

DANUBE CITY COUNCIL
Special Council Meeting
Wednesday, July 8, 2015 7:00 PM
Danube Community Center

A special meeting of the Danube City Council was conducted on April 8, 2015 at 7:00 p.m. with Mayor Gene Allex presiding.

The following Councilmembers were present: Sharon Krogman, Dave Maurice, Phil Standfuss and Al Strunc.

Councilmembers absent: None

Others Present: Dean Schroeder, David Kadlec, Gordon Hansmeier, Todd Kleinhuizen, Jim Krogman, Calvin Aarons, Mike McGraw, Les Riederer, Cole Gigstad, Dennis Ziekse, Gary Seehusen, Tim Moritz, Jennifer Moritz, Steve Santjer, Steve Wertish, Mike Kohout, Darnell Bratsch, Jill Marcus, Dick Ashburn, Pat Waall, Elsie Wiegel, Wayland Zaske, Rick Schwindt, Craig Hebrink, Jeff Padrnos, Kevin Braun, Mike Kemnitz, Joel Bakker, Sandra Refsland, Carla Hamre, Susie Lang, Craig Gartner, Les Schneider Sr., Tom Bakker, John Benson, Larry Arentson, Lori Lang, Veva Mittelstadt, Dale Neyhart, James Schuler, Gary Anderson, Brian Beckendorf, Lynne Payne, Joe Hennen, Janice French, Brian Block, Gerry Kodet, Dave Lang, Brooke Hebrink, Mike Haubrich, Dennis Honzay, Connie Maurice, Keith Potter, Daryl Raddatz, Jim Nyquist, Mike Jakel, Ben Peterson, Larry Gunderson, Mark Ruplinger, Bob Kopel, Cal Lueck, Mike Filzen, Teresa Anders, Police Chief Les Schneider, City Clerk-Treasurer Dotty Schnobrich, and media.

The information below is a typed transcript of the meeting held. Some information may be missing due to multiple people talking at once or inaudible on the recorder.

Oak Street & 2nd Street East

Mayor Allex opened the meeting by asking the people to introduce themselves when they come up to speak about Oak Street and 2nd Street East. The Mayor and Councilmembers introduced themselves to all that were present.

Mike McGraw read the following letter.

To the City of Danube I want to express my views and concerns about the routing of trucks from the newly built fertilizer plant on the east side of Danube. By routing the trucks on Oak Street you have turned our quiet neighborhood into a commercial thoroughfare. The rumble of trucks other than the train put the citizens of Danube safety in jeopardy. By that I mean residents walking, riding bike, etc. Note that Oak Street is a residential street not a commercial one. Implementing a 9 ton road without notifying the residents or informing us of your intention of using Oak Street as a commercial street. My observation along HWY 212 corridor of other businesses they don't seem to have a problem getting the product out on HWY 212. How many other cities are using residential streets for commercial use? Can any of you answer that? Councilmember Maurice responded to the question. Sometimes they have to use them because of the way the elevators and fertilizer plants were built. Mike McGraw responded that yeah they were built prior to the residences and continued reading his letter. I have family get-to-gethers

and grandchildren can no longer play on the front yard for fear of them going into the street after a ball or whatever ends up in the street. I trust that you will do the right thing for the City of Danube and its residents and not permit these trucks to use a residential street for a commercial one to truck their product out. Why not use HWY 212 access there are not any families or kids walking or playing there. A concerned citizen and taxpayer of Danube for 37 plus years. That is all I have to say.

My name is Janice French and I live on 305 2nd Street East. I probably live 15 feet from where the trucks go and it does not bother me one iota. I sit outside both in the front and the back and doesn't bother me. There are not that many trucks that go. It is only for two weeks in the spring and two weeks in the fall and I can't understand what the fuss is. I walk uptown everyday with me dog and I have had no problems, no problem what so ever. The dust does not bother me, the truck people take very good care of that road, they planted trees along the side and it just doesn't bother me and I see those trucks everyday and there is not that many except for two weeks out of the spring and two weeks in the fall and I don't see what the big fuss is. I don't think it is dangerous at all.

I'm Cal Lueck and speaking of dangerous things I will just go back to what I said before I do think there is some responsibility if that is to become a truck way the City has to do something for the pedestrians certainly to protect the crossing on County Road #1. I made that request at the last meeting and I don't know what become of it, but I really do think that there got to be some controls to the crossing a sidewalk would even be beneficial but I don't know about that may not be necessary I guess you could just walk on the grass. I do think if it is to become a truck route you got to take more precautions for pedestrians. I won't speak specifically for but I will speak specifically for my mother because she is blind and you all know that and she uses that area and I am concerned about her safety. Other than that I can sympathize with Mike McGraw and the neighborhood only due to the fact I live on a County Road with a lot of truck traffic and is semis other than that but the truck traffic was there before I was so I don't think I can complain. These folks I think they have a right. In fact McGraw's have lived there for years. We're proud of the new home that was just built in that corner of town. It's a great place to point to, proud of that we have this in the community and then this happens and it upsets people. it has the look of a business not being a very good neighbor in my opinion. I think we expect neighborliness and I agree and I don't see why HWY 212 cannot be used by the truck drivers it is already there and we will see what happens.

I am Dennis Zieske and I live on 303 2nd Street East and I got a very big concern about the truck traffic and the noise, dust it's quite a bit. The one day we sat down and there was sixty five trucks that went in and out so I don't know how they come up with a few trucks. Last week our granddaughter almost got clipped by one those semis it's a big concern. Another big concern of mine is that we were not notified that was going to be out our front door. And I got a big concern that our property values just went down because of this.

Hello Council. I am John Benson and I am referring to all city streets. I am sure that many of you have seen my kids biking down the street every day, every night maybe once in awhile I'd be with them, anyway, I have never had any issue with any vehicle except by my place but I never have brought it to the council because I just feel I will teach my kids not to be on the street. I teach them not to be out there. If a vehicle is coming to get out of the way, get off to the side. I

think it is more of a responsibility of a person to teach their kids not to be on the street not to go across to get a ball, to look first and that is all I have to say about that.

The name is Dave Lang and I guess what I would like to see is what is the best for everybody. The Coop has been in town for awhile they do give me a job part of the year so. Some of the things I am concerned about the letter that we got, and I was just wondering and I know that you the council can't answer this question but the Coop probably can I am concerned with the new agronomy department is the fertilizer and they're going to put a new warehouse are both the agronomy department and the warehouse going to be using Oak Street or I have heard rumors that they are going to put a road going east out to the fields? Which I think would really relieve a lot of the traffic off of Oak if that is happening I don't have any answer for that maybe somebody from the Coop could answer that question. And Also another concern is that I did hear that the Coop is in an agreement that if Oak Street does break up then they will redo that or repair that road if it does break up in the future but my concern everybody is talking a 9 ton road. A 9 ton road is 73,280 lbs. Well I have enough semi in my life that I know that fertilizer trucks coming out of there are not going to meet the 73,280 lbs. So that should be made a 10 ton road not a 9 ton road and then it would be legal to be on there. And also we are concerned that Janice said there is not much traffic on that road and well I don't know what time of the day she is watching that road but all I can say to her is when you walk down that road don't walk down the middle of the street with your dog cause that may cause an accident. That is all I have to say thank you.

Mayor Alex asked if anybody from the Coop would like to address Dave Lang's question. Gordon Hansmeier (attorney for the Coop) responded that all that is on the agenda is the consideration of 2nd Street & Oak Street and would like to hear what the neighborhood is saying and the proposed relief is and we agree to respond to it. Thank you. Jim Krogman stated that he would like to hear what the Coop has to say and would like to be able respond to that for Oak Street. Gordon Hansmeier stated that we are fine with the status quo we have a contract. Cal Lueck on the contract thing he read the letter the chronology was appreciated but didn't make no sense to me. Why is there a contract signed four years later, four years before we are talking about a variance? Basically that is what we are doing and you break our contract when this whole process was nothing but a rumor. The people that live there didn't know anything about and now we have a contract four years old. Mayor Alex stated that if he is not mistaken when that contract was going on Second Street was being built and worked on and the elevator also was starting to work and build on theirs. I think it was pretty close to that time period but I would have to go back and look for sure but that was the reason for that contract because we were going to change what we originally were doing. Cal Lueck stated anything you change you are looking at a variance you should talk to the neighborhood then not now in 2015. Jim Krogman asked Did you all guys sign that contract really on the same day? Mayor Alex responded if we signed it as a City Council yes. Councilmember Standfuss read from Oak Street Construction Agreement was signed on May 27, 2011. Mayor Alex stated 27th of May. Jim Krogman Asked if that is when you signed it Gene? Mayor Alex responded I think so yea. I don't have it in front of me but I don't have it in front of me. Councilmember Standfuss stated Craig. Jim Krogman asked if they were both there to sign it? Mayor Alex responded everybody well it was on a Council night. Councilmember Standfuss stated that it was notarized to by Carla Hamre and Hallie Kemnitz. The City's was the July 21, 2011 elevator must have been May 27, 2011 on the notarized page. Jim Krogman asked how come one got signed in July when the contract was for the 27th of May that doesn't sound right, just curiosity. I look at there would be

a contract for May 27th and the notaries are for July 23rd or 21st or something like that. Councilmember Maurice stated that because we approved it on the 27th. Jim Krogman stated the Coop Country letter stated that the contract was signed on May 27th by both parties. Councilmember Maurice asked does it really matter as long as they both signed? Jim Krogman responded that he wanted to bring it up because it was notarized on a different date and I am curious why? Mayor Alex responded he does not know. Mike McGraw stated that he would like to ask the Coop why they cannot access their product out on HWY 212? What's your reasons? Is it convenience or what?

Craig Hebrink from Coop Country. A couple different things that were raised the contract with the city was signed on May 27th by us my signature was notarized that date and then sent it back to the City and we received it from the City Attorney first for us to sign and we sent it back and then when it was signed by the City it was notarized that date, that is why there are two different dates. The contract came about as you said Gene when the work was being done on Second Street and Oak Street and we had future plans and we talked about this way back when we built the grain facility that we had future plans for that site to do our agronomy site and so forth and we had a desire to have another access out there. We first tried to get an access along the railroad tracks by contacting those landowners and that was not an option. the landowners did not want to sell us any land so we waited and in 2011 when this other work was being done we came to the City and asked if we could have another access to our route or to our land. We went through several different scenarios at that time and if you go back and read the minutes of 2011 you will see about those different scenarios that were talked about. It was then brought up about the current one that we have. The City Attorney and City Engineer drafted the contract as it is we did not change anything to the draft that was sent to us and we signed it. We did not take any of these things that have been brought up in the past several years lightly. We are a part of this community and our roots go back a long ways. Back to the early 1900's which we have been a part of this community. We provide employment, certainly provide a tax base and have many employees that make their homes here. We want to continue to be a part of this community and we have future plans that if things work out right that we want to do some other things out here. That is why we purchased that land. Up until that time we were really landlocked as far as any additional things we could do in servicing our customers to our facilities here at Danube. That is why we purchased that land and when that came about, that's why we did it. Having two accesses, part of it is the safety factor and I know it was mentioned about the number of trucks that went in out of there, I have down here a number of trucks that did go out a three week time frame there, not out of Oak Street but the total trucks that we loaded during that time frame and not any one day did we load 65 trucks the most trucks we loaded now here again the most trucks that we loaded that went out of the facility some went out HWY 212 not all went out there was 53 trucks. It was for we have a two to two and half week time span. So if you take that over that the average number of trucks wasn't even close to that. You asked me back in 2011 to shoot from the hip to the average number of trucks we estimated that would go in and out of there and at that time we said 40-50 that is back in your minutes from 2011 as well. We try to do what we can to be good neighbors and at the same time service our customers. We is what we want to do and continue to do. There were issues brought up about the dust and we put dust control done and we plan to tar that road in fact we have a quote from Duininck's and we are on their schedule to get that done in August to tar that entrance that goes the full length that goes along the north end of our property that goes along property Jim and Sharon's land there. There again we want to be a part of this community. We want to be good neighbors. I have been told that trucks going out are not going fast they are going slow. We are trying to be very conscientious and we

do not send out all of our trucks out on Oak Street. If they are going east they use HWY 212 exit. Many of you brought up about another road, by the warehouse we are building another road that goes east to the grain site there. Our plans are to use the road going to Oak Street like we have this past spring. When you look at the summertime when you got sprayers and that sort of thing, those sprayers leave the yard in the morning and they're not coming back until evening. We might have some water trucks that will come back but we have been using as much stuff as we can off of 212. We don't have any producers that come in off of Oak Street. We have told them that that is not an access, so we don't have any grain trucks coming off of there, so it is limited to Coop vehicles only.

I have a question for you stated Dennis Zieske when I said 65 trucks now are the construction trucks, Haney, your suppliers bringing in stuff there, Community Electric, all your business trucks or whatever they got are coming in on that road. That puts a lot more traffic on it than just yours.

Craig Hebrink responded I can't say one way or another if they came in and out of there, I was not there to watch them. We're doing construction. We're growing bigger and we have told the construction people, people that are delivering product to us when it comes to the new site and to our delivery routes it is going to take some time to figure everything out as to where it goes. We have told the distributors that anything you bring to us has to come off of HWY 212 you can't use Oak Street and I know that there has been a couple that have come in that way that I have been made aware of. We relay back them. Construction stuff, there might some of them that are coming in from there.

Jim Krogman asked what time frame does the contract say anyway what time the trucks will be using Oak Street?

Craig Hebrink responded It says, I am sure you have seen the contract Jim.

Jim Krogman stated can you?

Craig Hebrink replied yeah.

Jim Krogman stated why not use HWY 212?

Craig Hebrink responded we are using HWY 212 both, we are using both.

Jim Krogman stated I haven't seen any, the best I've seen is three trucks using HWY 212.

Craig Hebrink replied I am not going to argue with you on that.

Jim Krogman stated I know because I live there.

Councilmember Standfuss asked Craig I have one question. Now with the warehouse is that all going to be chemical in that warehouse or is that shop and chemical.

Craig Hebrink responded no shop, we are not building a shop yet. We only have a building permit to build the warehouse which is contract for hybrid seed.

Councilmember Standfuss asked so then the chemicals and all that stuff that is coming out will be access off of HWY 212 going in correct?

Craig Hebrink responded correct.

Gordon Hansmeier - Attorney for the Coop. There have been some arguments to the contract and that's what I am going to talk about. The Coop paid \$28,687 for the upgrades of Oak Street. In addition there is an additional obligation for the improvement of Second Street. This is a contract signed or drafted by the City Attorney approved by the City Engineer dated May 27, 2011 and unless the Coop agrees with you in writing to amend it, it doesn't get amended; it is binding on the City. We don't intend on waiving on any of the rights under this contract you are bound by it. And I dispute the comments made by the public saying if I wouldn't have known anything about it. This is part of a public improvement, you would have done publications as part of the assessment process, and everybody would have known this was going on if they

would have read the legal notices in the paper. We have now made commitments and ongoing obligations in the contract. This is an ongoing contract which makes this much different than a typical city street that you might have the right to shut it down or say Coop you need to go to alternative routes. This is a deal that we made and you should stick with it. That is pretty much my presentation. Thank you.

My name is Jim Krogman and I live over on the East side of town. Back in 2006 when I chose to move from a neighboring town to build a new house in Danube, I never dreamed I would be standing in front of the City Council pleading my case why I should have the same quiet neighborhood as the rest of the citizens in Danube. As the lat house built in Danube, I feel as though the city has let me down. I feel like I have been kicked right square in the teeth.

(Jim showed a slide for all to see of the Danube website) This is the Danube website. It states a "quiet friendly community". The third paragraph down says "our nice quiet neighborhoods are an excellent place to raise children". Oak and Second Street resembles nothing like that! Having trucks rumbling by 75 feet from my door. I can't believe my windows open. Fertilizer trucks started hauling fertilizer in April and as were still hauling as June of this year.

I am not against agriculture or Coop Country. But I deserve to have the quiet neighborhood everyone in this community has. The residents of Oak and Second Street were established here before Coop Country's new project.

When I asked the question in the May 13th City Council meeting – Would you like to live on a high traffic truck route 75 feet from your front door? The answer was no from all the City Councilmembers and even the Mayor. I don't want to live there either. I don't want it.

I appreciate that Coop country recognizes that they built next to a residential area by building the berms to suppress some of the noise. Now I want them to realize that a truck route shouldn't operate through a residential neighborhood. The noise is unbearable. We have kids riding bikes, people walking their dogs, and a visually impaired lady walking uptown. It isn't safe for these residents. Craig Hebrink stated "40 – 50 loads on a high volume day" but that's not counting the 40-50 coming back.

In the City minutes of February 9, 2011, it quotes an email from Craig Hebrink to the City of Danube asking to make Second Street or Oak Street a 9 ton road. Back then the city's response was it wouldn't be treating the residents' right by adding a truck route through a residential street. So what's changed? Why was it not fair back then but it is fair now. (Jim showed a slide with the February 9, 2011 minutes.)

In the March 23, 2011 City minutes a letter from Craig Hebrink to the city to reconsider the request to make Oak or Second Street a 9 ton road for trucks. It states – It would be more convenient for them to have additional access to Highway 212.

Is a convenience issue more important than the safety of our residents and our kids who just want a safe, quiet neighborhood?

In the May 11, 2011 City Council meeting minutes, originally the road was to go past the ballpark and over to Second Street and out to 212. "Mr. Hebrink also realized that there are potential safety issues with school activities taking place at the ball fields along Second Street. If it's a safety issue going by the ball fields, why isn't it a safety issue going by my house and my neighbors house we have kids and they have grandkids.

In response to Coop Country's letter, I'd like to thank Coop Country for what they have done to divide a residential area from an industrial area. I have also spent \$15,000.00 on trees to reduce the visual effect to the east and south. But there is no way to cover up the noise and safety issue of trucks operating on a residential street - other than to stop it.

I first want to thank all of the residents who signed this petition that I am going to present to the city and that I greatly, greatly appreciated it. I have a petition hear to stop truck traffic on Oak Street stated high volume truck traffic on a residential street. We, the undersigned, are concerned citizens who urge our leaders to act now to eliminate truck traffic on Oak Street. (At this time Jim Krogman handed a petition to Mayor Alex.) That is over 100 residents of Danube and 75 homes.

I urge the City Council to listen to these residents and the concerned citizens of Oak and Second Street to stop the truck traffic on Oak. I also urge the City Council and Mayor of Danube to work with Coop Country to help them gain additional direct access to Highway 212.

Jim Krogman showed pictures of non agriculture vehicles that go by his home on Oak Street. Also shown were Coop Country trucks coming up Second Street which is not a 9 ton road. Jim also showed other vehicles using Second Street along with a crane that was sitting on Second Street. Jim showed that when the gate is closed to the Coop the semis just back up and go down Second Street. Jim asked for people to imagine 50-75 trucks coming by with the noise. It is like this all day long. Jim does not think that is a good way to raise kids in a residential neighborhood. I don't think anybody else would want to. We got people walking on the streets. The last slide was kids on the street with a gravel truck going by. Jim stated me as a parent looks at something like that and says that is a huge, huge safety issue on our streets.

My name is Todd Kleinhuisen. I am not from Danube but I have relatives from here in the past but I am attorney but everybody can tell that by the suit that I and the three of us have. I am here on behalf of the concerns that Mr. Krogman has laid out here effectively here. The one thing I want to mention is that he mentioned to me the contract and I have had a chance to see it somewhat and I am somewhat new to this whole scenario that we are talking about but, I have seen the contract and I have seen the traffic and the use and I am a little bit concerned Hansmeier well kind of said that well we have a contract so you know we have a contract. I think that it is fair to say and the Council needs to consider that assuming that contract was properly presented with the appropriate notices for a public body to approve such a contract, that the representations that seem to have been gave before the contract was evidently signed whenever it was. We're a little bit of bait and switch to actually what the usage that we've seen. I think that to the extent of the contract was presented properly in the first place the usage was minimized. it was very much like hay this is just going to be a little thing maybe even temporary or we'll start seasonal or thinking a week or so here and there. Spring or Fall or something. And we seen and heard from local people that the usage is much more constant than that. So as to the contract there is an issue about whether the contract is really validly entered into. Whether representations may have been made before it was reportedly entered into were totally accurate. I think that is an issue the Council as to consider in terms of and certainly should consult with their counsel whether that contract really holds up if you if it holds track with its history. The other thing obviously there are concerns and I think the primary concern that most of people here naturally have and I took a drive over to see this road when I came here tonight and I was like this is crazy that you would have trucks going down this nice street. That is kind of intuitive for a small town America that we are all kind of use to. Besides that and besides the safety concerns which we heard and saw with the kids on street with a truck going by, there is also an issue that people have eluded to which is the valuation of the properties. I think the City needs to look at when you take an action that amounts to designating a truck route where there wasn't one, it amounts to an ordinance change or enactment of sorts. Whether it is public action like that it can affect on people's property values of this and I don't think anyone here can watch and see what has been going on can say hum no that doesn't affect the property value of Mr. Krogman each or the others who are

right there. There is an issue of potential inverse combination where I think consideration has to be given to some compensation going to these property owners but unless of course something other than that else gets worked out. I realize this is an open forum nobody is going to pound a gavel at the end of tonight and say here it is for the rest of all time. It is something that got to be in the mix so just on Krogman's behalf I ask you keep those things in mind. Thank you.

I'm Darnell Bratsch. It looks to me that both parties here stand here and run each other down to the council. A agreement is a agreement. If you don't like it I wouldn't raise up, you swallow it and the next time you know better. If you cop out on this agreement you will lose all credibility you're going to have in the future. A agreement on paper or any kind isn't going to mean anything. It will all go out. Thank you.

Mayor Alex stated is there anyone else? We would like to hear your opinions on this matter, so come on up.

Dale Neyhart - I am not involved but to me it seems like to me that you would put up sign there is no trucks allowed on Second Street.

Councilmember Maurice responded that there is one there already.

Mayor Alex stated at this time you know by seeing the pictures that Jim brought, it looks like we need to enforce our rules as far as truck traffic on Second Street for sure at this point. There is a sign there stating that there is no truck traffic on that street but rules are made to be broken and as you see that did it you know. As a council and I don't speak for everybody but at the time we did this we had two meetings on it and both and I have sat there now since this has happened and I viewed your entryway and the Coop's entryway myself and the original agreement was for agronomy equipment, well a lot of their trucks and pickups I'm sure that are used for agronomy I wouldn't know the difference if there hauling agronomy stuff or not you know what I mean. But once construction is done you don't think this will solve anything by going back to the original contract with the two weeks in Spring and what is it three in the Fall or something like that. What's your opinion on it? We would like to hear because I guess

Jim Krogman stated that according to the contract it doesn't say two or four weeks it says seasonal.

Mayor Alex responded yeah I know that and it would be hard to pick out two weeks in the spring and fall because you don't know when that's going to be. I understand that too.

Councilmember Maurice stated that a majority of the pictures that you had of non compliant trucks were construction type trucks, gravel trucks hauling dirt and things like that. When construction projects are done out there that should come to an end.

Mike McGraw asked if it was going to continue over the years.

Councilmember Maurice stated he does not know what their future plans are. From the taxpayer in Danube in addition to being on the Council, I appreciate when they do, do some building out there it does add to our tax base.

Mike McGraw stated we all appreciate that as a community. Don't we? I have been a taxpayer for over 35 years.

Councilmember Maurice stated that he would like to think so. Along with the construction and property tax comes construction. You are going to increase your property taxes there is going to be construction involved. So I think we need to look a little bit lenient on that.

Jim Krogman stated that I think Craig stated that going by the ballpark was a safety issue and I mentioned it earlier that going down my street with kids and grandkids, Mike's got 17 grandkids,

that is a safety issue with gravel trucks or cement trucks (Mike McGraw stated that he also paid \$8,400.00 and some odd dollar for the improvements.) Jim continued with safety issue with the trucks on the street and people don't mix. I want a quiet neighborhood like everybody else that is the only reason I am here. It is not ever going to be that way again unless we can find some alternative routes. Everybody on the Council just stated that they didn't want this issue. Maybe they could to talk to MNDOT a little more about a direct access with 212 with MNDOT or how hard that was pushed going on Oak Street was not a good idea.

Councilmember Standfuss stated as far as the City not speaking with MNDOT, Dotty did contact MNDOT about getting a speed test done at the 60mph zone right now from the 55 to the 60. Maybe somebody could look at that when we have that test done but the test may not be good unless we do it in the Fall when there are more trucks moving out there. So the City has contacted the Minnesota DOT about this issue and maybe this speed thing maybe we can get it slowed it down out past the elevator driveway. Or slow them down as far as the safety issue. Where you turn in there as far as grain, fertilizer and whatever else. The elevator has dealt with 212 before when they had bunkers back in the days.

Councilmember Strunc stated that one of the arguments early on given by Gerry Kodet was, and it is in the minutes, that they approached MNDOT about getting a 30mph zone all the way out to where the current entrance is also an additional access would not be allowed. I visited with the lady in charge of that MNDOT on June 23rd and she said that there has never been an application made. The only way they could say yes or no to an access would be a formal process that has to be completed. Coop Country never asked for an additional. She said they would consider it and I asked if they would consider moving it from the one that is already there and she said yes they would consider that. And just consider that is all that she would say. Given the fact on the amount of development that is going on out there it seems reasonable but that in no way can pass approval. They say they may have asked verbally but no application was made and that is the only way they can grant personal access. Back to Coop Country future plans are the earlier the better because they can come up with a more favorable way of solving the problem before the entire site is developed; sometime your hands get tied when the whole area is developed. Just nothing really works out well. (Inaudible) They need two accesses; my question is what is more important Coop Country or the neighborhood? The neighbors were there first. I am not going to say the decision to make it a truck route was a mistake because that is why we vote and we voted to make it a truck route with a 4 to 1 vote. However, the only affected party that was represented was Coop Country none of the neighbors were notified that this may be a truck route and we may decide that at this meeting. The previous meeting (I wasn't at that one because I was out of town) the previous meeting the Council decided verbally to make it going past the ballpark. It was a moving target all along. To answer Cal's question but he is not here anymore, the reason it was made way back in 2011 the urgency was Second Street was getting done with a hard surface and we kind of had to know how to handle at that point instead after the traffic started. The real reason for the contract or agreement was we wanted to make sure that Coop Country would be responsible for the road damage and also that the grain truck traffic, loaded grain trucks don't come in on there. That was the thought process that went into it. The early agreement was who bears the expense and what's going to be on it. I was misled in the fact also when they said they applied for another access. Based on what MNDOT had on file they had no application on file it doesn't appear so, they said they had no application on file in the previous for the access.

Craig Hebrink responded that they had no application on file we were told verbally.

Councilmember Strunc stated given the additional progress that has been done out there it would merit a second look. The lady I talked to was Geri Vick and she is the one that has something to do with the decisions. She seemed accommodating at the same time she can't guarantee anything. There is a process to go through. It sounds like it is not us against Coop Country I get the feeling that's what it is and that's not what it is at all. I mean access I understand them asking for access in town but it really doesn't consider the neighbors at all. I appreciate members of the community we should be proud of that. The question is at whose expense the residents? Or than that it isn't up to me or the council to say. If we have to say anything the correct thing would be an error despite what the attorney for Coop Country says I don't think we are obligated to live with that we are obligated to correct the mistake that was made. The mistake made was the residents were never involved in the progress it was just instructed by Coop Country.

Mayor Alex stated we have been talking about the public not knowing about these April 11 Council Meeting and May one, I came up to, and I am not saying I did it right either, I was new to the Council at that time as Mayor, but I went and contacted the people that were involved with that property with that access Sharon Krogman and your wife (meaning Mike McGraw), I went to both of them and told them about the meeting and the discussion of that access on Second and Oak was going to be talked about. Nobody showed up in April so we really if you look at the April minutes that you brought up, we didn't really vote on or make any decision at that point and we tabled it because nobody was there to represent you guys. I went back and did it the next month again. Maybe we should have did it with paperwork. I don't know but you know I figured with town people the word would get around a small town. It normally does. Before I got back home even they were already talking about it you know what I mean and nobody showed up at the second one neither to verse their opinion on this so the Council maybe right or wrong decision made it to the best we you know.

Mike McGraw said his wife did not tell him.

Mayor Alex stated I did and I did it twice for both of them because I wanted to make sure that someone would show up.

Dennis Zieske stated that he was not contacted.

Mayor Alex responded I know Dennis I didn't do everybody I just did a couple and thought the word would get around and like I said maybe I didn't do it right neither but on the other hand the word was out there and the meetings are open to come and minutes are printed up and was already discussed at two meetings before that what we were going to do. I mean unless we send minutes to everybody in town here you know for every meeting you know what I mean they are public information they can be read at anytime.

Mayor Alex asked if anybody else would like to come up and make a comment on Oak Street and Second Street.

Jim Krogman asked the Council to take into consideration the safety issue.

Councilmember Standfuss asked Craig Hebrink if there was anyway to make it only Northbound traffic using Oak and East and South use HWY 212 access or is it a safety issue.

Craig Hebrink said that is something we have talked about in consideration but you have to remember to from a safety standpoint is people going out of the east you have the traffic that is coming from town going faster than the 60 mph zone.

Councilmember Standfuss stated there is still the shoulder with a bypass lane for anyone turning in there but what I can see is that when you look at number 1 with the houses right there on the corner and them ripping down that road at 30 mph with that traffic that right there is a hazard compared to 212 which is a 60 mph zone though that is a wide open space where you can judge you can get out of the way if something would happen as far as going but with agronomy loads only going that way instead of everything through this residential area. We all realize that I also

as a Councilmembers realize what Coop Country has done and know the taxes they are paying but we are gaining keeping the community alive everybody has to realize that this is what is happening they are keeping Danube alive plus we still got to think about our neighbors too, are residents too but I know it's a safety issue too with seniors at the senior complex, apartments over there is going to be always seniors walking down that street, there is no sidewalk there that is another safety that needs to get looked at. I think Coop Country should look at that issue too when they do decide which way to send the loads there. If they would just send Northbound only out of there it would be pretty good option for everybody to really look at. Because we are a small town agriculture as well. The first time we dealt with a truck route going through town. Janice French stated that when they go for two to three weeks I don't walk just up here on Oak when I go to the post office or bank or wherever I go down by Jerry Jahnke's down that way it's a little bit longer to come up by the Methodist Church but It's only a couple of weeks here and there so it isn't that big of a deal I just change my route.

Councilmember Standfuss stated that you also have to think of the safety of yourself and the operators, how big that equipment is now, so many blind spots and these guys are out 12-16 hour days and you get distracted and they may not see you walking down that street sometimes. We all have to work together on this thing I mean that's good neighbor policy, the city is trying to do the best they can and Craig is I know, so I realize with Jim and everybody that lives along there that I would be the same upset to with the fertilizer there we got to realize what's in the future because McGraw's might move and Andy Brun's house might get sold and the house on the corner might get bought out and there might be all kind of kids running around there. A lot of safety issues to look at too. Anyway the solution that can bring up to satisfy both parties the City, the residents and Coop Country. We both need each other out in this rural area. We need business. We need people. We got young people in town we can't scare them away a different access wherever you look at I think will be a safety issue down there I'm sure. Just like everyone else. As a taxpayer and a Councilmember that's the way I would be looking at it a safety issue and what's good for myself as a taxpayer, residents that live along there and Coop Country as far as a business.

Mayor Alex asked Craig There's no cost to that application to find out if you can get a second access to HWY 212?

Craig Hebrink responded yeah there is.

Mayor Alex asked is there?

Craig Hebrink responded yeah a nonrefundable application cost.

I'm Mark Ruplinger and I have the lumber yard, the new facility down on the HWY and when we were in the process of building that I had Geri Vick out there and we were able to widen the present access we have E.P. I wanted a second one because I have the incoming there and she told and she went to look it up and she come back and I believe the word is controllable, she said you have a controllable access which means there's two accesses. And I think the definition is one is uncontrollable and controllable one. If you have a controllable one you possibly, possibly could get a second easement or access to the property. If you have an uncontrollable one good luck you will never get one. So I have a controllable one but she told me to save my money, you won't get one. I wanted to put two accesses in there one for semis, the one we are using now and one for cars and pickups on the other one and I said to her to at that time about Coop Country and she said they had a uncontrollable deal. if you can get one good luck.

Someone asked Mark Ruplinger how much it cost for the application.

Mark Ruplinger responded about \$5,000.00.

Mayor Alex stated or along with that same issue lowering the speed limit out there so you can turn your equipment out on that road a little safer. I understand a trigger doesn't go what 30 mph, I don't know how fast they go, to turn out in that road probably not the safest either where everybody coming on that road but maybe they could reduce the speed limit out there I don't know who you go to see about that or be it a secondary access or reduce the speed limit or both. I don't know why not both?

Craig Hebrink stated that to reduce the speed limit depends on the traffic.

City Clerk Dotty Schnobrich stated that it has to be done by the City. It has to be a speed survey requested by the City. And when I spoke with Geri she said the best time to do that would be after your current construction is completed because then you'll have more traffic which might cause that intersection to be considered slower so we could extend the speed limit out further. Now would be a waste because they would say no because they already did one when they put in the 60 mph. I was told to wait for the right time to request a speed survey be done.

Councilmember Strunc stated how many semis belong to the beet plant on HWY 212 is 60 mph speed limit. Hwy 71 and 212 is a 60 mph speed limit. It's not a safety factor for them. I am all in favor of safety, I am not sure why it is being presented as safety.

Jim Krogman stated it's a convenience.

Councilmember Strunc stated it's the convenience of Coop Country versus the peace and quiet of the neighborhood. Which one is more important.

Someone stated that I think that the trucks that is coming for grain traffic also big trucks coming in look as agronomy your asking for an accidents as the same issue up here.

Councilmember Standfuss stated I think that is the same problem, isn't why it got built in town?

Someone stated that Well I might be wrong but I understood from the Coop Country that they tried to widen it but DOT won't let them widen it.

Craig Hebrink responded we are as wide as we can go.

Someone stated that if you meet someone while trying to go in they have to back up to let you in.

Jim Krogman asked Do you think Coop Country and the City could join up together and try and get that access out of town. Definitely we could talk about that approach out there and maybe that approach could be moved next to the ballpark fence maybe like 300 and some feet by the curb but you got to convince the DOT at the same speed and time. With the curb and gutter there vehicles going down the road will slow down because of the curb and gutter. It's natural instinct. They've been slowing down every other time. See if you can't get a direct access right along that ballpark field.

Mayor Alex stated if there is no other comments about Oak Street or Second Street we are going to close our special meeting and go into our regular council meeting. So if nobody else would like to speak at this time we're gonna ponder over this stuff ourselves, not going to make no decision here tonight. We've heard from you guys, we know what you want we'll have to come up with a solution of some kind but we want to move on to our regular council meeting, if no one else has any input into this.

Someone stated should we set one up now.

Mayor Alex stated we could set up a date I suppose to let them know.

City Attorney Aaron stated Like Phil was saying maybe it would be if Coop Country is willing to come to the table maybe a subcommittee of the Council. Phil like you were saying would have some merit to it try to figure out if somehow it could be resolved with some dialog.

Councilmember Standfuss stated I agree that's a good idea.

Mayor Alex stated sure we could do it that way.

City Attorney Aaron stated we do have a contract here. Maybe there's some room to work if the Coop come to the table and subcommittee from the Council or whatever.

Mayor Alex stated we can put two Council people on, that's all we can put on that committee and one from the Coop and one from you guys and sit down and try and figure something out. Anybody want to volunteer for that.

Councilmember Standfuss asked so how do you want to run this committee then?

Mayor Alex responded well we don't have two council meetings or people on a committee otherwise it is an illegal meeting and we can't do that. So just two and then someone to represent both sides of this to way out what we can do and come back to the Council with a solution or suggestions on what to do. Volunteers army style huh?

Councilmember Strunc and Councilmember Standfuss volunteered.

Mayor Alex asked Jim? (Jim agreed.) Someone from the Coop?

Craig Hebrink stated you talking about modifying the contract.

Mayor Alex responded we don't know. We just want you to sit down

Craig Hebrink stated no it's based more towards Aaron. That's the thing are you talking about modifying the contract?

City Attorney Aaron stated that's a possibility but there has to be some resolution to it and the best way to do that I think is through dialogue.

Craig Hebrink stated we are willing to sit down and talk. Obviously if I am on the Committee and I can't make that call without speaking to the directors before making that decision.

City Attorney Aaron responded I understand and the Councilmembers wouldn't be able to do anything.

Mayor Alex responded no there wouldn't be enough of them in there to make that.

Councilmember Standfuss stated can't we sit down and look at some solutions here that will satisfy everyone.

Mayor Alex stated and we should put a date on it. Whoever wants to come to that when you guys get together

Craig Hebrink responded myself and I would like to have a share holder present.

City Clerk Dotty asked can I have their name?

Craig Hebrink responded Calvin Aarons

Councilmember Standfuss asked I was would like someone from the agronomy department too that works there or not?

Craig Hebrink asked how many do you want on it?

Mayor Alex responded two.

Councilmember Standfuss someone that knows about the fertilizer going in and out.

Craig Hebrink responded Gerry Kodet is the agronomy department manager.

Councilmember Standfuss stated does he have more information if I ask how many loads are going north, how many loads going west, south or the same way.

Craig Hebrink responded I mean we would have to get that information anyway, if you would want that we would have to do that count. I can bring that myself.

Councilmember Standfuss the whole thing about this committee I think is mainly to come up with solutions here, this is what you can do because you are willing to work with the City on what we want before it is blown out of proportion. It is blown out of proportion already. My point of view it is. For future looking at 212 and everything else.

Mayor Alex stated Craig who Dotty will need to know who to notify for a meeting time or whatever Committee time when everyone can get together.

Councilmember Maurice asked is this Committee going to try and submit an application to the state or

Mayor Alex stated it is up to the Committee to discuss what direction.

Councilmember Maurice stated I am not sure what you are saying.

Mayor Alex responded well if they sit down Dave and discuss the issues on hand and see if they can come up with a solution for it. We're gonna sit here and we can't, can't make one tonight anyway and

Councilmember Strunc stated well sure we can. We can make a decision tonight. But the question is: is that the best solution.

Mayor Alex stated yes that is why we want to have a committee and talk.

Councilmember Strunc stated see if we can find some common ground. If we can't we can't. it doesn't hurt to talk. Find a date that would be suitable, give Dotty a date and hopefully she will check with us and it will work out.

City Clerk Dotty stated no we are not doing this again. We are going to set the date tonight.

Someone in the audience stated I think you need to adjourn the special meeting of the City Council and discuss this during the regular City Council meeting.

Mayor Alex stated right I was trying to do that but we got carried away. Nobody else wants to speak about the Oak Street I am going to adjourn it and we are going to go into our regular meeting.

City Clerk Dotty asked doesn't someone have to make a motion to adjourn.

Mayor Alex responded I need a motion, I was getting to it Dotty just chill out, would someone like to make a motion to that please?

Councilmember Krogman made the motion to adjourn the special meeting.

Councilmember Maurice seconded the motion.

Mayor Alex asked all in favor?

Councilmember's all responded I.

Mayor Alex asked opposed the same sign?

Mayor Alex okay. Thank you guys for coming and if you want to stick around for our regular meeting you can.

Adjournment

There being no further business before the council, Councilmember Krogman moved and Councilmember Maurice seconded a motion to adjourn the meeting. With all members voting in favor, the meeting was adjourned at 8:15 p.m.

Respectfully submitted: Dotty Schnobrich, City Clerk

Gene Alex, Mayor

Dotty Schnobrich, City Clerk