

TUESDAY, NOVEMBER 28, 2017 COLD SPRING CITY COUNCIL MINUTES

The meeting was called to order by Mayor Dave Heinen at 6:30 p.m. The following City Council members were found to be present: Mayor Dave Heinen, and Council Members Jayme Knapp, Shannon Miller, Doug Schmitz and Gary Theisen. Absent: None. Others present: Brigid Murphy, Jon Stueve, Brian Lintgen, Tammy Paczkowski, Heidi Stalboerger, Cliff Johnson, Dan Kron, Bon Hill-Simmons, Jason Blum and Angie Mueller.

OPEN PUBLIC FORUM

Cliff Johnson announced the Cold Spring Historical Society, History Series would be hosting guest speaker Ray Tuholsky, a local author on December 8th at 9:30 am at the Rocori DEF.

APPROVAL OF THE AGENDA

MOTION WAS MADE BY MILLER, SECONDED BY KNAPP, TO APPROVE THE AGENDA OF THE NOVEMBER 28, 2017 CITY COUNCIL MEETING. MOTION PASSED 5-0.

CONSENT AGENDA

A. Minutes – November 14, 2017

MOTION WAS MADE BY SCHMITZ, SECONDED BY KNAPP, TO APPROVE THE MINUTES OF THE NOVEMBER 14, 2017 CITY COUNCIL MEETING AS PRESENTED. MOTION PASSED 5-0.

B. Resolution No. 2017-56, a Resolution Accepting a Donation to the K9 Program within the Police Department

MOTION WAS MADE BY SCHMITZ, SECONDED BY KNAPP, TO APPROVE RESOLUTION NUMBER 2017-56, A RESOLUTION ACCEPTING A CASH DONATION TO THE K9 PROGRAM FROM THE COLD SPRING CHAMBER OF COMMERCE AND THE DUSTIN UPGREN GOLF EVENT DURING HOMETOWN PRIDE DAYS. MOTION PASSED 5-0.

RESOLUTION NO. 2017-54, THE FINAL PLAT FOR OK PROPERTIES – O'MALLEY & KRON

Dan Kron from O'Malley and Kron explained the request for approval of the final plat for OK Properties that consists of two lots. He also explained the request for a variance to have a reduced side yard setback of ten feet, whereas the Zoning Ordinance requires fifteen feet.

MOTION WAS MADE BY THEISEN, SECONDED BY MILLER, TO APPROVE RESOLUTION NUMBER 2017-54, A RESOLUTION APPROVING OF THE FINAL PLAT FOR OK PROPERTIES AND APPROVING A VARIANCE FOR A TEN FOOT SIDE YARD SETBACK FOR THE PLAT REQUEST FROM O'MALLEY AND KRON. MOTION PASSED 5-0.

ENACTMENT OF ORDINANCE NO. 359, AN ORDINANCE REPEALING AND REPLACING CHAPTER 10 – NUISANCE ORDINANCE OF THE COLD SPRING CITY CODE

Murphy presented the updated Chapter 10 Nuisance Ordinance of the City Code. She stated the section on beekeeping had been removed and will be added to Chapter 3, since it does not belong in the nuisance section of the code. She added that the City Attorney had reviewed and endorsed the changes, many of which follow the League of Minnesota Cities model version.

MOTION WAS MADE BY THEISEN, SECONDED BY SCHMITZ, TO APPROVE ORDINANCE NO. 359, AN ORDINANCE REPEALING AND REPLACING CHAPTER 10 – THE NUISANCE ORDINANCE OF THE COLD SPRING CITY CODE. MOTION PASSED 5-0.

RESOLUTION NO. 2017-55, A RESOLUTION AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE NO. 359, AN ORDINANCE REPEALING AND REPLACING CHAPTER 10 – THE NUISANCE ORDINANCE OF THE COLD SPRING CITY CODE

MOTION WAS MADE BY MILLER, SECONDED BY KNAPP, TO APPROVE RESOLUTION NO. 2017-55, A RESOLUTION AUTHORIZING A SUMMARY PUBLICATION OF THE REPEAL AND RE-ENACTMENT OF CHAPTER 10 – THE NUISANCE ORDINANCE OF THE COLD SPRING CITY CODE. MOTION PASSED 5-0.

AMENDMENT TO ORDINANCE NO. 630: RIGHT OF WAY REGULATIONS AND PERMITS

Murphy explained that the legislature had approved small cell technology within cities in their last session. She stated that the City Attorney had reviewed and made changes to Section 630 of City Code to meet the new legislation.

MOTION WAS MADE BY KNAPP, SECONDED BY THEISEN, TO APPROVE AMENDING ORDINANCE 630, THE RIGHT OF WAY REGULATIONS AND PERMITS SECTION OF THE COLD SPRING CITY CODE. MOTION PASSED 5-0.

UPDATE ON THE JOINT POWERS DISCUSSION WITH WAKEFIELD, LUXEMBURG AND COLLEGEVILLE TOWNSHIPS

Mayor Heinen gave an update on the past discussions with Wakefield, Luxemburg and Collegeville Townships and the townships desire to form a Joint Powers Agreement. He stated that after consideration it was the recommendation from staff that the Council instead enter a service contract agreement with the townships. The Council was supportive of the recommendation rather than a Joint Powers Agreement.

MOTION WAS MADE BY SCHMITZ, SECONDED BY MILLER, TO ENTER INTO A SERVICE AGREEMENT WITH WAKEFIELD, LUXEMBURG AND COLLEGEVILLE TOWNSHIPS FOR FIRE SERVICE. MOTION PASSED 5-0.

POLICE DEPARTMENT REPORT

A. Monthly Reports for August and September

Chief Blum updated the Council on the monthly activities and calls for service during August and September.

B. K9 Handler Update

Chief Blum stated that there were two applicants for the K9 Handler position. He stated that Sgt. Jason Spoden was selected for the position. He added that the search for a K9 will begin at the end of December or early January and that once a dog is selected, he will request final approval from the Council.

PUBLIC WORKS DEPARTMENT REPORT

A. Appoint Interim Streets & Parks Supervisor

Stueve explained that Ron Fuchs would be out for twelve weeks beginning on December 1st.

MOTION WAS MADE BY SCHMITZ, SECONDED BY THEISEN, TO APPROVE PETE WEBER AS INTERIM STREETS & PARKS SUPERVISOR BEGINNING ONE MONTH AFTER THE ABSENCE OF THE STREETS & PARKS SUPERVISOR AND TO APPROVE THE PAY INCREASE OF \$1.98 PER HOUR. MOTION PASSED 5-0.

B. Well Update

Stueve stated he is still waiting for confirmation from the Minnesota Department of Health before drilling can begin at the new well.

CITY ENGINEER REPORT

A. Main Street Update

Lintgen explained that the fence has been delivered to Kraemer Trucking and Excavating and they will be installing it at the corner of Main Street and 3rd Avenue South later in the week.

B. North Pointe 5 Project Update

Lintgen stated that they are finalizing the design for the North Pointe 5 Project.

CITY ADMINISTRATOR REPORT

A. Defining "12-Month Period" of the Leave of Absence Section in the Personnel Manual of the City of Cold Spring Related to FMLA Covered Leaves

Murphy explained that the "twelve month period" had not been defined for FMLA leaves. She stated the recommendation is to define it as a fiscal year period, from January 1 to December 31.

MOTION WAS MADE BY MILLER, SECONDED BY KNAPP, TO DEFINE THE “12-MONTH PERIOD” AS JANUARY 1 TO DECEMBER 31 EACH YEAR FOR THE CITY OF COLD SPRING IN THE LEAVE OF ABSENCE SECTION OF THE PERSONNEL MANUAL OF THE CITY OF COLD SPRING RELATED TO FMLA COVERED LEAVES. MOTION PASSED 5-0.

B. Memorandum of Contract for Private Development

Murphy stated that MNX Properties would be closing on the sale of the land with Coldspring in the next week, and the closing company is requiring either the full TIF Agreement or a Memorandum of Contract be recorded with the closing documents for the property. Murphy stated that the City’s Bond Council had prepared the Memorandum of Contract being presented for approval.

MOTION WAS MADE BY THEISEN, SECONDED BY SCHMITZ, TO APPROVE SIGNING THE MEMORANDUM OF CONTRACT FOR PRIVATE DEVELOPMENT. MOTION PASSED 5-0.

C. Cold Spring Chamber of Commerce Holiday Party and Community Awards Banquet

Murphy reminded the Council of the event which is on December 7th.

LIST OF BILLS AND ADDITIONS

MOTION WAS MADE BY MILLER, SECONDED BY THEISEN, TO REVIEW AND ACCEPT THE PAYMENT OF THE ACCOUNTS PAYABLE ACCORDING TO THE LIST TOTALING \$121,552.16 AND SUPPLEMENTAL LIST TOTALING \$10,226.23 PRESENTED BY CITY STAFF. MOTION PASSED 5-0.

BOARD AND COMMISSION UPDATES

A. Planning Commission

Councilor Miller explained that they had reviewed the Plat for OK Properties at their last meeting.

B. Park Board

Councilor Schmitz stated that the Park Board had not met since the last update.

C. EDA

Councilor Theisen stated that the Revolving Loan Fund was discussed with ideas on restructuring it.

D. Rocori Trail

Murphy explained that easements with several property owners in Rockville were discussed.

E. Historic Preservation Commission

Murphy explained that the group will only be meeting quarterly and therefore there was no update at this time.

ADJOURN

MOTION WAS MADE BY SCHMITZ, SECONDED BY MILLER, TO ADJOURN AT 7:01 P.M., SEEING NO FURTHER BUSINESS TO COME BEFORE THE CITY COUNCIL. MOTION PASSED 5-0.

Dave Heinen, Mayor

Brigid Murphy, City Administrator