

November 24, 2009 **Common Council Minutes**

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The City of Owen Common Council met in regular session on Tuesday, November 24, 2009 at 7:00 p.m. at City Hall. Mayor Timothy Swiggum presided and City Clerk/Treasurer Terri Ernst served as secretary. Present Alderpersons: Tolzmann, Lulloff, Lorence and Riihinen. Absent were Shelton and Heggemeier. A quorum being present, the meeting was called to order. Also present was Deputy City Clerk/Treasurer Cindy Cardinal and Police Officer Bradley Tatro.

Approve Minutes

A Lorence/Tolzmann motion and subsequent vote approved the minutes for the 11/10/09 meeting.

Public Opinion

Present: Nathan LePage of the O-W Enterprise, Rick & Kris Koplitz, Jim Weyenberg, Joe Brost, Tom Brussow, Amy Goessel and Karmen Weiss. Mike Ojanpera spoke to a Council member to request that a snow fence be put up at his residence to keep the snowmobiles from the trail off his lawn.

Public Hearing

The public hearing was opened at 7:02 p.m. by Mayor Timothy Swiggum for consideration of the City's 2010 Budgets. The public hearing was closed at 7:06 p.m.

2010 Budgets

A Lorence/Riihinen motion and subsequent vote approved the 2010 City Budgets as follows: City General \$1,160,961, Owen Lake District \$134,402, Owen Sewer Utility \$1,173,000 and Owen Water Utility \$547,400.

Noise and Odor Complaint

Present from Badger Ag Solutions were Jim Weyenberg, Joe Brost and Tom Brussow. Neighbors of the plant that were present: Rick and Kris Koplitz, Amy Goessel and Karmen Weiss. A formal complaint was filed on behalf of Rick and Kris Koplitz by Attorney Bonnie Wachsmuth, dated November 17, 2009. A written complaint was received by David and Jennifer Booth, dated November 23, 2009. Both complaints are addressing the noise and odor from the soybean processing plant. The noise has been considerably reduced since operation first began. The odor has become quite an issue to the extent that the odor gets inside homes even with the windows closed. According to Jim Weyenberg, Plant Manager, the odor coming from the plant is the result of their efforts in correcting the noise problem earlier this year. Those modifications resulted in the odor being dispersed at ground level leaving it more noticeable than if it was dispersed high up in the air, where it was originally. Also brought up was the dust that is created by the trucks and if some kind of oil substance could be spread on the driveway in the spring and summer months to reduce the dust. The plant owners and manager will work on addressing the odor problem and the issue will be re-visited again in 1 month.

Warning Siren

A Lulloff/Lorence motion and subsequent vote approved the 2010 siren purchases, grant acceptance and agreement with the Clark County Board, Clark County Sheriffs Department and Clark County Emergency Management Director.

Phase II Assessment

Mayor Swiggum spoke with the current owner of the OMI Property, Marvin Matejka, and has received a verbal commitment that Mr. Matejka will pay up to half of the cost for a Phase II Environmental Assessment of the OMI Property. A Lulloff/Lorence motion and subsequent vote approved for Mr. Matejka to reimburse the City for the Phase II Assessment up to \$15,000 from his sale proceeds or in two years whichever occurs first, the City will attempt to get quotes from other vendors to do the Phase II Assessment and to request a letter of commitment from the interested buyer of the OMI Property.

Planning Commission Report

Minutes were presented from the 11/9/09 Planning Commission Meeting. A Tolzmann/Riihinen motion and subsequent vote approved the sale of Lot #2 3.47 acres to Jerry and Deanne Wells contingent

upon installation of water, sewer and the location of the driveway and for Council to proceed with a Public Hearing on 11/30/09 to amend the City's Zoning Map.

Parks & Rec

Chairman Denny Lulloff reported on their meeting held 11/11/2009. The changes to the ice rink did not happen this summer and will be pursued again next summer. This Fire Dept. will help with the flooding to keep the ice in better condition. Roofs on the concession stand and band pavilion are in need of replacement. Bids to replace these roofs came in at approximately \$10,000 for new shingles and \$11,000 to replace shingles with steel. A decision won't be made until spring. Chairman Lulloff will look into getting a professional concept design for new buildings at the Mill Pond Park. A goose hunting season was discussed. There will be no December meeting.

Vouchers

A question was raised and answered on Check #41000 and 41005. A Tolzmann/Riihinen motion and subsequent vote approved paying the following vouchers: City Pooled 40978-41018, City Total \$96,439.97, Water Total \$1,044.13, Sewer Total \$1,295.44.

Adjourn

A Lulloff/Lorence motion and subsequent vote approved to adjourn the 11/24/09 open session meeting at 9:02 p.m.