

**MINUTES**  
**CITY OF DELANO**  
**City Council/Economic Development Authority**  
**Tuesday, June 15, 2010**  
**7:00 PM**

**1. CALL TO ORDER**

Mayor McDonald called the regular meeting of the Delano City Council/Economic Development Authority meeting of Tuesday, June 15, 2010 to order at 7:05 PM.

**PLEDGE OF ALLEGIANCE**

**2. ROLL CALL AND APPROVAL OF AGENDA**

**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  
Vince Vander Top, City Engineer  
Alan Brixius, City Planner  
Marlene E. Kittock, City Clerk/AV Technician  
Luke Fischer, Assistant to City Administrator  
Paula Bauman, Recorder

**Motion Number (M-10-130) Motion by Holly Schrupp, seconded by Brad Hotchkiss to approve the Agenda of the regular City Council/Economic Development Authority meeting of Tuesday, June 15, 2010 with the following changes: Deletion of items 13A: Executive Session: Discuss purchase agreement for Northwest Industrial Park and 13B: Attorney/Client Privilege: Discuss eminent domain action regarding Leland & Sons. Add 13A: Resolution affirming that the Secretary of the Delano Economic Development Authority has authority to execute legal documents. Motion Carried.**

**3. MINUTES**

- A. Minutes of the regular City Council/Economic Development Authority meeting of Tuesday, May, 18, 2010.**
- B. Minutes of the regular City Council/Economic Development Authority meeting of Tuesday, June 1, 2010.**

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**Motion Number (M-10-131) Motion by Brad Hotchkiss, seconded by Betsy Stolfa to approve the Minutes 3A and 3B as submitted. Motion Carried.**

**4. SPEAKERS, PRESENTATIONS AND AWARDS**

- A. Approve proclamation recognizing Deacon Bruhn's award of 2010 Wright County Outstanding Senior Citizen of the Year.**
- B. Presentation of a Service Recognition Award to outgoing Planning Commission Member, Paul Stansberry.**

Mayor McDonald thanked Mr. Bruhn and Mr. Stansberry for their outstanding work and dedication to the City of Delano and community.

**5. CONSENT ITEMS**

**EDA:**

- A. Approve the replacement of carpeting for Apartment 103 at Delano EDA/Crow River Villa.**
- B. Approve the replacement of carpeting for Apartment 301 at Delano EDA/Crow River Villa.**

**CITY:**

- C. Approve designation of disability parking at Central Park.**
  - 1. Adopt Resolution (R-10-06) approving the establishment of a designated handicapped parking area at the Central Park parking lot.**
- D. Approve the purchase and installation of a weather siren.**
- E. Approve request from the Delano Area Education Foundation, Delano Lions and Delano Jaycees for a Mid Summer Night Street Dance on July 24, 2010.**
- F. Approve the staffing for Fun in the Sun program in 2010.**

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- G. Approve request to dispose of old playground equipment.**
- H. Motion to call a Public Hearing for Tuesday, July 20, 2010 for a proposed spending plan to use excess tax increments in exiting tax increment financing districts.**
- I. Approve Resolutions appointing election judges for 2010 Primary and General Election, designating polling place and setting polling hours; establishing absentee ballot boards for the purpose of accepting and rejecting absentee ballots for the City of Delano.**
  - 1. Adopt Resolution R-10-07 appointing election judges.**
  - 2. Adopt Resolution R-10-08 establishing an absentee ballot board for the purpose of accepting and rejecting absentee ballots for the City of Delano.**
- J. Approve the amended dog impound services agreement with Crossroads.**
- K. Approve pay request No. 2 for construction of Highway 12 Phase 1 landscaping.**

**Motion Number (M-10-132) Motion by Betsy Stolfa, seconded by Holly Schrupp to approve the Consent Items 5A, 5B, 5C, 5D, 5G, 5H, 5I, 5J and 5K as submitted. Motion Carried.**

- 5E. Approve request from the Delano Area Education Foundation, Delano Lions and Delano Jaycees for a Mid-Summer Night Street Dance on July 24, 2010.**

Dan Stolfa spoke about the dance stating it will be held on Saturday, July 24, 2010 – there will be a live band, dance and activities. Mr. Stolfa invited all to attend the event. People can buy tickets in advance on-line, at the Crow River Bank and the State Bank of Delano, Three Crows, Dave's Town Club and Juke Box Restaurant. Tickets in advance are \$10.00 and \$15.00 the day of.

- 5F. Approve staffing for Fun in the Sun program for 2010.**

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Joe McDonald stated this is a good program for kids to do during the day – activities are held Monday – Thursday from 1:00 PM to 3:00 PM at various City parks. Council invited all to attend the event.

**Motion Number (M-10-133) Motion by Betsy Stolfa, seconded by Holly Schrupp to approve 5E and 5F as submitted. Motion Carried.**

**6. CITY STRATEGY No. 1: Provide high quality infrastructure and services in a planned fiscally responsible manner.**

**A. Consider parapet reconstruction at the Delano Village Hall.**

Luke Fischer stated the City is under contract with Les Jones Roofing to replace the roof at the Delano Village Hall. During construction the roofer replaced the original rubberized roof material on the northern annex and encountered a structural issue on the northeast corner of the building. The roofers found the parapet to be loose and noted a two to three inches lateral movement. The loose brickwork spans approximately five feet extending two to three feet below the roofline.

The Council has two main considerations regarding the parapet. The first would be to find a temporary way to stabilize the wall and reduce the risk of further deterioration. This would involve breaking down the wall to the loose brick and rebuilding the wall to the roofline. In this instance temporary roofing would be extended over the portion of the wall and all the removed brick would be saved for installation at a later date. Due to the historic nature of the building, the aesthetic value of the parapet is significant and when the brick is reinstalled the roofing on the northern portion of the building would have to be redone. The second option would be to rebuild the parapet with a more structurally sound design to its current aesthetic standard. This second option would be considered a permanent fix to the parapet issues. The roof design would not have to be altered in this option, which would likely reduce cost in the long run.

MacDonald and Mack have proposed an hourly contract for this plan set with a “not-to-exceed” amount of \$2,000. Staff requested a preliminary project budget for the second option of rebuilding the parapet. The architects have reported the project will likely cost up to \$13,000, plus architectural fees. Staff is recommending this option to reduce the cost associated with reroofing the northern portion of the building, associated with the temporary fix.

Staff has projected a two month timeline for this project to be completed, if the Council were to authorize the work. The contractor has agreed to maintain a temporary roof over

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the affected portion of the building until the masonry work is complete. At that time they would return and fully seal the roof. Staff has negotiated a no-cost extension to the contract and would recommend approval.

**Motion Number (M-10-134) Motion by Betsy Stolfa, seconded by Larry Bartels to authorize the reconstruction of the parapet with a more structurally sound design to its current aesthetic standard. Motion Carried.**

**B. Approve liquor licenses for Club, Liquor On-Sale, Sunday Liquor On-Sale, 3.2 Malt Liquor, 3.2 Malt Liquor Off-Sale, Dance/Music, Fireworks, Solid Waste and Recycling.**

**1. Issue and approve liquor licenses and business licenses.**

Marlene E. Kittock discussed the liquor licenses applications stating all have been submitted and are complete with a few RU21 applications to be submitted. Staff is working on compliance of insurance regulations with variance business owners; Marlene E. Kittock stated licenses will not be issued if insurance is not compliant. Staff is recommending the approval of the annual licenses for Doc Holiday's, Dave's Town Club, Delano American Legion Post 377, Applebee's, Three Crows on River Street, El Cazador, Coborn's, Holiday Stationstore No. 214, Randy's Sanitation and Juke Box. Staff has received a request from the Juke Box and Doc Holiday's to make monthly or quarterly payments for their related licenses.

**Motion Number (M-10-135) Motion by Betsy Stolfa, seconded by Larry Bartels to approve annual licenses as submitted upon receipt of valid insurance. Motion Carried.**

**2. Adopt Ordinance O-10-07 amending City Code Chapter 5 (Licensing and Regulation of Alcoholic Beverages), Section 503.01 (License Required), Subdivision 8 (On-Sale Wine License Required) and Subdivision 12 (Caterer's Special Provisions).**

Marlene E. Kittock stated that in May 2010 Staff attended a liquor license training session that was sponsored by the Minnesota Department of Public Safety – Liquor Control Division. This training was very informative and alerted Staff to a few holes within the City's Alcoholic Beverage Ordinance. Marlene discussed the following:

A. The Ordinance speaks of a Strong Beer license and a subsequent fees Resolution which establishes fee based on sales for strong beer. According to statute, a person who

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holds an On-Sale Wine License and sells 3.2% Malt Liquor On-Sale can be granted permission to sell strong beer. This is as long as the gross receipts prove that at least 60% of the sales are attributed to the sale of food. In addition, no additional fees can be charged for the strong beer permission. However, the On-Sale License fee can be one-half that of the intoxicating liquor license or \$2,000 whichever is least.

B. A caterer, Special Provision states that the City Council may issue a permit to a restaurant that holds an On-Sale intoxicating liquor license. The City cannot issue this license – the caterer’s permit is issued by the Minnesota Commissioner of Public Safety.

C. Also under this same section a permittee shall notify the Wright County Sherriff’s Department of a catered event. It was suggested that a notice period be provided in order to allow time when these catered events are held within the City of Delano.

D. A great amount of caution was given regarding the issuance of Club Licenses and temporary on-sale liquor licenses. Ms. Kittock stated this can be discussed further in a Special Meeting.

Staff is recommending adoption of the Ordinance amending the alcoholic beverage section of the City Code as drafted by the City Attorney.

**Motion Number (M-10-136) Motion by Brad Hotchkiss, seconded by Larry Bartels to adopt Ordinance O-10-07 amending City Code Chapter 5 (Licensing and Regulation of Alcoholic Beverages), Section 503.01 (License Required), Subdivision 8 (On-Sale Wine License Required), and Subdivision 12 (Caterer’s Special Provision). Motion Carried by Roll Call Vote.**

**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 Public Hearing from the Planning Commission request from Delano Public School Independent School District 879 Conditional Use Permit for off-street parking and for a variance from the access distance requirement from the main entrance as regulated by Section 51.03 Subd. E 11 of the Delano Zoning Code and Site Plan Review as regulated by**

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**Section 51.02 Subdivision F of the Delano Zoning Code for the property  
at 700 Elm Avenue North, Delano MN 55328.**

Alan Brixius stated Delano High School ISD 879 is requesting approval of a condition use permit and variance to allow for an 80-stall off-site parking area. The high school is located at 700 Elm Avenue East and the proposed off-site parking area is located across from the Hockey Arena on Tiger Drive. The site is zoned R-2, Single Family Residential District and offsite parking areas for public schools are allowed by CUP.

The City of Delano had received complaints from residents regarding the overflow student parking along Elm Avenue which resulted in blocked driveways and mailboxes. The City Council has discussed posting Elm Avenue as “no parking during school hours” but has decided to postpone formal action to allow the school district an opportunity to locate an off-street parking lot to address the problem.

The school district has examined a number of sites for additional off-street student parking and has chosen the area north of the City’s water treatment facility as the most feasible option. This site was selected due to its location away from Elm Avenue and other residential areas.

Brixius reviewed the performance standards, site access and vehicle circulation, curbing requirements, landscaping, lighting, grading, drainage and utilities. Brixius reviewed the CUP Review Criteria stating: 1. The proposed action has been considered in relation to the specific policies and provisions of and is consistent with the City of Delano’s Comprehensive Plan. 2. The proposed use is compatible with present and future land uses of the area. 3. The proposed use conforms to all performance standards contained herein. 4. The proposed use can be accommodated with existing public services and will not overburden the City’s service capacity. 5. Traffic generation by the proposed use is within capabilities of the streets serving the properties.

Brixius concluded that the approval of a conditional use permit and variance to allow for an 80-stall off-site parking area. The proposed off-site parking appears to adequately address the student parking issue and will keep the overflow student out of the adjacent residential neighborhoods. In review of the application staff has found the request to be consistent with the Delano Zoning Ordinance requirements and recommend approval of the application, subject to the following conditions: 1. Concrete curb and gutter shall be required along the east and south edges of the parking area, subject to review and approval of the City Engineer. 2. Proposed grading, drainage and utilities shall be subject to the review and approval of the City Engineer. 3. The applicant shall provide a detailed plan for the long-term management of snow removal and de-icing for the existing sidewalk located

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along Tiger Drive between the parking area and the high school building. 4. Upon future development of the middle school site, parking lot landscaping shall be installed consistent with Zoning Ordinance requirements.

1. **Adopt Resolution R-10-09 approving a Conditional Use Permit for off-site parking and variance from the required off-site parking proximity to principle use requirement to allow the construction of an 80-stall parking lot on land owned by Delano Public School District 879 located along Tiger Drive within the City of Delano, Minnesota.**

**Motion Number (M-10-137) Motion by Larry Bartels, seconded by Brad Hotchkiss to adopt Resolution R-10-09 approving a Conditional Use Permit for off-site parking and variance from the required off-site parking proximity to principle use requirement to allow the construction of an 80 stall parking lot on land owned by Delano Public School District 879 located along Tiger Drive within the City of Delano, Minnesota. Motion Carried by Roll Call Vote.**

Larry Bartels questioned if this discussion has gone to the Public Safety Committee in regards to signage along Elm Avenue. Betsy Stolfa questioned if the Tiger Drive will be widened. Brixius stated he's not sure if it will ever be widened as it only services the school and water treatment plant. Vander Top stated there could possibly be turn lanes added. Betsy Stolfa then questioned if County Road 30 could have a stop sign to alleviate turning traffic. Phil Kern stated he is unaware of any future plans at the County level for traffic control at this intersection.

- B. Consider revised 4<sup>th</sup> Addition Final Plat and Development Agreement amendment for Clover Springs.**

Phil Kern discussed the proposal by Mr. Martineau and Sparky Real Estate for the 4<sup>th</sup> Addition Final Plat and Development Agreement amendment for Clover Springs. The neighborhood was first platted in 2000. At that time the Developer paid park dedication funds in some of the first phases of the project, and in the fourth phase the Developer was obligated to dedicate land. The land dedication reduced the number of planned lots in the 4<sup>th</sup> Addition from 32 to 29. The park land dedicated is contained within the 4<sup>th</sup> Phase of the development, which likely wouldn't proceed until market conditions dictated the need for the remaining public improvements. Sparky Real Estate Investments has since taken over the development and has hired Jeff Martineau to broker the sale and completion of the project.

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Mr. Martineau and Staff have spoke about proposed amendments to the development agreement and would like to accomplish the following: 1. Pay \$75,000 of park dedication funds to allow construction of a park on the City-owned water tower site. 2. Sparky is able to recapture the three lots in the fourth phase originally dictated for park dedication. This would give the developer three more lots to sell. 3. Sparky constructs an access road to the water tower site that can serve as access to the park and water tower infrastructure. The road is currently gravel and would be paved in the fourth phase.

This was discussed at the June 1 meeting where staff heard concerns regarding the placement of the park near the water tower, traffic along County Road 30 and safety concerns regarding the water tower. Since the June 1 meeting, staff visited the site to address those concerns. Recommendation would be to construct a berm along County Road 30 for added safety.

Kern stated he had received a couple phone calls from residents having concerns of the future site for the park and compromising the long term vision of the development. Staff doesn't feel we are compromising the long-term vision of the park plan the size of the future park adjoining Highland Ridge will be smaller, but most of the essential play elements will still be possible. Kern stated the size of the play structure in the propose water tower park area will be comparable to the Parkview Hills play structure. Joe McDonald stated Council is excited to see this park happen.

Brad Hotchkiss questioned if the Planning Commission recommended a fence along the park. Brixius stated the Commission integrated the fence with the berm – but not looking at enclosing the entire site. Stolfa stated she would like to soften the berm, use a living fence with trees and bushes.

Joe McDonald questioned if the space is sufficient for the play structure and open space. Kern stated there is plenty of space for games and stated his personal preference would be for a living fence versus and actual fence. Schrupp stated she likes to see the area more natural looking.

Darcy Roeser, 530 2<sup>nd</sup> Street West, asked for clarification on why the park couldn't be built in the 4<sup>th</sup> Addition. Council stated its due to the 4<sup>th</sup> Addition is not completed. Kern stated without the infrastructure and grading it cannot be built. Kern stated the plat has not been filed and until it is – the City does not own the land.

Mrs. Roeser then stated some neighbors have berms in their backyards which attract children as they enjoy running up them and rolling down. Her concern is the berm is safe.

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Mrs. Roeser then suggested a community build to save on money stating there are a lot of residents who are looking forward to this park and would be willing to help.

Kristi Engelman, 545 2<sup>nd</sup> Street West, discussed safety measures and a cross walk on County Road 30. Mrs. Engelman discussed problems getting to other neighborhoods safely and questioned the possibility of a gravel trail from Clover Springs to Highland Ridge. Council discussed the possibility of a trail between the two developments.

**Motion Number (M-10-138) Motion by Brad Hotchkiss, seconded by Holly Schrupp to approve the Development Agreement amendment for Clover Springs. Motion Carried.**

- A. Adopt Resolution R-10-10 approving a final plat for Clover Springs 4<sup>th</sup> Addition within the City of Delano, Minnesota.**

**Motion Number (M-10-139) Motion by Betsy Stolfa, seconded by Brad Hotchkiss to adopt Resolution R-10-10 approving a final plat for Clover Springs 4<sup>th</sup> Addition within the City of Delano, Minnesota. Motion Carried by Roll Call Vote.**

- 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.

- 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 Historical Preservation Committee meeting of Monday, April 5, 2010.**

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- B. Minutes of the Delano Planning Commission meeting of Monday, April 12, 2010.**
- C. Minutes of the Park and Recreation Committee meeting of Wednesday, April 21, 2010.**
- D. Minutes of the Historical Preservation Committee meeting of Monday, May 3, 2010.**
- E. Minutes of the Historical Preservation Committee meeting of Monday, June 7, 2010.**

No discussion or motion made.

**13. OTHER BUSINESS**

- A. Executive Session: Discuss purchase agreement for Northwest Industrial Park.**

This item was removed from the Agenda.

- B. Attorney/Client Privilege: Discuss eminent domain action regarding Leland and Sons.**

This item was removed from the Agenda.

- C. Resolution R-10-11 affirming that the secretary of the Delano Economic Development Authority has authority to execute legal documents.**

The last rowhome has been sold and this will authorize Phil Kern to sign all closing documents.

**Motion Number (M-10-140) Motion by Brad Hotchkiss, seconded by Larry Bartels to adopt Resolution R-10-11 affirming that the secretary of the Delano Economic Development Authority has authority to execute legal documents. Motion Carried by Roll Call Vote.**

**14. COMMUNICATIONS AND ANNOUNCEMENTS**

**15. CLAIMS**

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**A. City Claims**

**Motion Number (M-10-141) Motion by Betsy Stolfa, seconded by Holly Schrupp to approve the City Claims in the amount of \$380,815.57. Motion Carried.**

**16. ADJOURNMENT**

**Motion Number (M-10-142) Motion by Betsy Stolfa, seconded by Holly Schrupp to adjourn the regular meeting of the Delano City Council/Economic Development Authority of Tuesday, June 15, 2010. Motion Carried.**

There being no further business to discuss the regular meeting of the Delano City Council/Economic Development Authority of Tuesday, June 15, 2010 was adjourned at 9:10 PM.

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Joe McDonald, Mayor

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Marlene E. Kittock, City Clerk

ATTEST:

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Paula Bauman, Recorder