Kern gave a brief background of the Delano Jaycees and the work and improvements they have done for the Delano Heritage Center. Kern stated over the years the need for funding has always been there but the \$25,000 has been held for the installation of a new elevator.

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Shawn Peterson, Delano Jaycees President, stated the Jaycees are requesting the funds go towards improvements that will affect people sooner. The Delano Jaycees would like to work with the Park Board on improvements that need to be done. The improvements would have a positive impact on the numerous activities that are held in Central Park. Bartels questioned what types of improvements are needed. Mr. Peterson listed some items that currently need repair: electrical issues at the beer stand, wood repairs at the hamburger stand, score board and lighting issues. Bartels questioned if the Jaycees spoke with past members who donated the money. Mr. Peterson stated some have been spoken to and they believe the money can be used for a quicker impact.

Hotchkiss stated the money for the elevator is planned to be used in the near future with the previously discussed building renovations and suggested an itemized list of improvements along with quotes should be submitted.

Council Member Schrupp stated she doesn't want to see money put into improvements that could be replaced in the Central Park Improvements Master Plan and questioned if the Jaycees are aware of the planned improvements. Schrupp then questioned when the Central Park Improvements are set to take place. Kern discussed the phases of the Central Park Project stating the last phase of the improvements include removing the smaller buildings. Kern then discussed funding for the Central Park project.

Alex Roeser, Delano Jaycees Member, stated they are aware of the Central Park Improvements Master Plan stating the improvements the Jaycees would like to make are more safety issues that need immediate attention and need to be addressed before they get worse. Mr. Roeser commented the amount of people that use Central Park, compared to a few years ago, has increased dramatically and when the Jaycees requested the money it was not done lightly. The request came after taking a look at what the Jaycees can do to benefit the community.

Council Member Stolfa stated the money is no longer the Jaycees - as it was given to the City over ten years ago. Stolfa expressed her reluctance to reallocate those funds. Alex Roeser stated at the time the funds were given to the City – the Jaycees were under the impression the elevator would be installed at that time. Larry Bartels stated the elevator is a crucial part of the building and is needed to make the building useful.

Mayor McDonald questioned risking the possibility of not getting an elevator now that phase one of the renovation is in process. If there are immediate needs for Central Park the City should become aware of the repairs needed for safety reasons.

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Motion Number (M-10-032) Motion by Larry Bartels, seconded by Betsy Stolfa to table the request from the Delano Jaycees to reallocate funds dedicated to the Delano Village Hall elevator to the Park Improvement Fund as Council requested a more thorough list of improvements with estimated cost for the improvements in Central Park. Motion Carried.

7. CITY STRATEGY No. 2: Ensure the City's financial stability.

There was none.

8. CITY STRATEGY No. 3: Manage high quality growth consistent with the City's Comprehensive Plan.

A. Discuss the adoption of a Wind Energy Conversion System (WECS) Ordinance.

Brixius discussed the adoption of a Wind Energy Conversion System (WECS) Ordinance as discussed at the Planning Commission meeting of Monday, February 8, 2010. The most important piece of the creation of a WECS Ordinance is to determine where these systems are and are not compatible with existing and future land uses. These types of Ordinances are necessary at a local level as the development and popularity of wind turbines increases. These systems have the potential to cause negative impacts to surrounding properties, particularly visual impacts. Brixius reviewed the Ordinance for Council's approval.

Utility Wind Turbines shall be allowed as an accessory conditional use in the I-1 and I-2 Districts. Small Wind Turbines shall be allowed as an accessory conditional use in all zoning districts. Residential Wind Turbines shall be allowed as an accessory administrative use in all residential districts.

All Wind Turbines shall be compliant with State Building Code. Standard drawings of the structural components of the wind energy conversion system and support structures, including base and footings shall be provided along with the engineering data and calculations to demonstrate compliance with the structural design provisions of the State Building Code especially with regards to wind and icing loads. Drawings and engineering calculations shall be certified by a registered structural engineer. Roof-mounted WECS shall include detailed plans illustrating roof construction, mounting techniques and wind load capacity.

Brixius stated the permitted maximum height of the wind turbines shall be determined based on the type of system proposed. In determining the height of the WECS, the total height of

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the system shall be included. 1) Utility Wind Turbines: A ratio of 1.5 feet of the distance to the closest property line to 1 foot of the height of the system between the base of WECS and the nearest property line. A maximum system height of 300 feet. The height must also comply with FAA Regulation Part 77 "Objects Affecting Navigable Air Space" and/or MnDOT Rule 14 "Criteria for Determining Obstruction to Air Navigation". 2) Small Wind Turbines: A ratio of 1.5 feet of the distance to the closest property line to 1 foot of the height of the system between the base of WECS and the nearest property line. A maximum system height of 150 feet. 3) Residential Wind Turbines: A maximum height of 20 feet above the roofline of the principle structure.

Wind Turbines shall be designed and constructed so as not to cause radio and television interference. Electromagnetic interference, as measured at the property line, shall be less than or equal to pre-existing conditions. Noises emanating from the operation of WECS shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulations NPC 1 and 2, as amended.

Brixius stated the major issue is the aesthetic concerns. Allowing in industrial areas and setbacks and lot sizes will diminish aesthetic concerns.

Bartels expressed his concern over electromagnetic interference. Stolfa expressed concern of one installed near a planned unit development and questioned shadows from the blades on residential homes.

Hotchkiss questioned if Brixius reviewed other Ordinances of cities that have wind turbines or just Ordinances. Brixius stated Wilmar has one and Wright County has two in rural areas. Brixius stated it is fair to state that these could not be installed in residential areas as the setbacks do not meet the criteria. Utility wind turbines could be installed in commercial or industrial zoned sites.

Bartels questioned if the Ordinance covers sound. Brixius stated sound admissions are regulated by specific standards.

Mayor McDonald questioned if the Ordinance is approved could Council come back and modify at a later date. Brixius agreed it could – but if an applicant meets the current requirements it could be installed.

Council discussed the setback requirements, interference with electronic devises, flickering, and the potential dangers with wind turbines.

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Dale Vanderlinden, Buffalo Street, stated a special workshop should be held to discuss this further. Mr. Vanderlinden discussed an article printed in the Star Tribune regarding wind turbines and neighboring residents who have issues/concerns with the turbines. Mr. Vanderlinden discussed noise issues, flickering and setbacks.

Motion Number (M-10-033) Motion by Larry Bartels, seconded by Betsy Stolfa to adopt Ordinance O-10-02 amending section 51.01 (Definitions) and adding subdivision O to section 51.03 (General Provisions) of the Zoning Ordinance relating to Wind Energy Conversion Systems (WECS) with the addition of Shadow Flicker regulations, and add electromagnetic interference to include 'other electronic devices'. Motion Carried by Roll Call Vote 4-0-1 with Brad Hotchkiss abstaining.

B. Discuss the Northwest Industrial Park Feasibility Analysis.

Conducting planning and land development examinations with private developers, the City has acquired an initial master study of industrial options. Based on land availability and utility access, the Northwest Industrial master plan conducted in 2006 by Bolton and Menk has identified the optimal area for industrial growth to the northwest. Kern stated in the past few months the City has been approached by several parties interested in industrial land. A feasibility study is advance the preparation for development

Staff has identified a number of obstacles and action steps needed if the City proceeded with installing public improvements and developing the industrial park. The feasibility plan will create the outline from several respects as follows: Engineering Feasibility Study; Planning Feasibility and Financing Plan. Staff is recommending the approval of the feasibility studies to be funded by the EDA fund.

Motion Number (M-10-034) Motion by Larry Bartels, seconded by Holly Schrupp to approve the feasibility analysis on the proposed Northwest Industrial Park. Motion Carried.

9. CITY STRATEGY No. 4: Ensure a well-trained and productive workforce to meet the changes of the City.

There was none.

10. CITY STRATEGY No. 5: Increase accountability by measuring and evaluating service delivery.

There was none.

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11. **CITY STRATEGY No. 6: Continue to improve the City's downtown.**

There was none.

12. **CITY STRATEGY No. 7: Encourage communication and ideas with residents and business owners.**
- A. **Minutes from the Planning Commission meeting of December 14, 2009.**
 - B. **Minutes from the Delano Water, Light and Power Commission meeting of December 17, 2009.**
 - C. **Minutes from the Delano Fire Department meeting of January 14, 2010.**

Motion Number (M-10-035) Motion by Betsy Stolfa, seconded by Holly Schrupp to accept 12A, 12B and 12C as submitted. Motion Carried.

13. **OTHER BUSINESS**

- A. **Attorney/Client Privilege: discussion regarding eminent domain at 206 Babcock Boulevard West.**
- B. **Attorney/Client Privilege: discussion regarding Northwest Interceptor litigation.**
- C. **Consider purchase agreement for sale of 156 2nd Street North.**

This item was removed from the agenda.

Motion Number (M-10-036) Motion by Holly Schrupp, seconded by Larry Bartels to enter into executive session for the purpose of discussing eminent domain at 206 Babcock Boulevard West and Northwest Interceptor litigation. Motion Carried.

Motion Number (M-10-037) Motion by Holly Schrupp, seconded by Betsy Stolfa to exit out of Executive Session. Motion Carried.

Motion Number (M-10-038) Motion by Larry Bartels, seconded by Holly Schrupp to approve the settlement terms reached in the January 25, 2010 mediation session with SJ Louis and Wenck and Associates. Motion Carried.

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14. COMMUNICATIONS AND ANNOUNCEMENTS

- A. Community Announcement from Lynn Bartels and Relay for Life fundraising events.**

This item, along with additional announcements, were discussed in Item 4: Speakers, Presentations and Awards of this agenda.

15. CLAIMS

- A. City Claims**

Motion Number (M-10-039) Motion by Larry Bartels, seconded by Holly Schrupp to approve the City of Delano Claims in the amount of \$1,151,455.37 as submitted. Motion Carried.

- B. EDA Claims**

Motion Number (M-10-040) Motion by Larry Bartels, seconded by Brad Hotchkiss to approve the EDA Claims in the amount of \$30,485.80 as submitted. Motion Carried.

16. ADJOURNMENT

Motion Number (M-10-041) Motion by Larry Bartels, seconded by Holly Schrupp to adjourn the regular meeting of the Delano City Council/Economic Development Authority of Thursday, February 4, 2010. Motion Carried.

There being no further business to discuss the regular meeting of the Delano City Council/Economic Development Authority of Thursday, February 4, 2010 was adjourned at 10:45 PM.

Joe McDonald, Mayor

Marlene E. Kittock, City Clerk

ATTEST:

Paula Bauman, Recorder