

Mayor Beyer, called the May 11, 2010 Regular Meeting of the Rockford City Council to order at 7:01 p.m. The meeting was held in the Council Chambers of City Hall 6031 Main Street, Rockford, MN.

The Pledge of Allegiance to the Flag was given.

ROLL CALL

Roll call was taken, the following council members were present: Beyer, Graner, Hafften, Martinson and Nichols. Absent: none. Also in attendance were: Engineer Statz, Attorney Couri, Public Works Supervisor D. Peterson, and Deputy Clerk Etzel.

PUBLIC HEARING – Rockin’ Green Re-Store / Secondhand License for 8905 Autumn Oaks Drive

Mayor Beyer stated a public hearing would be held regarding Rockin’ Green Re-Store located at 8905 Autumn Oaks Drive. A hearing is required to re-new, revoke, deny or suspend a secondhand license.

Mayor Beyer opened the public hearing at 7:04 p.m.

Barbara E. Iserman of 131 Beach Drive, is an 18 year resident. She heard about the thrift store, but was unaware of where it was located. Appreciates the thrift store and working with Ann.

Jerry Hommes of 5042 Greenwood Avenue, is a supporter of the thrift store. He questioned if the signage complied with city code.

Clint Robertson of 7007 Jenks Drive, questioned if the signs comply with the city code. He likes the thrift store display. He said other business have signs and items for display. Would like less government involvement and is willing to pitch in to help her get a sign. Also, Ann is good with the kids and she has donated items to the school and library.

Amy Pederson of 7006 Greenwood Ct, had photos and two letters from residents: Kim Lucarelli and Amy Jacobson, along with her own letter. Ms. Pederson’s letter addressed 6-8 sign violations, safety concern at the intersection of Autumn Oaks Drive and Highway 55 with items on display, the displays at the intersection look cluttered and doesn’t leave a good impression of the city for new businesses and new residents. Questioned if there were grants or no interest loans for the thrift store could use.

Ann Fiedler, Rockin’ Green Thrift Store of 8905 Autumn Oaks Drive, stated MnDOT takes her signs, so she puts different stuff out because she is left with no signs. Ms. Fiedler would like one sign for display and noted she had 190 people sign a petition because they saw her sign.

Heidi Erickson of 9371 Scott Street, Greenfield, is in advertising and knew of another business, Stone’s Throw, and they too had problems with signs. Ms. Erickson applauds Ms. Fiedler for her creativity and stated a thrift store is appropriate for the current economic times.

Ed Tully of 7000 Jenks Drive, supports the thrift store. He would like to see better signage and also is concerned about the danger of the displays at Autumn Oaks Drive and State Highway 55. Mr. Tully would like a better presentation for the city.

Jean Cottz of 5042 Greenwood Avenue, called around to other thrift stores to check how they advertised – it is important their business look like other businesses and operate within city code. Ms. Cottz believes in recycling. She is concerned about the numerous signs and esthetics, a neighborhood should look nice. The signage changes frequently and is not secured and is concerned for safety should a strong wind come through and the signs and items could become a projectile.

Linda Shubet of 113 Fiord Drive, stated this is her second visit regarding the thrift store. She has seen many businesses close, such as the grocer, floral, automotive and antique store. Also, the café has

changed hands along with the bar on Main Street. Ms. Shubert questioned what can be done to promote local businesses in Rockford.

Mike Pederson of 7006 Jenks Drive, supports the business and concept. Has concern for the signs and would like to see something in compliance.

Amanda Keuseman of 7004 Greenwood Court, noted the collage of stuff is a danger to those passing by. She would pitch in to help Ms. Fiedler get at new sign. The displays have been inappropriate; with a headless dog with a helmet. Wants to know, where does it end?

Kim Lucarelli of 7005 Jenks Drive, sent a letter concerning the signage and items on display. There are several signs and they are in poor conditions and look unprofessional. And safety regarding the displays not being secure could cause an accident and they are a distraction to drivers. Would like to see a clean professional business sign.

Amy Jacobson of 7001 Rose Drive, sent a letter regarding safety at the intersection of Autumn Oaks Drive and State Highway 55. There are poorly made signs on display, none of it is secure. The junk signs do not convey a good message for Rockford. Understands the business is told they could have only one sign and they do not comply, they should be reprimanded.

Mayor Beyer closed the public hearing at 7:52 p.m.

Mayor Beyer noted staff has received several complaints regarding Rockin' Green Re-Store a secondhand store located at 8905 Autumn Oaks Drive. As per ordinance #608.29 a license under this ordinance may be denied, suspended, or revoked by the Council after a public hearing where the licensee is granted the opportunity to be heard. Also, a yearly public hearing is required for renewal.

Complaints received (support photos were provided):

- February 22, 2010 we received several calls regarding a display of items at the corner of State Highway 55 and Autumn Oaks Drive for Rockin' Green Re-Store. Staff called Ms. Fielder to ask the items be removed immediately along with the signage.
- February 23, 2010 staff received another complaint stating the items were now on display at 8905 Autumn Oaks drive and staff made another call to Ms. Fiedler and sent a letter stating no outside storage was allowed. *The resident also questioned if someone was living at the thrift store.*
- March 3, 2010 staff received a complaint regarding the 5-6 signs displayed at State Highway 55 and Autumn Oaks Drive for Rockin' Green Re-Store.
- March 10, 2010 staff received several calls complaining about another display of items at State Highway 55 and Autumn Oaks Drive for Rockin' Green Re-Store. Staff made another call and the items were removed
- March 15, 2010 staff received another complaint regarding the junk on the corner of State Highway 55 and Autumn Oaks Drive from Rockin' Green Restore.
- March 19, 2010 staff received a complaint regarding a sign blown into the street and the junk sitting outside of the thrift store at 8905 Autumn Oaks Drive.
- April 14, 2010 a complaint regarding the junky thrift store signs at State Highway 55 and Autumn Oaks Drive.
- April 15, 2010 a complaint about the 5 signs at State Highway 55 and Autumn Oaks Drive regarding the thrift store as a poor impression of the City of Rockford.

At the public hearing on June, 23, 2009, Ms. Fiedler was given the list of conditions as stated in Resolution #09-31. Resolution #09-31 was also mailed to Ms. Fiedler along with her license on July 1, 2009. The following conditions were to be met:

1. No outside storage is allowed on the site (see complaints)
2. A precise floor plan shall be submitted for staff review (not received)

- 3. A list of what items will be sold must be submitted (not received)
- 4. The business must comply with all the regulations per the city code section 608 and other codes regulating property and businesses (no)
- 5. The books must be available for the Wright County Sheriffs Department (ok)
- 6. The license shall be issued for one year and become effective July 1, 2009 (ok)

Mayor Beyer noted that four of the six items listed above were not in compliance. Council and staff had a lengthy discussion regarding the nonconforming items.

Ms. Fielder states she gets broke into all the time. Her camera and laptop have been taken and this is why she has been unable to provide a list of items. She will get together a floor plan and a general list of items. Ms. Fiedler stated she understood and would comply with the ordinances.

The signage at State Highway 55 and Autumn Oaks Drive is one of the issues regarding the thrift store. One solution to allow for a sign would be for the owner of 8905 Autumn Oaks and the parcel to the north to combine their two properties; then a sign could be place on the State Highway 55 frontage. All signs would still be required to meet the sign ordinance and set-back requirements. Also, a temporary sign that is displayed and removed daily could be displayed as long as the sign meets the ordinance requirements and is not in the right-of-way.

Council requests Ms. Fiedler bring all the items up to code and provide the details required to staff at City Hall. Once received, staff will bring a resolution to Council for further consideration regarding the renewal of the secondhand license.

A recess was called the meeting convened at 8:35 p.m.

***CONSENT AGENDA**

Motion was made by Graner, seconded by Martinson to approve all items on the consent agenda with an addition to the minutes and adding the Aramark Contract to New Business as item 5.a.

MOTION CARRIED-VOTING IN FAVOR: BEYER, GRANER, HAFFTEN, MARTINSON AND NICHOLS

***Approve Council Minutes/April 27, 2010**

Motion was made by Graner, seconded by Martinson to approve the minutes of the April 27, 2010 regular Council Meeting with an additional statement regarding the Wright County Deputy’s report.

MOTION CARRIED-VOTING IN FAVOR: BEYER, GRANER, HAFFTEN, MARTINSON AND NICHOLS

***Approve Payment of Claims**

Motion was made by Graner, seconded by Martinson to approve the payment of claims #17690 to #17748 in the amount of \$92,526.21.

MOTION CARRIED-VOTING IN FAVOR: BEYER, GRANER, HAFFTEN, MARTINSON AND NICHOLS

***Approve Building Permits**

Motion was made by Graner, seconded by Martinson to approve the building permits #10-19 to #10-29.

MOTION CARRIED-VOTING IN FAVOR: BEYER, GRANER, HAFFTEN, MARTINSON AND NICHOLS

***Approve Revised Market Survey Agreement**

Motion was made by Graner, seconded by Martinson to approve the revised market study agreement.

MOTION CARRIED-VOTING IN FAVOR: BEYER, GRANER, HAFFTEN, MARTINSON AND NICHOLS.

Open Forum

Mayor Beyer called for Open Forum. Sid Wright of Troop #490 would like permission to paint a mural on the food shelf building located at 8230 Cedar Street. He would like to paint the wall facing the Lion's Park. Council would like Mr. Wright to get approval from RiverWorks and then bring a concept sketch of the proposed mural for council approval.

Denise Kesanen of RiverWorks stated they will review Sid's proposed mural for approval. RiverWorks is also working on painting the remainder of the food shelf building to match the library. Denise also stated in April they had 109 recipients at the food shelf, provided 9000 pounds of food to about 400 people. Also, there were 38 new families from March to April.

Aramark Uniform Service Contract for Uniforms and Supplies

Couri Attorney handed out a copy of the proposed Aramark agreement changes.

There were five Service Agreement items:

1. 12 month contract, not 60 months
2. Products belong to Aramark, City will pay to replace
3. Minimum weekly order charge of \$25.00
4. Performance guarantee – Aramark has 30 days to fix or the City can terminate the contract
5. Clarification in seventh paragraph to read "Customer agrees to pay all charges for lost or damaged materials and all unpaid statements upon any termination or expiration of this Agreement"

And one Customer Information item:

1. \$7.50 per week charge/service charge

City would get the same services, for a better price.

Council discussed the contract. Public Works Supervisor Peterson stated these changes would provide a weekly cost savings to the City and Employees using the services.

Motion was made by Martinson, seconded by Hafften to approve the Aramark Service Agreement with the proposed changes and authorizes staff to sign the agreement.

MOTION CARRIED-VOTING IN FAVOR: BEYER, GRANER, HAFFTEN, MARTINSON AND NICHOLS

2010 Street Improvement Project

This winter, the public works department asked Council to consider initiating a small street improvement project for construction in 2010. When reviewed previously by council they opted to wait until the State Legislative session was over so that the status of the City's Local Government Aid payment would be known. In the meantime, the council, staff and Engineer Statz toured the proposed street improvement areas on May 4, 2010 and placed a priority status on the streets, along with considering a few more projects. A feasibility study for the whole scope of the project review was ordered.

Council discussed who to assess. On cul de sacs and dead end roads, one consideration was to give the streets back to the property owners to maintain, but Attorney Couri did not feel this was a good idea to vacate. Private street situations usually do not work well. Council questioned who pays if a road fails because of construction.

After the tour, council proposed to add two more projects of mill and overlay to: Basswood Court and the city parking lot at Cedar and Main Street.

Having viewed the street projects, council made a motion to prioritize the following projects:

- Walnut Street (from 200' east of Electric Drive to 600' east of Electric Drive) – MEDIUM Status,

- Street Adjacent to: 8040 & 8045 Ravenrock Road – CRITICAL HIGH Status,
- Street Adjacent to: 5251 & 5241 Meadow Lakes Trail, 1000 Wesley Court, 7020, 7031, 7021 & 7011 Willow Wood Trail and 2001 Verna Court – CRITICAL HIGH Status,
- Autumn Oaks Drive (from Highway 55 to 150' south of the railroad tracks) – HIGH Status,
- Street Adjacent to: 2991 Autumn Oaks Circle – MEDIUM Status,
- Street Adjacent to: 1001, 1011, 1021, 1031, 1030, 1020, 1010 and 1000 Woodlawn Court – VERY HIGH Status,
- Street Adjacent to: 6410 and 6400 Ash Street and 8520 Plum Street – HIGH Status,
- Basswood Court – MEDIUM Status,
- The city parking lot at Cedar and Main Street – MEDIUM Status

Motion was made by Martinson, seconded by Hafften to prioritize the streets proposed for the Street Improvement Project as listed above.

MOTION CARRIED-VOTING IN FAVOR: BEYER, GRANER, HAFFTEN, MARTINSON AND NICHOLS.

RES #10-17 Order Feasibility Study for 2010 Street Improvement Project

Council authorized Bonestroo to order a feasibility study to improve: Walnut Street (from 200' east of Electric Drive to 600' east of Electric Drive), Autumn Oaks Drive (from Highway 55 to 150' south of the railroad tracks), Basswood Court, the street adjacent to the following addresses: 8040 & 8045 Ravenrock Road, 5251 & 5241 Meadow Lakes Trail, 1000 Wesley Court, 7020, 7031, 7021 & 7011 Willow Wood Trail, 2001 Verna Court, 2991 Autumn Oaks Circle, 1001, 1011, 1021, 1031, 1030, 1020, 1010 and 1000 Woodlawn Court, 6410 and 6400 Ash Street, 8520 Plum Street, and the city parking lot at Cedar and Main Street; and to assess the benefiting properties for all or a portion of the cost of the improvement, pursuant to Minnesota Statutes, Chapter 429.

Motion was made by Graner, seconded by Hafften to adopt Resolution #10-17 to order the feasibility study for the 2010 Street Improvement Project.

MOTION CARRIED-VOTING IN FAVOR: BEYER, GRANER, HAFFTEN, MARTINSON AND NICHOLS.

Public Works Facility Update

Attorney Couri noted a letter was sent by Jeff Ortel on April 20, 2010 to Rochon. Rochon was given until April 28, 2010 to respond. As of today, no reply had been received. Among other issues the two biggest concerns with the building are the roof and the HVAC system. The roof was done by a subcontractor who has not provided the warranty required by the specs. The HVAC was not installed to specs per the evaluation done by UHL, with several portions of the system not properly connected to the computer controls.

After discussion with Council, Attorney Couri recommends claiming on the bond. The process starts with notifying the bond company and Rochon, waiting 20 days, asking for a meeting with the bond company and Rochon (phone conference would also work), and let the bond company step in and complete the unresolved items. The bonding company would first make a determination as to whether the City's claim was proper; if so, the bonding company would step in and complete the contract; if not, the City would likely have to sue the bonding company if the City believed the denial of the claim was improper.

Also discussed was an item not on the list, the drain tile and the wall photos showing sand around the pipes and clay in between. Jeff Oertel has pictures of the installation of drain tile with the required sand cushion, but it is not clear whether the sand cushion was installed on one wall or both.

Couri stated that if Rochon attempted to sue the City for additional money claimed on their recent change order, that suit would likely be separate from the City's claim on the bond.

Motion was made by Graner, seconded by Hafften to notify Rochon and the bond company of the intent to claim on the bond for the public works facility.

MOTION CARRIED-VOTING IN FAVOR: BEYER, GRANER, HAFFTEN, MARTINSON AND NICHOLS.

Mayor Beyer asked Attorney Couri to look for a clause in the construction contract to recoup the legal fees. Couri will check with Jeff Ortel.

Ongoing Directives

The ongoing directives were reviewed and discussed. Hafften would like to update the personnel review. Nichols would like to add clean-up day to consider going every other year.

Administrator's Report

The administrator's report included: 2010 clean-up day and a memo was created and delivered to the school district to distribute the graffiti and vandalism letter.

Staff and council noted they would like residents to sort their items brought to clean up day. Items were mixed with broken glass, sharp objects, barbwire and miscellaneous items making it dangerous for those unloading. In the future if the load was not sorted, the resident would have to sort their own load. Council would like to see the signs up earlier and a sign placed at the clean up site.

Council directed staff to provide the graffiti and vandalism letter to the district to also be distributed to the middle school students, not just the high school students.

Council member Nichols would like a letter sent to the property owner on Sunset Circle regarding the hole left after the house burned to the ground. Council would like the hole filled in for safety reasons. Attorney Couri stated the property owner needed to be contacted and if it goes unresolved, there is a hazardous building statue involving court action with the property owner. Staff will send a letter to the property owner.

Engineer's Report

The engineer's report included: levee improvement needs over seeding before looking at making a final payment and closing out the job, looking to grant opportunities to fund the placement of rip-rap at the toe of the old levee, Hurst Woods 3rd Addition punch list is complete and the project is ready for final acceptance, and a tour of the proposed road improvements was held on Tuesday, May 4th.

Statz added he is working with Boulder Ridge on the wetland issues and researching a storm pond issue for a resident, Peter Oare of 7971 Bluff Road.

Adjournment

MOTION was made by Martinson, seconded by Hafften to adjourn the meeting.

Mayor Beyer adjourned the meeting at 9:55 p.m.

Michael Beyer, Mayor

ATTEST:

Nancy Carswell, Administrator