

Owatonna City Council Minutes

The Owatonna City Council met in regular session on Tuesday, June 15, 2021, at 7:00 p.m. in Council Chambers at City Hall. Present were Council Members Schultz, Raney, Voss, Dotson, Svenby and Burbank; Mayor Kuntz; Community Development Director Klecker; City Attorney Walbran; City Administrator Busse; Sergeant DeVinny; IT System Administrator O'Connor and Administrative Specialist Clawson.

Following the Pledge of Allegiance, Council President Schultz welcomed everyone to the meeting. Council Member Dotson made a motion to approve the agenda as presented, Council Member Svenby seconded the motion; all members voted aye for approval.

Mayor Kuntz recommended Council Member Schultz be appointed to serve on the EDA for the remainder of 2021 to fulfill the term of former member Jeff Okerberg. Council President Schultz stepped aside as Vice President Raney asked for comments; Council Member Voss made a motion to approve this recommendation of appointment, Council Member Dotson seconded the motion, all members voting voted aye in approval.

Mayor Kuntz introduced Dr. Beth Gilthvedt, member of the Bee Friendly Environmental Alliance of Steele County who thanked Mayor Kuntz for making proclamation during the June 1st Council Meeting of Pollinator Week June 21-27, 2021. She invited everyone to attend the Owatonna Farmer's Market on Saturday, June 26th, their group will be there from 9 am to noon with native pollinator plants for sale, activities for children, and live music to promote protection of pollinators and improvement of pollinator habitats. Teresa Hersma also thanked Mayor Kuntz for this proclamation and then thanked Council for the resolution approved in 2019 declaring Owatonna as a Pollinator Friendly City. This spring while walking in Kaplan Woods, she spotted 21 varieties of native plants and encouraged all property owners to consider planting trees and native plants for the environmental benefits they offer.

Council President Schultz explained council members review Consent Agenda items prior to the meeting for approval in one motion. Tonight's Consent Agenda Items include:

- Minutes - Council Meeting – June 1, 2021.

- Minutes – HRA Meeting – May 24, 2021.

- Building & Inspection Report – May 2021.

- Weed-Nuisance Inspection Report – June 11, 2021.

- Exempt Permit – MN State Public School Orphanage Museum Inc - Raffle – Sept 30, 2021.

- Exempt Permit – Eagles Ladies Auxiliary 1791 – Pull-tabs at SCFF – August 17-22, 2021.

- Event Permit - 2021 Steele County Free Fair – August 17 – 22, 2021.

- Event Permit – 2021 Steele County Safety Camp – July 22 & 23, 2021.

- Event Permit – Dan's Ride - Reggie's Brewhouse - July 24, 2021.

- Event Permit – Open Mic Thursdays – June 17-September 16, 2021

- Temporary Liquor Permit – Mineral Springs Brewery, LLC at a class reunion - Aug 13, 2021.

- Renew Annual Liquor Licenses.

- Renew Annual Charitable Gambling Permits.

- Resolution 69-21 – Fame Awards Purchases.

Council Member Dotson made a motion to approve these Consent Agenda Items, Council Member Svenby seconded the motion; all members voted aye for approval.

Vice President Raney recapped expenses for the period. Bills presented for payment totaled \$833,932.85, Council Member Svenby made a motion to approve payment of these bills, Council

Member Burbank seconded the motion. Council Member Voss recused himself, as owner of Fame Awards; members voting, all voted aye for approval.

City Attorney Walbran presented the first reading of Proposed Ordinance 21-8 regarding dangerous or potentially dangerous dogs. Since 2008, the City has enforced the State statute on dangerous dogs, Minn. Stat. § 347.50 to § 347.565, requires cities to enforce the statute regardless of whether they have adopted the statute as a local ordinance or not. The statute also authorizes cities to adopt additional local restrictions regarding *potentially* dangerous dogs or dangerous dogs. (Minn. Stat. § 347.53)

State statute defines a "dangerous dog" to mean any dog that has:

- 1) without provocation, inflicted *substantial* bodily harm on a human being on public or private property.
- 2) killed a domestic animal without provocation while off the owner's property; or
- 3) after notice to the owner that the dog is potentially dangerous, the dog aggressively bites, attack or endangers the safety of persons or domestic animals.

State Statute defines a "*potentially* dangerous dog" means any dog that has:

- 1) when unprovoked, inflicts bites on a human or domestic animal on public or private property.
- 2) when unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks or any public or private property, other than the dog owner's property, in an apparent attitude of attack; or
- 3) has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

Under the statute, the owner of a "dangerous dog:" is subject to strict regulations. But the only statutory requirement for the owner of a *potentially* dangerous dog is to have a microchip implanted in the dog for identification. However, the statute does give the City the authority to adopt additional restrictions on "potentially dangerous dogs." The proposed Ordinance fills the gap where a dog is *potentially* dangerous but where a microchip implant alone is not sufficient to protect the public, but where the strict requirements for a "dangerous dog" are more than reasonably necessary. City staff deems it advisable to:

- 1) adopt the State Statute by reference and
- 2) provide certain additional restrictions for dogs deemed to be "potentially dangerous".
 - (a) the definition of "proper enclosure" would be expanded to include a fenced-in yard that prevents the dog from leaving the property and to which the public cannot gain access.
 - (b) requiring the owner to have a policy of liability insurance in the amount of \$50,000, if the hearing panel determines that the dog is potentially dangerous as a result of biting a person.
 - (c) the dog be sterilized if the panel determines from the evidence it is necessary; and
 - (d) that no person shall allow a dog that has been declared to be dangerous or "*potentially* dangerous" in any City park, including the dog park, or on any City trail *unless* the dog is muzzled and restrained by a substantial chain or leash and is under physical restraint.

The ordinance also establishes a registration requirement with a registration fee and annual fees thereafter for dangerous dogs and potentially dangerous dogs and also continues the City's current practice of giving owners of dogs the right to appeal the declaration of a dog as a dangerous dog or potentially dangerous dog. Council Member Raney made a motion to approve Proposed Ordinance 21-8, Council Member Burbank seconded the motion; with a roll call vote, members voting aye

were Burbank Raney, Svenby, Voss, Dotson and Schultz, the motion carried. The second reading of this proposed ordinance will be heard during the next Council Meeting on July 6, 2021.

Community Development Director Klecker requested approval of a Purchase Agreement to purchase the lot on the corner of N Oak Avenue and Pearl Street from Keith Hoogland Ltd Partnership. The City currently owns the adjacent lot at 147 W Pearl Street and will market these two lots together for redevelopment opportunity. The purchase agreement has a price of \$75,000 for the property plus \$1,500 in closing costs. Council Member Dotson made a motion to approve this purchase agreement, Council Member Voss seconded the motion, all members voted aye.

City Administrator Busse requested approval of the Professional Construction Services Proposal from ISG for the North Cedar Streetscape Project, reconstruction of Cedar Avenue from Broadway to Rose Street. The scope of services provided by ISG include the following:

- 1) Construction Administration: Meeting coordination, shop drawing reviews, construction question response, communication with stakeholders, document review, payment applications, change order preparation, and substantial and final project completion review.
- 2) Field Inspection and Observation: Observation of work completed by contractor, project documentation, traffic impacts and detour coordination, utility impact communication, material ticket collection, quality analysis testing result review, and measuring project quantities for submittal to the City.
- 3) Community Engagement: Weekly meetings for interested parties, weekly email updates and newsletters, project website updates, and calls and coordination with businesses as questions arise.
- 4) Construction Surveying and Staking: temporary and permanent easement marking, stake pavement and utility locations, stake road centerline, curb and gutter, signals and light poles, and post-completion surveying to create as-built drawings.

If any unforeseen circumstances are discovered as a result of the work described above, additional fees may apply. If this situation arises, ISG will notify the City immediately prior to proceeding any further. Cost of services is \$276,220; the City will be responsible for 89% of the costs, \$245,559.58. OPU will be responsible for approximately 11% of the cost, \$30,660.42. Council Member Raney made a motion to approve this proposal for services, Council Member Burbank seconded the motion; all members voted aye in approval.

Community Development Director Klecker requested approval of Resolution 70-21 approving Application No. V-1448 received from Mary Hitzeman for a multi-family dwelling at 109 School Street East. The building is on a 12,340 square foot lot where a 13,000 square foot lot is required for a Multi-Family dwelling in the R-5, Medium Density Residential District. The property contains 5 units, but code allows for only 4 units without a variance. The Planning Commission held a public hearing on this matter and recommend approval with the following conditions:

- 1) All 5 units shall be registered with the Rental Registration program.
- 2) The property shall not contain more than 5 units at any one time.

Council Member Dotson made a motion to approve Resolution 70-21 as recommended by the Planning Commission, Council Member Voss seconded the motion; all members voted aye in approval.

Community Development Director Klecker requested approval of Resolution 71-21 to accept donation of land from the James J. Cashman Living Trust. This donation will add 10 lots and land along the railroad tracks to Cashman Park and also includes a lot at the corner of 26th Street NW

and 4th Avenue NW which can also be used for park purposes and a lot at the corner of 22nd Street NW and 3rd Avenue NW which can be used for a housing project. All of these lots, with the exception of the 22nd St/3rd Ave lot, are difficult to develop because the sewer line is not deep enough to service the lots so a lift station of some type would be needed to build on these lots. The Cashman family prefers donating these property, more than 10 acres to enhance the park. The area down by the railroad tracks had been a dump site in the past. The Cashman family and staff have been working with the MCPA to clear the site of any liability for either party. Fill was placed on the site in accordance with the MPCA and the MPCA has issued a No Association Letter to the City for this donation. Council Member Svenby made a motion to approve Resolution 71-21, Council Member Burbank seconded the motion; all members voted aye in approval.

During Staff Comments, Community Development Director Klecker advised 17 Single-Family Home Construction Permits have been issued this year; compared to last year at this time there were 9 permits. He gave brief update on several projects: the East Gate Apartment project is doing interior work; The Schrom Apartments on Mound Avenue is also working on interior work and just started siding on the backside; the Owatonna Glass addition on North Elm Avenue just poured the foundation and is ready to begin framing; Storage on State Avenue has foundations poured and beginning to frame the buildings; Morton Building is working on the foundation of their new building on W Bridge Street and Pearl Avenue Apartment Project just began moving dirt.

There were no comments heard during Public Comments.

During Council Comments, Council Member Raney commented he toured the River Springs Water Park last week and it is exceeding attendance expectations during recent hot weather days. Lake Kohlmier has also been very busy which has been good to see, and he reminded everyone to be respectful of others when using the City's parks and trails and not litter. Council Member Svenby thanked the Cashman Family for the land donation adding to the City's park. Mayor Kuntz commented he received a request from the state advising they are looking for applications to serve on the Board of Social Workers, applications are available on their website. City Administrator Busse advised repairs on the Central Park Fountain should be complete before July 4th weekend. Council President Schultz wished everyone a Happy 4th of July and reminded everyone to remember those who have contributed towards making our country into united, free, and independent states.

At 7:40 p.m., Council Member Raney made a motion to adjourn the meeting, Council Member Dotson seconded the motion, with a roll call vote, all members voted aye in approval.

Dated: June 28, 2021

Respectfully Submitted,

Jeanette Clawson, Administrative Specialist