

MINUTES
CITY OF DELANO
City Council/Economic Development Authority
Tuesday, May 17, 2011
7:00 PM

1. CALL TO ORDER

Mayor Graunke called the regular meeting of the Delano City Council/Economic Development Authority of Tuesday, May 17, 2011 to order at 7:05 PM.

PLEDGE OF ALLEGIANCE

2. ROLL CALL AND APPROVAL OF AGENDA

Members Present: Dale Graunke, Mayor
Holly Schrupp, Council Member
Betsy Stolfa, Council Member
Dan Vick, Council Member
Derek Schansberg, Council Member

Members Absent: None

Also Present: Phil Kern, City Administrator
Mark Johnson, City Attorney
Alan Brixius, City Planner
Ernie Eden, Public Works Director
Paula Bauman, Recorder

Phil Kern recommended the following: (1) Remove item 5B from discussion as the lease agreement has not been agreed upon. (2) Add 4B: Consideration of Resolution regarding Rieder's Meat Market 100 year anniversary. (3) Add 9B: Update on Ditch 34. (4) Add 15A: Consider agreement with Millstop and Associates – moving the Attorney/Client Privilege item to 15B.

Mayor Graunke recommended moving the Attorney/Client Privilege item to the end of the Agenda to allow everyone in attendance to hear all the items on the Agenda.

Mayor Graunke then asked for item 5H be pulled from the Consent items for discussion.

Motion Number (M-11-128) Motion by Holly Schrupp, seconded by Derek Schansberg to approve the Agenda for the regular City Council/Economic Development Authority meeting of Tuesday, May 17, 2011 with the changes discussed. Motion Carried.

3. MINUTES

**MINUTES
CITY OF DELANO
City Council/Economic Development Authority
Tuesday, May 17, 2011
7:00 PM**

- A. Minutes of the regular City Council/Economic Development Authority meeting of Tuesday, May 3, 2011.**

Motion Number (M-11-129) Motion by Derek Schansberg, seconded by Betsy Stolfa to approve the Minutes of the regular City Council/Economic Development Authority meeting of Tuesday, May 3, 2011 as submitted. Motion Carried.

4. SPEAKERS, PRESENTATIONS AND AWARDS

- A. Presentation by the Sheriff's Office providing 2010 Year End Statistics, Duties and Responsibilities.**

Wright County Sheriff, Joe Hagerty spoke with the Council discussing the City of Delano's contract. The City of Delano contracts sixteen hours a day at \$59/hour. Mr. Hagerty stated he felt the quality of service provided by the patrol officers is high and he appreciates the opportunity to service the City of Delano.

Captain Dan Anselment presented Council with a presentation of the 2010 Delano Law Enforcement Review. The Deputies assigned to work for Delano are Deputy Christine Kuhlman, Deputy Ben Schaap, Deputy Paul Burke and Deputy Bruce Doney.

Delano contracts for 16 hours a day with a total of 5,840 total hours in 2010. Medical calls topped the list for the most common calls for service at 246 calls. Alarm calls followed with 155 calls for service. The number of service calls for 2010 was very similar to the 2009 number. Crime was down approximately 14% in 2010.

The top locations for patrol deputy responses in Delano: Coborns (61 calls for service) Legacy of Delano assisted living (59 calls for service; 37 medical related) Holiday Gas Station (30 calls for service) Delano Schools (152 calls for 2010; a vast majority of calls were handled by the School Resource Officer).

Fridays are the busiest day of the week followed by Monday. The busiest time of day is 3:00 PM.

Captain Anselment reviewed with the Council the 2010 Annual Report discussion included: total calls reported, service calls, traffic calls, motor vehicle crashes, part I and II crimes and criminal arrests.

Sheriff Hagerty and Captain Anselment thanked the Council for the opportunity to service Delano. Dale Graunke questioned Captain Anselment what he believes is the biggest

MINUTES
CITY OF DELANO
City Council/Economic Development Authority
Tuesday, May 17, 2011
7:00 PM

distraction on the roads. Captain Anselment stated the number one cause of traffic incidents is distracted driving; discussing the use of cell phones and other devices while driving. Distracted driving leads to traffic accidents and even death.

B. Discuss Commemorative Resolution of Rieder's Meat Market.

Phil Kern briefly discussed the Rieder's Meat Market and the Resolution and asked for Council to recognize Saturday, June 4, 2011 to be Rieder's Meat Market Day in the City of Delano.

Motion Number (M-11-130) Motion by Derek Schansberg, seconded by Dan Vick to approve the Commemorative Resolution of Rieder's Meat Market. Motion Carried 5-0 by Roll Call Vote.

5. CONSENT ITEMS

EDA:

A. Motion to approve the 4th Quarter Financial Report for Delano EDA/Crow River Villa Apartments.

City:

B. Motion to approve the Delano Athletic Club Lease Agreement.

This item was removed from the Agenda.

C. Motion to approve City Administrator attend ICMA Annual Conference, September 17-20, 2011.

D. Motion to approve step increase for two full-time Public Works Employees.

E. Motion to approve hiring the remaining seasonal positions for the Public Works Department.

F. Motion to approve Payment No. 3 to Dan Bauer Building LLC.

G. Motion to approve Public Facilities Lease for Central Park by Pair-A-Dice Cruisers Inc.

MINUTES
CITY OF DELANO
City Council/Economic Development Authority
Tuesday, May 17, 2011
7:00 PM

- H. Motion to approve purchase of wood chips and benches as part of the new trail construction.**

Motion Number (M-11-131) Motion by Derek Schansberg, seconded by Holly Schrupp to approve Consent Items 5A, 5C, 5D, 5E, 5F and 5G as submitted. Motion Carried.

- 5H. Motion to approve purchase of wood chips and benches as part of the new trail construction.**

Ernie Eden stated the Park and Recreation Committee would like to purchase three new benches and have a wood chip walking path constructed in the park located along Highway 12 the park will be located from the Highway 12 bridge north to the storm pumping station. The proposed trail would have a width of ten feet and an approximate length of 1600 feet. Staff received a quote for woods chips ranging from \$25-\$27 per cubic yard plus a delivery charge. Unhappy with those quotes Staff continued to search - Tree Top Service quoted a wood chip product at \$3.80 per cubic yard. The Park and Recreation Committee has also requested purchasing three benches to install along the path. Staff is recommending approval.

Betsy Stolfa questioned where the trail will be installed. Ernie Eden stated it will run from the Highway 12 Bridge north to the storm pumping station.

Kern stated the trail concept plan was developed three years ago. There are a number of elements that will be constructed and the trail meets the overall concept plan. The members of the Park Board elected not to receive their stipend for attendance of the meetings and put that money towards the trail construction.

Dan Vick stated he believes the park is a good idea but feels the money should be spend on the roads. Vick suggested making the path five feet versus ten feet wide; stating this would save on labor. Ernie Eden explained the bucket to construct the path is nine feet wide and doesn't believe a narrower trail would be a cost savings.

Dale Graunke questioned the timeline of the project. Ernie Eden stated it will be completed within a month of construction – starting within the next two weeks once approved. Mayor Graunke questioned if the Committee has looked a different surfacing for the trail. Eden stated in his opinion woods chips is the best product for the path.

MINUTES
CITY OF DELANO
City Council/Economic Development Authority
Tuesday, May 17, 2011
7:00 PM

Joe Schleper and Mike Lindquist discussed the path and the planned park. A lot of interest is in the park and he feels the City could receive more donations. The park is a passive park and it's the first impression of Delano. Mr. Schleper discussed possible art pieces for the park.

Mr. Lindquist discussed other trail surfaces in parks throughout town and discussed the maintenance of a wood chip trail. High school students will be helping with maintenance.

Motion Number (M-11-132) Motion by Betsy Stolfa, seconded by Holly Schrupp to approve the purchase of wood chips and benches as part of the new trail construction. Motion Carried 4-1 with Dan Vick opposed.

6. CITY STRATEGY No. 1: To provide and proactively facilitate the delivery of quality public and community services in a planned, fiscally responsible manner.

A. Consider 2011 Seal Coat Project and authorize Staff to seek bids.

Ernie Eden stated Staff is seeking approval to request bids for the 2011 Seal Coat project. The City has budgeted \$60,000 for this years project. The targeted streets are as follows: Highland Ridge, Davidson Avenue, Lyle Avenue (85th Street) and Raymond Avenue (90th Street). Eden stated he feels the project cost will be well within budget.

Motion Number (M-11-133) Motion by Dan Vick, seconded by Betsy Stolfa to authorize the 2011 Seal Coat Project and authorize Staff to seek bids. Motion Carried.

7. CITY STRATEGY No. 2: To ensure the City's continued sustainability and financial stability.

A. Resolution approving participation in the Green Step Cities Program.

Council Member Vick discussed the Green Step Cities Program stating becoming a Green Step City will help promote Delano's present and future residents, businesses and schools. It will also help foster ideas for savings and put Delano up front for state programs in conservation and renewable energy. The final step to qualify – Delano would need to buy recycled paper at an added cost of about \$600 per year. In conversations with the Green Step coordinator, he felt that could be removed from the requirements; due to the fact we've already done most of the requirements.

MINUTES
CITY OF DELANO
City Council/Economic Development Authority
Tuesday, May 17, 2011
7:00 PM

Kern stated this program is a voluntary program to encourage cities to enact environmentally friendly programs and business practices. In order to become a green step city – the City of Delano must meet their twenty-eight areas of operations. The City already meets the core requirements – joining the program would just be a formality. One required practice is to purchase 30% recycled paper products; the state could waive that requirement.

Betsy Stolfa asked if joining the program obligates the City to anything. Kern stated it doesn't obligate the City of Delano to do anything that isn't already being done.

Vick stated if the City would enroll in this program we could possibly receive a year of a paid intern.

Holly Schrupp stated she would like items like this discussed in a Workshop before its brought to Council. Ms. Schrupp stated she needs more information in the program before she will vote on it.

- 1. Adopt Resolution authorizing the City of Delano to participate in the Minnesota Green Step Cities Program.**

Motion Number (M-11-134) Motion by Dan Vick to adopt Resolution approving participation in the Green Step Cities - motion failed due to lack of second.

Motion Number (M-11-135) Motion by Betsy Stolfa, seconded by Holly Schrupp to table the Resolution approving participation in the Green Step Cities program. Motion Carried.

- 8. CITY STRATEGY No. 3: To plan for the maintenance, replacement and efficiency of the City's equipment, buildings, infrastructure, energy and utility systems.**

There was none.

- 9. CITY STRATEGY No. 4: To manage the City's growth so that it is high quality and consistent with the City's Comprehensive Plan while maintaining the City's historical culture, characteristics and features.**
 - A. Discuss Public Hearing to consider a Conditional Use Permit for a concrete product plant, building materials production and similar uses by G. Sleyphen Properties, LLC. And Combined Aggregate Enterprises, LLC. For property located near the intersections of Oak Avenue, Maple**

MINUTES
CITY OF DELANO
City Council/Economic Development Authority
Tuesday, May 17, 2011
7:00 PM

Avenue and Wallace Street; PID No. 107-022-008030, 107-022-016710 and 107-500-111312.

Alan Brixius stated Combined Aggregate Enterprises, LLC is in the process of salvaging and selling the larger pieces of unusable granite. The balance of the granite on-site consists of large piles and buried waste granite from the old granite cutting industry. To remove the remaining waste granite and reclaim the site, Combined Aggregate Enterprises, LLC needs to excavate and crush the granite into a useable product.

The site is zoned I-2, General Industry, reflective of the site's history and current conditions. The applicant is pursuing this conditional use permit to facilitate their reclamations operation. Due to the site's close proximity to single family neighborhoods, City staff suggested that the granite crushing equipment be located within Cramer Park, west of the dike. This location provides some distance separation between the heavy noise crushing operations and the nearby homes. Additional trucks will be pushed north through the park to access River Street at the County Road 30 intersection. Doing so will reduce truck traffic through residential neighborhoods and disperse some of the traffic away from Downtown Delano.

This conditional use permit will introduce a temporary, heavy industrial operation within close proximity to residential neighborhoods, the Delano Downtown and Central Park. This operation will produce noise, dust, odors and traffic that are out of character with the surrounding land uses. The applicant and staff have attempted to outline measures to mitigate nuisance concerns.

Noise – with regard to noise emissions, the applicant is willing to locate crushers on the City park property away from the adjoining homes. Hours of operation shall be limited to weekdays between the hours of 7:00 AM – 5:00 PM to protect the residents during evening hours and on weekends. The applicant will utilize on-site stock piles and dry van trailers as noise barriers along the property lines to protect residents from excavation noise.

Dust – dust is not an issue at this time due to the amount of moisture in loose fill that is added to make class 2 aggregate. The operation will maintain a water truck on site to control dust.

Vibration – by moving the crushing operation to the north into the park, this will reduce vibration concerns.

Drainage system is subject to approval of the City Engineer. Storage areas are landscaped, fenced and screened from view of neighboring uses. Vehicle access points shall create a

MINUTES
CITY OF DELANO
City Council/Economic Development Authority
Tuesday, May 17, 2011
7:00 PM

minimum of conflict through access movement and shall be subject to approval of City Engineer.

Based upon review Staff recommends approval based on the following conditions:

1. The Applicant locates the granite crusher in Cramer Park and builds a haul road to River Street at the CR 30 intersection. All haul trucks will exit the site via this new haul road. The applicant will enter into a lease agreement with the City for the use of the park area for a crusher site and haul road.
2. At the completion of the site excavation the Applicant will restore the site per an end us/grading plan prepared by the City Engineer. This will include the reconstruction of the flood dike per City specifications.
3. At the completion of the site excavation the Applicant will dedicate the reclaimed site to the City as park land.
4. The hours of operation for crushing granite will be restricted to weekdays between the hours of 7:00 AM – 5:00 PM.
5. The Applicant will maintain a water truck on the site to control dust.
6. The Applicant shall comply with site improvements required by the City Engineer related to erosion control, sediment control, treatment of storm water or operation water, and vegetation removal.
7. The Applicant will submit a site plan for the crusher location that illustrates equipment locations, stockpiles, truck maneuvering and fencing. The crusher area shall be fenced and screened to prevent trespass, vandalism or personal injury.
8. The City Engineer shall conduct regular inspections of the site to insure compliance with the conditions of the conditional use permit.

Betsy Stolfa questioned if the owners have been in contact with property owners. Mr. Kestner stated he has been in contact with homeowners and stated if there is ever a problem to contact him. Has had one complaint but that issue has been fixed. Mr. Kestner also noted that when church or funerals happen at St. Joe's Church, he makes sure not to run the machinery. Brixius stated that four neighborhood residents spoke at the Planning Commission and were all in favor of the project and had no complaints.

MINUTES
CITY OF DELANO
City Council/Economic Development Authority
Tuesday, May 17, 2011
7:00 PM

Betsy Stolfa questioned once the project is completed is it possible to rezone those lots? Brixius stated once it becomes City property the City can initiate a change of zoning at any point. Mr. Kestner stated he has spoken with residents who stated they don't want to see it become another industrial property or large buildings being built. Council discussed the floodplain property.

- 1. Adopt Resolution R-11-12 approving a Conditional Use Permit for granite excavation and building materials production in an I-2 Zoning District for Combined Aggregate Enterprise LLC for sites legally described as PIDs 107-022-008030, 107-022-016170 and 107-500-111312 within the City of Delano, Minnesota.**

Motion Number (M-11-136) Motion by Betsy Stolfa, seconded by Holly Schrupp to adopt Resolution R-11-12 approving a Conditional Use Permit for granite excavation and building materials production in an I-2 Zoning District for Combined Aggregate Enterprise LLC for sites legally described as PIDs 107-022-008030, 107-022-016170 and 107-500-111312 within the City of Delano, Minnesota. Motion Carried 5-0 by Roll Call Vote.

B. Discuss status of Ditch 34 Application.

Phil Kern recapped the history and the application of the Ditch 34 application which is the key component of discharging storm water for the NW Industrial Project. Staff has worked in various stages to gain approval. At the Tuesday, May 17th County Board meeting the application was approved by a 3-1 vote and direction was given the County Attorney to approve the Resolution to discharge into Ditch 34. Staff has met with the property owners, Murphy's and Moonen's, and continues to take steps towards agreements.

- 10. CITY STRATEGY No. 5: Encourage and improve the communication of information and ideas with residents and business owners.**

There was none.

- 11. CITY STRATEGY No. 6: To ensure communication and positive relationships between the Council, Staff, Employees and Commission Members.**

A. Minutes of the Planning Commission meeting of Monday, December 13, 2011.

MINUTES
CITY OF DELANO
City Council/Economic Development Authority
Tuesday, May 17, 2011
7:00 PM

No discussion or motion made.

B. Minutes of the Planning Commission meeting of Monday, April 11, 2011.

No discussion or motion made.

C. Minutes of the Historical Preservation Committee meeting of Monday, April 25, 2011.

No discussion or motion made.

12. CITY STRATEGY No. 7: To ensure the City has a well trained, productive and accountable workforce to meet the changing needs of the community.

There was none.

13. CITY STRATEGY No. 8: To ensure the public's safety from crime and manmade or natural disasters.

There was none.

14. CITY STRATEGY No. 9: To ensure the overall aesthetic appeal of the City.

There was none.

15. OTHER BUSINESS

A. Consider agreement with Millstop Associates, Inc.

Phil Kern stated this contract has been held up and had a number of changes were done. In August 2010 they had refused to sign the alternative contract. MPCA is encouraging both parties to sign and continue with the project; Millstop Associates, Inc. has agreed to the changes and is willing to sign.

Motion Number (M-11-137) Motion by Holly Schrupp, seconded by Derek Schansberg to approve the agreement with Millstop Associates, Inc. Motion Carried.

16. COMMUNICATIONS AND ANNOUNCEMENTS

MINUTES
CITY OF DELANO
City Council/Economic Development Authority
Tuesday, May 17, 2011
7:00 PM

17. CLAIMS

A. City Claims

Motion Number (M-11-138) Motion by Dan Vick, seconded by Derek Schansberg to approve the City Claims in the amount of \$308,479.67 as submitted. Motion Carried.

18. EXECUTIVE SESSION

A. Attorney/Client Privilege: Discuss threatened litigation regarding easement at 220 Babcock Boulevard West, Delano MN.

Motion Number (M-11-139) Motion by Holly Schrupp, seconded by Betsy Stolfa to enter into Executive Session for the purpose of discussing threatened litigation regarding easement at 220 Babcock Boulevard West, Delano MN. Motion Carried.

Motion Number (M-11-140) Motion by Holly Schrupp, seconded by Dan Vick to exit out of Executive Session. Motion Carried.

19. ADJOURNMENT

Motion Number (M-11-141) Motion by Derek Schansberg, seconded by Holly Schrupp to adjourn the regular meeting of the Delano City Council/Economic Development Authority of Tuesday, May 17, 2011. Motion Carried.

There being no further business to discuss the regular meeting of the Delano City Council/Economic Development Authority of Tuesday, May 17, 2011 was adjourned at 9:15 PM.

Dale J. Graunke, Mayor

Marlene E. Kittock, City Clerk

ATTEST:

**MINUTES
CITY OF DELANO
City Council/Economic Development Authority
Tuesday, May 17, 2011
7:00 PM**

Paula Bauman, Recorder