

WEDNESDAY, NOVEMBER 8, 2023 COLD SPRING CITY COUNCIL MEETING MINUTES

Mayor Dave Heinen called the meeting to order at 6:30 p.m. The following members were found to be present: Mayor Dave Heinen and Council Members Mike Fall, Ryan Hennen, Fran Ramler and Doug Schmitz. Absent: None. Others present: Kris Dockendorf, Brian Lintgen, Sam Butler, Cliff Johnson, Travis Thomsen, Amber Thomsen, Sara Stueve, Ardelle Schwegel, Karla Wittrock, Doc Kasling, Tess Kasling, Duane Willenbring, Terry Czech, Bill Foss, Gary Kiess, Dan Weber, Angie Mueller and Joe Jelovnick. Present by video: Jon Stueve.

APPROVAL OF THE AGENDA

MOTION WAS MADE BY HENNEN, SECONDED BY FALL, TO APPROVE THE AGENDA OF THE NOVEMBER 8, 2023 CITY COUNCIL MEETING AS PRESENTED. MOTION PASSED 5-0.

OPEN PUBLIC FORUM

Cliff Johnson from the Cold Spring Area History Museum stated that tonight they are cohosting, with the Cold Spring Friends of the Library, a presentation from Minnesota Author Doug Ohman about Minnesota's role in the Civil War.

CONSENT AGENDA

A. Minutes – October 25, 2023 Regular Meeting

B. Resolution No. 2023-31, A Resolution Designating the City of Cold Spring Polling Place for 2024

MOTION WAS MADE BY RAMLER, SECONDED BY SCHMITZ, TO APPROVE THE CONSENT AGENDA AS PRESENTED. MOTION PASSED 5-0.

ASSESSMENT HEARING FOR 2023 IMPROVEMENTS PROJECT

Mayor Heinen opened the assessment hearing at 5:01 p.m. Duane Willenbring representative of the Rocori Trail Construction Board explained that he had presented a letter to the City Council before the meeting objecting to the assessment for parcel number 48.30599.0010 in the amount of \$12,353.48. He explained their Board's request for the City to waive the proposed assessment, same as they had done for another parcel owned by the Board on the Red River Avenue Improvement Project. He explained that the Rocori Trail Board is requesting the Minnesota Department of Natural Resources to take over ownership of the trail. Councilor Fall stated that he knows that the DNR is able to pay for assessments and that they have done it before. Councilor Fall motioned to not eliminate the assessment for the Rocori Trail Construction Board property. The motion failed for a lack of a second. Councilor Schmitz stated that he was in favor of waiving the assessment as the DNR may be more receptive and expedite taking over the trail if there is no assessment on it. He added that long term ongoing maintenance on the trail would be more costly than the assessment amount.

MOTION WAS MADE BY SCHMITZ, SECONDED BY RAMLER, TO APPROVE THE OBJECTION AND WAIVE THE ASSESSMENT FOR THE ROCORI TRAIL CONSTRUCTION BOARD PROPERTY. ROLL CALL VOTE, AYES – RAMLER, SCHMITZ, HENNEN, HEINEN, NAYES – FALL. MOTION PASSED 4-1.

City Engineer Sam Butler presented a recap of the improvement project, including costs and assessment information. He stated the total project costs were \$4,252,498.37 and that the City portion of that cost is \$3,117,040.70, with the rest being assessed to the property owners on the project. Kris Dockendorf gave an explanation of the assessment information, including that the interest rate for the assessments is at 5.75% for a term of 15 years and the payment processes. The hearing was then opened to public comment. The following individuals spoke at the hearing.

Terry Czech – 109 5th Ave N, Czech commented about the contaminated soils, final lift of pavement, shut off valves and the additional width of the sidewalk. Lintgen explained that the costs for the contaminated soils are not included in the assessments, there will be no additional cost for the final lift of pavement, that there are two shut off valves in his yard, and the third is a wire tracer box. He stated that width of 5th Avenue North was narrowed and that the sidewalk width was increased due to it.

Gary Kiess – 17591 Flint Ct, Kiess commented that the final costs were about 20% higher than the estimated costs. He also inquired about the timeline for final completion of the pavement in the Spring. Lintgen explained that the estimates presented at the preliminary hearing were indeed less than the actual costs at the assessment hearing. He stated that the final lift of pavement should be completed by June of 2024.

Sara Stueve – 102 3rd Ave N, Stueve inquired about assessment deferments, construction cones, and stormwater drainage. Dockendorf explained the criteria to be eligible for a deferment and that public works staff will check on the cones and stormwater drains.

Travis Thomsen – 104 5th Ave N, Thomsen stated that he is a disabled veteran and that crosswalks are important to pedestrians and that they should be painted immediately. He also commented about re-seeding and the roadway and curbing being full of dirt which will end up in the storm drains. Jon Stueve later stated that they could paint a basic crosswalk for the time being and re-paint it fully after the final lift of payment is put on.

Doc Kasling – 117 3rd Ave N, Kasling inquired whether the assessment amounts would change any further. Butler and Lintgen explained the assessment amounts included with the letter about the assessment hearing were generated before the decision to take the granite removal costs out of the assessments. Therefore new letters would be sent after the assessment hearing with the accurate amount for final assessments, and that they would vary from one property owner to another, but all would be less than what had been previously sent in the mail. Kasling also inquired about Cold Spring Brewing Company's role in the project, which Lintgen explained that there were two separate projects, which did have a block of overlap, but that was the only connection.

Karla Wittrock – 20 2nd Ave N, Wittrock complimented the workers stating that they were always very polite and helpful. She inquired about the lip between the concrete gutter and the roadway surface, it was explained that the plow trucks will be aware of it and plow gently this first year.

Next, Mayor Heinen read a letter that the City had received from Craig Syverson, resident at 113 2nd Ave N Cold Spring. The letter was an objection to the proposed assessment for his property, that his assessment is higher due to the creek crossing 2nd Ave N on his property, that concrete costs more than asphalt. Butler explained that the concrete that was installed over the culverts was not included in the assessable amount of the project costs, and that this parcel was only assessed for street, sidewalk and storm sewer. He added that Stantec believes that the assessment calculation was done properly and according to the City's assessment policy. Butler also stated that a field rep had met with the homeowner prior to curb installation and made adjustments requested by the property owner, so that he could better back in his motorboat into his driveway. He added that the parapet was installed as a safety barrier for the protection of motorists and pedestrians.

MOTION WAS MADE BY FALL, SECONDED BY HENNEN, TO DENY THE OBJECTION TO THE ASSESSMENT FOR PARCEL NO. 48.29775.000, BASED ON THE RESPONSE FROM THE CITY ENGINEER. MOTION PASSED 5-0.

Mayor Heinen then called three times for additional comments, after hearing and seeing none, he closed the assessment hearing at 6:03 p.m.

MOTION WAS MADE BY RAMLER, SECONDED BY HENNEN, TO ADOPT RESOLUTION NO. 2023-32, A RESOLUTION ADOPTING THE ASSESSMENTS FOR THE 2023 IMPROVEMENTS PROJECT. MOTION PASSED 5-0.

By unanimous consent the Council took a ten-minute break until 6:10 p.m.

FIRE DEPARTMENT REPORT

A. Purchase Thermal Imaging Camera

Chief Weber explained that this would be a replacement camera for their current one which is ten years old.

MOTION WAS MADE BY SCHMITZ, SECONDED BY RAMLER, TO APPROVE THE PURCHASE OF A THERMAL IMAGING CAMERA FROM ALEX AIR APPARATUS AT A COST OF \$5,045.00; FURTHERMORE, TO PAY FOR IT OUT OF THE FIRE DEPARTMENT DONATION FUND, EQUIPMENT LINE ITEM #6311. MOTION PASSED 5-0.

B. Approve Firefighter Pay Increase

MOTION WAS MADE BY FALL, SECONDED BY HENNEN, TO APPROVE AN INCREASE IN PAY FOR THE FIREFIGHTERS FROM \$12.50 PER HOUR TO \$14.50 PER HOUR, EFFECTIVE DECEMBER 1, 2022, FURTHERMORE, TO ACKNOWLEDGE THAT THIS INCREASE IS IN ACCORDANCE WITH THE 2023 BUDGET. MOTION PASSED 5-0.

C. Approve Salary for 2nd Assistant Chief

MOTION WAS MADE BY HENNEN, SECONDED BY FALL, TO APPROVE THE ESTABLISHMENT OF AN ANNUAL SALARY OF \$1,600.00 FOR THE SECOND ASSISTANT CHIEF, EFFECTIVE DECEMBER 1, 2022; FURTHERMORE, TO ACKNOWLEDGE THAT THIS INCREASE IS IN ACCORDANCE WITH THE 2023 BUDGET. MOTION PASSED 5-0.

D. Update

Weber stated they have had 512 calls to date for the year. He stated that they collaborated with Rockville Fire and received a grant from Compeer Financial to purchase grain bin rescue equipment. He reminded residents to test their smoke detectors and replace their batteries.

PUBLIC WORKS DIRECTOR REPORT**A. Request to Hire Part-Time Plow Drivers**

MOTION WAS MADE BY RAMLER, SECONDED BY HENNEN, TO APPROVE THE HIRING OF CHARLES VOIGT, MARK HENNEN, GABE DOUGLAS, BOB KILMER, AND ERIC BOUCHER AS PLOW TRUCK DRIVERS FOR 2023-2024 WINTER AT THE PAY RATE OF GROUP 4, STEP 0 OF THE PAY SCALE. MOTION PASSED 5-0.

B. Purchase Stainless Steel Sander

Stueve stated that this will be installed on the orange plow truck.

MOTION WAS MADE BY SCHMITZ, SECONDED BY HENNEN, TO APPROVE THE PURCHASE OF A STAINLESS STEEL SANDER FOR THE ORANGE PLOW TRUCK FROM LITTLE FALLS MACHINE AT A COST OF \$6,990.00; FURTHERMORE, TO BE PAID OUT OF STREETS EQUIPMENT BUDGET LINE ITEM #6311. MOTION PASSED 5-0.

C. Purchase of Brine Tank for Plow Truck

Stueve stated that this will be mounted on the orange plow truck. He stated that it will conserve the amount of sand needed and that the brine is obtained from MnDOT.

MOTION WAS MADE BY FALL, SECONDED BY HENNEN, TO APPROVE THE PURCHASE OF A 100-GALLON BRINE TANK WITH MOUNTING KIT FOR THE ORANGE PLOW TRUCK FROM VARITECH INDUSTRIES AT A COST OF \$2,784.27; FURTHERMORE, TO BE PAID OUT OF STREETS EQUIPMENT BUDGET LINE ITEM #6311. MOTION PASSED 5-0.

D. Purchase Skid Steer Snowblower

Stueve stated that he obtained four quotes and that there are lots of options for use of this equipment including sidewalks, trails, parking lots and blowing back the curb.

MOTION WAS MADE BY SCHMITZ, SECONDED BY FALL, TO APPROVE THE PURCHASE OF A VIRNIG 72" SNOW BLOWER ATTACHMENT FOR THE SKID STEER FROM RDO EQUIPMENT AT A COST OF \$8,500.00; FURTHERMORE, TO BE PAID OUT OF STREETS EQUIPMENT BUDGET LINE ITEM #6311. MOTION PASSED 5-0.

E. Addition to Infiltration Basin

Stueve explained that he has experienced difficulty getting bids back from contractors for projects, and that he'd like to get approval to spend an "up to amount", while he waits for a second quote. The Council felt that it would be unfair to the contractor that did submit a bid, since the bid amount is public, and another contractor could then under bid the first contractor who did provide a quote in a timely manner.

MOTION WAS MADE BY FALL, SECONDED BY HENNEN, TO APPROVE CONSTRUCTION OF AN ADDITION TO THE INFILTRATION BASIN FOR THE WATER TREATMENT PLANT AND ADD AN OVERFLOW PIPE FROM KRAEMER EXCAVATING AT A COST OF \$23,500.00; FURTHERMORE, TO BE PAID OUT OF WATER CAPITAL EXPENDITURES BUDGET LINE ITEM #6413. MOTION PASSED 5-0.

F. Installation of Storm Water Pipe at 104 City View Rd

Stueve explained that the property owner at 104 City View Road has a sump pump that runs 24/7. Currently they are running a discharge hose over their grass, over their neighbor's yard, and then into a storm drain in the curb. He stated this not a good solution and becomes an issue making the road icy in the winter. He stated that the homeowner cannot afford to complete the work and is asking for the work to be done and then assessed to their

property taxes. Stueve stated the work will consist of installing a four-inch PVC pipe to the back of a nearby catch basin in the right of way, and run the pipe to her property line, daylighting it so that they can lay their hose into it. Dockendorf stated that the City Attorney advised that an agreement can be drafted as a petition for the improvements. Councilor Hennen stated that the agreement should also specify that the owner will be responsible for the maintenance of improvements.

MOTION WAS MADE BY SCHMITZ, SECONDED BY FALL, TO ACCEPT THE BID FROM KRAEMER EXCAVATING IN THE AMOUNT OF \$3,850.00 BASED ON AN AGREEMENT WITH THE PROPERTY OWNER, THAT THE COST OF THE WORK WILL BE ASSESSED TO THEIR PROPERTY TAXES. MOTION PASSED 5-0.

G. Updates

Stueve stated he would like some guidance on where he can go for quotes on excavation work. He stated that Kraemer Excavating consistently bids on the projects but he wanted to make sure that he is following the law when multiple bids are required for projects that cost over \$25,000. He stated he tries to get local contractors to bid on the work but sometimes they don't respond in a timely manner. The Council agreed to stay with local contractors if possible and if it comes to a situation of a project over \$25,000, where only one bid has been received, as long as the bidding requirements have been met and documented that they are fine with going with the one bid. They also commented that if he wanted to put a list of contractors together for the Council to look at that would be fine.

H. Assessment Hearing Comments

Stueve stated that staff will check on the cones referred to in the assessment hearing to determine if they are city owned or not. He stated that staff will temporarily paint a basic crosswalk stripe before the temperatures drop.

I. Maintenance Shop

Stueve stated that Jerry Haus is working on the bid for the Maintenance Shop. He stated he would have it for the next meeting. Councilor Fall requested that confirmation be obtained on the use of 29-gauge steel.

CITY ENGINEER REPORT

A. 2023 Sanitary Lift Station No. 1 Improvements

Butler stated that the bids for the project were opened on November 1st. He stated that there was an alternate on the bid, which consisted of coating on the existing wet well. He stated after seeing the bids, Public Works decided to forgo the alternate and not have that work done.

MOTION WAS MADE BY HENHEN, SECONDED BY RAMLER, TO APPROVE RESOLUTION NO. 2023-33, A RESOLUTION ACCEPTING THE BIDS AND AWARDING A CONTRACT TO C&L EXCAVATING, INC. FOR THE 2023 SANITARY LIFT STATION NO. 1 IMPROVEMENTS IN THE AMOUNT OF \$1,405,825.00. MOTION PASSED 5-0.

B. 2023 Improvement Project Change Order

Butler explained that this will be the final change order for the project.

MOTION WAS MADE BY SCHMITZ, SECONDED BY FALL, TO APPROVE CHANGE ORDER #3 FOR GRANITE REMOVAL, CONTAMINATED SOIL DISPOSAL, AND DRAIN TILE INSTALLATION ON 5TH AVE N. MOTION PASSED 5-0.

C. Project Updates

Butler stated that the final course of pavement for the 2022 Brewery Improvements will be done next year. He stated that repairs to the BVF tank are ongoing. He stated that punch list items will be completed in the spring for the 2023 Improvements project, including the wear course and railings.

D. Other

Councilor Fall inquired about the recent paving of the trail in Frogtown Park, if there would be additional landscaping done surrounding it. Stueve stated that a mill and overlay was done on the trail today, and staff will be laying some black dirt and sloping up to it.

CITY ADMINISTRATOR REPORT

A. Updates

Dockendorf stated that she has been working on the USDA application for Fire Hall funding. She stated the Senate

Bonding Tour will be coming tomorrow morning. She stated that the City of Richmond approved the police services contract at their last meeting. She stated that the parking lot improvements are being pushed to spring and that she has been in contact with Rogge's in regard to it. Dockendorf stated that she is still working on the garbage hauler information. Several members of the Council stated they had trouble getting onto the online training for Diversity, Equity and Inclusion through the League of MN Cities. Dockendorf stated she would check into it.

LIST OF BILLS AND ADDITIONS

MOTION WAS MADE BY RAMLER, SECONDED BY HENNEN, TO REVIEW AND ACCEPT PAYMENT OF THE ACCOUNTS PAYABLE ACCORDING TO THE LIST TOTALING \$1,142,024.37 AND SUPPLEMENTAL LIST TOTALING \$231,327.83 AS PRESENTED BY CITY STAFF. MOTION PASSED 5-0.

GENERAL COMMENTS AND QUESTIONS FROM CITY COUNCIL

Councilor Fall stated that the Ad Hoc Committee will be having a meeting on November 14th at the DEF, to finalize the Lunch and Learn event they will be hosting on Saturday, December 2nd at noon on the early history of Indigenous people that lived in and around Cold Spring.

ADJOURN

MOTION WAS MADE BY SCHMITZ, SECONDED BY HENNEN, TO ADJOURN AT 6:50 P.M. SEEING NO FURTHER BUSINESS TO COME BEFORE THE CITY COUNCIL. MOTION PASSED 5-0.

David Heinen, Mayor

Kris Dockendorf, City Administrator