

**MINUTES**  
**CITY OF DELANO**  
**City Council/Economic Development Authority**  
**Tuesday, April 20, 2010**  
**7:00 PM**

**1. CALL TO ORDER**

Council Member, Brad Hotchkiss, called the regular meeting of the Delano City Council/Economic Development Authority of Tuesday, April 20, 2010 to order at 7:10 PM.

**PLEDGE OF ALLEGIANCE**

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

**Members Present:** Holly Schrupp, Council Member (7:40 PM)  
Brad Hotchkiss, Council Member  
Larry Bartels, Council Member  
Betsy Stolfa, Council Member

**Members Absent:** Joe McDonald, Mayor

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

Phil Kern recommended adding 13A: Discuss purchase agreement for 162 2<sup>nd</sup> Street North.

**Motion Number (M-10-079) Motion by Betsy Stolfa, seconded by Larry Bartels to approve the Agenda for the Delano City Council/Economic Development Authority for Tuesday, April 20, 2010 with the addition of 13A: Discuss purchase agreement for 162 2<sup>nd</sup> Street North. Motion Carried.**

**3. MINUTES**

There was none.

**4. SPEAKERS, PRESENTATIONS AND AWARDS**

There was none.

**5. CONSENT ITEMS**

**MINUTES**  
**CITY OF DELANO**  
**City Council/Economic Development Authority**  
**Tuesday, April 20, 2010**  
**7:00 PM**

**CITY:**

- A. Motion to approve Resolution R-10-05 amending the Personnel Policy for the City of Delano.**
- B. Motion to approve a request from St. Peters Catholic Church/School for a street dance on June 5, 2010.**
- C. Motion to approve a request from Rabbi Moshe Weiss d/b/a Midwest Genesis, LLC for an extension in recording final plat for development to be called Weiss Addition (Formally a portion of Honeytree Addition).**
- D. Motion to authorize Staff to sell decommissioned street signs.**
- E. Motion to hire two of the six summer seasonal workers for the City of Delano – Public Works Department.**
- F. Motion to hire one full-time Public Works employee.**
- G. Motion to hire Cody Krieg as Fun in the Sun (FITS) Coordinator for the 2010 summer session.**
- H. Motion to approve the sale of 19998 Ford Champion Van to Delano Public Schools for \$2,200.**
- I. Authorize downtown movie and related street closure for June 4, 2010.**

**Motion Number (M-10-080) Motion by Larry Bartels, seconded by Betsy Stolfa to approve Consent Items 5A, 5B, 5C, 5D, 5E, 5G, 5H and 5I as submitted. Motion Carried.**

- 5F. Motion to hire one full-time Public Works employee.**

Betsy Stolfa questioned how many people interviewed the applicants. Ernie Eden stated four members of staff interviewed fourteen applicants. Four of those applicants had second interviews who were interviewed by Phil Kern and Ernie Eden. Those four applicants were also interviewed down at Public Works by Public Works Staff.

Betsy Stolfa questioned if we got the most qualified applicant overall or the most qualified applicant for the rate of pay. Ernie Eden stated we got the most qualified applicant overall.

**MINUTES**  
**CITY OF DELANO**  
**City Council/Economic Development Authority**  
**Tuesday, April 20, 2010**  
**7:00 PM**

**Motion Number (M-10-081) Motion by Betsy Stolfa, seconded by Larry Bartels to authorize the hiring of Paul Swearingen for the full time Public Works position. Motion Carried.**

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

**A. Continue Public Hearing to discuss the adoption of the Special Assessment Policy for the City of Delano.**

Phil Kern reviewed the Special Assessment Policy presentation that was presented on the April 6 City Council meeting.

Council Member Hotchkiss stated the public hearing is still open and welcomed any comments the public had.

Wayne Estby, 15 Franklin Avenue West, stated he was disappointed Mayor McDonald and Council Member Schrupp were not in attendance. Mr. Estby discussed the history of the cart-way by his house stating it is not a standard size street. Mr. Estby questioned if he pays the assessments for the improvements of Franklin Avenue will it be improved to a street – then stated doing so would take most of his neighbors property.

Phil Kern discussed the project stating according to the schedule it will be reconstructed in 2011 and the system defines the project as a street

Mr. Estby stated he and his wife do not care if the street is improved or not – then questioned how a project is assessed when only four residents use the street.

Kern stated the policy for calculating the assessment will be the total cost of the improvements and divide by the number of residential units – dividing the costs equally.

Mr. Estby then questioned how assessments are done when construction projects are located along railroad tracks or along parks. Mr. Estby asked for clarification on the calculation of assessments.

Vince Vander Top stated park property would be assessed by footage calculation as well as commercial property. Those are assessed per foot whereas residential areas are assessed per unit.

Mr. Estby thanked Council and stated he is not in favor of the policy.

**MINUTES**  
**CITY OF DELANO**  
**City Council/Economic Development Authority**  
**Tuesday, April 20, 2010**  
**7:00 PM**

Scott Shoutz, 109 Clover Lane, questioned why the City has not budgeted for the street reconstruction projects stating it is the City's job to maintain certain areas within the City. Mr. Shoutz then questioned why property owners are being assessed when the entire community uses the roads. Mr. Shoutz stated the policy is not needed and the City should maintain the streets.

Scott Shoutz stated items like this should be budgeted and residents should not be assessed for the upgrades. If property taxes went up it wouldn't be a problem – but it is a problem when taxes are raised and residents are assessed on top of that. Mr. Shoutz questioned why the City hasn't budgeted for road reconstruction since the project was discussed in 2003. Mr. Shoutz discussed the Rivertown commercial and residential buildings and questioned why the utilities also haven't been budgeted for replacement.

Larry Bartels stated if something is not put in place like the proposed assessment policy the streets cannot be fixed and continued to explain when this was discussed in 2003 an assessment might have been done then.

John Beussman, 200 4<sup>th</sup> Street North, questioned which road he will be assessed for as his property is on a corner lot. Mr. Beussman then discussed the alleyway behind his house stating he does not have access to it and questioned if he'll be assessed for that too.

Phil Kern stated Mr. Beussman will only be assessed for Fourth Street reconstruction and not for the alleyway.

Mr. Beussman then discussed the church property on Bridge Avenue and questioned if that property is exempt from assessments.

Phil Kern stated public facilities are treated as commercial properties and do get assessed.

Mark Bersie, 103 Clover Lane, questioned how assessments are figured.

Kern explained the total construction costs for the street improvement will be divided equally amongst the residents receiving the benefits.

Duane Swenson, 115 Clover Lane, stated he looked at a lot of real estate listings – people look at the quality of the property, landscaping and lawn, whereas the street has little to do with people purchasing a property. Mr. Swenson stated he is against the policy.

George Streich, 65 Franklin Avenue, questioned if he will be assessed since his road is done.

**MINUTES**  
**CITY OF DELANO**  
**City Council/Economic Development Authority**  
**Tuesday, April 20, 2010**  
**7:00 PM**

Vince Vander Top stated even though the road is scheduled for reconstruction and will be included in the project.

Mr. Streich stated he is concerned about the assessments stated Staff has only discussed percentages of the total costs and questioned what the actual costs will be. Mr. Streich stressed he was opposed to the assessment policy.

Council discussed the assessment policy and the process of bonding.

Brad Hotchkiss called for public comment three times – none was heard.

**Motion Number (M-10-082) Motion by Larry Bartels, seconded by Betsy Stolfa to continue the public hearing to discuss the adoption of the Special Assessment Policy for the City of Delano to Tuesday, May 04, 2010. Motion Carried.**

- 1. Authorize RESOLUTION adopting the Special Assessment Policy for the City of Delano.**

No motion taken.

**B. Consider quotes received for Delano Village Hall Improvements.**

Staff had put out a request for bids for reroof and fire suppression of the village hall improvements. Staff requested recommendations from Historic Architects MacDonald and Mack for contractors that have worked on previous historic projects. Staff contacted the recommended architects and contacted two sprinkler contractors along with two roofing contractors in addition to posting the documents to the City website.

Staff received two quotes to replace the roof at Village Hall - Les Jones Roofing and Dalbec Roofing. The quotes varied rather drastically, but staff feels comfortable recommending the Council award the contract to the apparent low bidder, Les Jones Roofing and authorizing all noted “options” in their quote.

Staff also collected two quotes to install a fire suppression system at Village Hall – Summit Fire Protection and Olsen Fire Protection. Olsen Fire Protection did not meet the quote deadline and submitted the quote a day late. Olsen quoted only the installation of the system but did not include other necessary improvements associated with the project. These items would have to be awarded with an additional contract, in the Olsen quote. Summit Fire Protection quoted these necessary improvements as line items. Recommendation from staff

**MINUTES**  
**CITY OF DELANO**  
**City Council/Economic Development Authority**  
**Tuesday, April 20, 2010**  
**7:00 PM**

is to award contract to the apparent low bidder from Summit Fire Protection and authorize the options outlined in the quote.

**Motion Number (M-10-083) Motion by Larry Bartels, seconded by Brad Hotchkiss to approve quote received by Les Jones in the amount of \$34,899.00 for reproofing of the Village Hall, along with the addendum quote submitted on April 15, 2010 in the amount of \$6,792.00 for installation of new gutters. Motion Carried.**

**Motion Number (M-10-084) Motion by Brad Hotchkiss, seconded by Larry Bartels to approve the quote submitted by Summit Fire Protection in the amount of \$25,750.00 with option C for installation of Notifier NFW-50 Point Panel for \$3,665. Motion Carried.**

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

- A. Consider a request from the Crow River Bank of Delano for a variance to allow more than 10% of the exterior wall to be finished with metal as regulated by City Code, Section 51.21, Subd. H, for property located at 710 Babcock Boulevard East, Delano MN.**

Alan Brixius stated the Crow River State Bank has submitted an application for a variance to the B-2, General Business District exterior building elevation standards. This standard requires that an average of the following materials – brick, dimensioned stone, rock faced block, decorative concrete panel, architectural concrete block, cast-in-place concrete, stone, stucco, wood, or glass – constitutes for no less than 90 percent of any exterior wall façade of buildings. This leaves 10 percent of the exterior wall façade for other materials. Crow River Bank is requesting to upgrade the look of their existing building located at 710 Babcock Boulevard East by replacing the existing cedar channel board siding with a 24 gauge recycled metal (steel) covering. In a February 22, 2010 letter, the applicant outlines the changes in exterior materials is to replace a wood finish that has become deteriorated due to environment and extensive exposure to the south sun. The metal finish material is intended to resemble the existing wood finish in color, while establishing a more desirable maintenance free siding.

The Planning Commission has reviewed the application and has recommended approval of the variance application to allow more than 10 percent of the exterior walls to be finished with recycled metal (steel) covering based on the following findings of fact: 1) A goal of the Delano Comprehensive Plan is to enhance the commercial image along Highway 12. The design components for achieving this goal include attractive masonry buildings and quality site design. The Crow River Bank fulfills this goal. 2) The use of metal finish is intended to

**MINUTES**  
**CITY OF DELANO**  
**City Council/Economic Development Authority**  
**Tuesday, April 20, 2010**  
**7:00 PM**

replace less durable wood finishes while maintaining the appearance and architectural design of the building. Maintenance and durable structures in the City's commercial areas are promoted by the City. 3) The bank's architectural design, which includes its unusual roof and eaves is solely unique to this site. This design is unique when compared to other contemporary commercial buildings such as the Ridgeview Clinic, Delano Crossings, True Value Hardware or McDonald's. 4) Metal finishes are not prohibited in the B-2 Zoning District. Roofs and 10 percent of the wall is allowed to be of a metal finish within the B-2 District. The variance application requested by the bank is reflective of the buildings unique custom architecture.

Council discussed the Planning Commission's vote while Betsy Stolfa questioned the uniqueness of the building – what is different to it and compared it to the Delano Rental property. Stolfa then questioned if the Bank looking into other options and different materials. Brixius stated they had not. Stolfa expressed her concern regarding changing standards when the applicant hasn't looked into all the possibilities. Bartels stated the owners are replacing what is there and expressed he didn't have a problem with the variance.

- 1. Adopt Resolution R-10-06 approving a variance to allow more than 10 percent of the exterior walls to be finished with a metal finish on the Crow River Bank of Delano, located at 710 Babcock Boulevard East.**

**Motion Number (M-10-085) Motion by Larry Bartels, seconded by Brad Hotchkiss to adopt Resolution R-10-06 approving a variance to allow more than 10 percent of the exterior walls to be finished with a metal finish on the Crow River Bank of Delano, located at 710 Babcock Boulevard East. Motion Carried 3-1 with Betsy Stolfa opposed.**

- B. Consider amendments to Section 51.01 (Title/Application/Rules/Definitions), Section 51.03 (General Provisions), and Section 51.21 (B-2, General Business District) of Chapter 51 (Zoning and Land Use Code) of the Delano City Code, in order to add pawn shops as a permitted use in the B-2 District; add definitions of pawnbrokers and pawn shop; and add architectural design standards to all commercial buildings within the City. Amendments to Section 419.01 (Pawnbrokers) of Chapter 4 (Public Protection and General Licensing) of the Delano City Code will also be considered, in order to amend the existing regulations in regards to pawn shops.**

**MINUTES**  
**CITY OF DELANO**  
**City Council/Economic Development Authority**  
**Tuesday, April 20, 2010**  
**7:00 PM**

Brixius stated the current Delano's Zoning Ordinance does not distinguish pawn shops from other commercial uses; rather this use would fall within the City's general commercial definition. Under the current definitions, pawn shops may be permitted within each of the commercial zoning districts, provided that it can secure a pawn shop business license per Section 419.01 of the City Code. After discussing at the March Planning Commission meeting, it was decided that pawn shops would be allowed as a permitted use in the B-2, General Business District. This was decided for a variety of reasons, including the fact that the B-2 District has higher architectural standards for buildings and because this district is more highway-orientated in its location and is better suited for pawn shop business than the other commercial districts.

The following amendments were made to Chapter 51:

- 1) Section 51.01 (Title/Application/ Rules/Definitions) • Add definition of "pawnbroker" and "pawn shop" under the commercial use definition. • Add "pawn shops" as exceptions to retail business and on-site service business definitions under commercial use definition.
- 2) Section 51.03 (General Provisions). • add architectural design construction standards to all commercial buildings under Commercial Design Construction Standards (Subd. C. 3d, 2f and g): • Interior and exterior bars, grills, mesh or similar obstructions, whether temporary or permanently affixed, shall not cover any exterior door or window area.
- 3) Section 51.21 (B-2, General Business District). • add "pawn shops" as a permitted use in the B-2 District. (Subd. B8) • add architectural design construction standards to all commercial buildings under Exterior Building Elevations in the B-2 District (Subd. H3d and e): • Interior and exterior bars, grills, mesh or similar obstructions, whether temporary or permanently affixed, shall not cover any exterior door or window area.

Brixius reviewed the Ordinance then recommended eliminating the reference to the 2" x 2" photo requirement and change to digital photos. Council discussed the use of bars on windows and doors and discussed security issues. Brixius discussed stores where guns are sold and there are no bars on windows.

- 1. Adopt Ordinance O-10-05 amending Section 51.01 (Title/Applications/Rules/Definition) and Section 51.03 (General Provisions) and Section 51.21 (B-2, General Business District) of Chapter 51 (Zoning and Land Use Code) of the Delano City Code to define Pawn Shops and to allow Pawn Shops as permitted in the B-2, General Business District.**

**MINUTES**  
**CITY OF DELANO**  
**City Council/Economic Development Authority**  
**Tuesday, April 20, 2010**  
**7:00 PM**

**Motion Number (M-10-086) Motion by Betsy Stolfa seconded by Larry Bartels to adopt Ordinance O-10-05 amending Section 51.01 (Title/Applications/Rules/Definitions) and Section 51.03 (General Provisions) and Section 51.21 (B-2, General Business District) of Chapter 51 (Zoning and Land Use Code) of the Delano City Code to define Pawn Shops and to allow Pawn Shops as permitted in the B-2, General Business District. Motion Carried 4-0 by Roll Call Vote.**

- 2. Adopt Ordinance O-10-06 amending Section 419.01 (Pawnbrokers) of Chapter 4 (Public Protection and General Licensing) of the Delano City Code to formulate additional Ordinance language for regulating pawn shops in the City of Delano.**

**Motion Number (M-10-087) Motion by Betsy Stolfa, seconded by Larry Bartels to adopt Ordinance O-10-06 amending Section 419.01 (Pawnbrokers) of Chapter 4 (Public Protection and General Licensing) of the Delano City Code to formulate additional Ordinance language for regulating pawn shops in the City of Delano. Motion Carried 4-0 by Roll Call Vote.**

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

There was none.

- 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.**

**MINUTES**  
**CITY OF DELANO**  
**City Council/Economic Development Authority**  
**Tuesday, April 20, 2010**  
**7:00 PM**

- A. Minutes of the Delano Water, Light and Power Commission from Thursday, February 18, 2010.**
- B. Minutes of the Delano Water, Light and Power Commission joint meeting from Thursday, February 18, 2010.**
- C. Minutes of the Historical Preservation Committee meeting from Monday, March 1, 2010.**
- D. Minutes of the Delano Planning Commission meeting from Monday, March 8, 2010.**
- E. Minutes of the Delano Park and Recreation Committee meeting from Wednesday, March 24, 2010.**
- F. Minutes of the Delano Fire Department Relief Association meeting from Thursday, April 8, 2010.**
- G. Minutes of the Delano Fire Department meeting from Thursday, April 8, 2010.**

No discussion or motion made.

**13. OTHER BUSINESS**

- A. Presentation from Chuck Keyes, Wastewater Treatment Facility, Operations and Maintenance Report.**

Chuck Keyes discussed the energy saving efforts at the Wastewater Treatment Facility (WWTF) stating they power down all pump MCC's while running only the required ones along with a backup. Powering down all non-essential MAU motors during the summer months and turning off lights when the space or building is unoccupied. These efforts have resulted in a savings of \$10,500 in the past two years.

With natural gas the employees of the WWTF turn off all non-essential MAU's, turn off the natural gas to all essential MAU's during the warmer months and operate timers on MAU's so they operate less during times when the space is unoccupied. These efforts have resulted in a saves of \$3,500 in a one year period.

**MINUTES**  
**CITY OF DELANO**  
**City Council/Economic Development Authority**  
**Tuesday, April 20, 2010**  
**7:00 PM**

To date staff has been unable to save on chemicals due to the inability to order items in bulk. Staff is currently in negotiations with companies to search for better prices per gallon. Mr. Keyes stated they are currently exploring the option of splitting loads with the facility in St. Michael.

Mr. Keyes discussed 2009 Wastewater Characteristics:

- Total influent to the WWTF during the past year was 133,226,000 gallons for a daily average of 365,000 gpd. This calculates to 28% of design.
- Average pounds of Carbonaceous Biochemical Oxygen Demand (CBOD) or the strength, contain in the influent was 523 pounds per day, this calculates to 21.79% of design.
- Average mg/l or Parts Per Million (ppm) of CBOD contained in the influent was 173.4 and the average contained in the effluent was 1.6, this calculates to an average removal rate of 99%. This is well within the Minnesota Pollution Control Agency's (MPCA) NPDES (National Pollutant Discharge Elimination System) permit requirement of 85%.
- Average pounds of TSS (total suspended solids) contained in the influent was 939 pound per day, this calculates to 35.98% of design.
- Average mg/l or parts per million (ppm) of TSS contained in the influent was 311 and the average contained in the effluent was 4, this calculates to an average removal rate of 98.7%. This is well within the permitted requires of 85%.
- Average mg/l of Total Phosphorus contained in the influent was 9.12 and the average contained in the effluent was .77, well within the MPCA NPDES permit requirements of 1. This calculates to an average removal rate of 89.2%. The WWTF used 25,334 gallons of alum during the year to assist with this removal.
- The MPCA NPDES permit contains four separate limits for effluent Ammonia Nitrogen: December – March = 5 mg/l; April – May = 22 mg/l; June – September = 1.1 mg/l; October – November = 5.2 mg/l. The average mg/l of Ammonia Nitrogen in the WWTF effluent was .26, well within any of the permit requirements.
- During 2009 the WWTF disposed of 1,702,500 gallons of biosolids to the reedbeds. This is an average of 4,664 gallons per day.
- During FY2009 the Viola Water generated and completed a total of 352 preventative maintenance work orders for both the WWTF and the three lift stations: 156 monthly; 44 quarterly; 20 semi-annual; 25 annual; 107 metered (meaning generated by "time" as per the O&M manuals).

Mr. Keyes stated the WWTF is 100% compliant with the NPDES permit and all reporting requirements.

Council thanked Mr. Keyes for all his hard work.

#### **14. COMMUNICATIONS**

There were none.

**MINUTES**  
**CITY OF DELANO**  
**City Council/Economic Development Authority**  
**Tuesday, April 20, 2010**  
**7:00 PM**

**15. CLAIMS**

**A. City Claims**

**Motion Number (M-10-088) Motion by Brad Hotchkiss, seconded by Larry Bartels to approve the City Claims in the amount of \$327,352.29. Motion Carried.**

**Motion Number (M-10-089) Motion by Larry Bartels, seconded by Betsy Stolfa to enter into a closed session to discuss the purchase agreement of 162 2<sup>nd</sup> Street North. Motion Carried.**

**Motion Number (M-10-090) Motion by Brad Hotchkiss, seconded by Betsy Stolfa to exit out of closed session. Motion Carried.**

**Motion Number (M-10-091) Motion by Larry Bartels, seconded by Brad Hotchkiss to accept purchase agreement for 162 2<sup>nd</sup> Street North with the option to purchase the available furniture. Motion Carried.**

**16. ADJOURNMENT**

**Motion Number (M-10-092) Motion by Holly Schrupp, seconded by Betsy Stolfa to adjourn the regular meeting of the Delano City Council/Economic Development Authority of Tuesday, April 20, 2010. Motion Carried.**

There being no further business to discuss the regular meeting of the Delano City Council/Economic Development Authority of Tuesday, April 20, 2010 was adjourned at 9:30 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