

## **TUESDAY, FEBRUARY 27, 2018 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. Others present: Brigid Murphy, Jon Stueve, Lon Negen, Lindsey Sand, Dan Weber, Brian Lintgen, Cliff Johnson, Vicky Fall, Jason Spoden and Angie Mueller.

### **OPEN PUBLIC FORUM**

Cliff Johnson, President of the Cold Spring Area Historical Society explained that they would be hosting the Chamber After Hours event on March 1<sup>st</sup> at the DEF.

### **APPROVAL OF THE AGENDA**

MOTION WAS MADE BY MILLER, SECONDED BY KNAPP, TO APPROVE THE AGENDA OF THE FEBRUARY 27, 2018 CITY COUNCIL MEETING. MOTION PASSED 5-0.

### **CONSENT AGENDA**

- A. Minutes – February 13, 2018 and Special Meeting February 21, 2018
- B. Resolution No. 2018-08, Accepting a Gift from Cold Spring Granite Company
- C. One Day Bingo License, Rocori Senior Center

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

### **COLD SPRING FIRE DEPARTMENT RELIEF ASSOCIATION APPOINTMENTS**

MOTION WAS MADE BY SCHMITZ, SECONDED BY MILLER, TO RATIFY THE DECEMBER 26, 2017 APPOINTMENT OF JON DOUVIER AS PRESIDENT, DUANE KRUEGER AS SECRETARY AND ADAM LUBBERS AS TRUSTEE AND TO RATIFY THE DECEMBER 27, 2016 APPOINTMENT OF ADAM DULLINGER AS VICE PRESIDENT, BRIAN PETERS AS TREASURER, AND MATT HESSE AS TRUSTEE OF THE COLD SPRING FIRE DEPARTMENT RELIEF ASSOCIATION. MOTION PASSED 5-0.

### **AUTHORIZE INCREASE IN FIREFIGHTER PAY**

MOTION WAS MADE BY THEISEN, SECONDED BY MILLER, TO APPROVE AN INCREASE IN PAY FOR FIREFIGHTERS FROM \$11.00 PER HOUR TO \$11.25 PER HOUR, EFFECTIVE DECEMBER 1, 2017; FURTHERMORE, TO ACKNOWLEDGE THAT THIS INCREASE IS IN ACCORDANCE WITH THE 2018 BUDGET. MOTION PASSED 4-0. COUNCILOR SCHMITZ ABSTAINED DUE TO BEING A MEMBER OF THE COLD SPRING FIRE DEPARTMENT.

### **AUTHORIZE INCREASE IN PAY FOR THE FIRE CHIEF, ASSISTANT CHIEF AND LIEUTENANT**

Fire Chief Dan Weber explained that there was an oversight and the authorization to increase the pay was intended to be approved last year. He added that they have responded to 110 calls since December 1, 2017. MOTION WAS MADE BY KNAPP, SECONDED BY THEISEN, TO APPROVE AN INCREASE IN PAY FOR FIRE CHIEF FROM \$4,000.00 TO \$4,500.00 PER YEAR; TO INCREASE THE PAY FOR THE ASSISTANT FIRE CHIEF FROM \$1,500.00 TO \$2,000.00 PER YEAR, AND TO INCREASE THE PAY FOR THE LIEUTENANT FROM \$600.00 TO \$800.00 PER YEAR, EFFECTIVE DECEMBER 1, 2017; FURTHERMORE, TO ACKNOWLEDGE THAT THIS INCREASE IS IN ACCORDANCE WITH THE 2018 BUDGET. MOTION PASSED 5-0.

### **FIRE AND RESCUE DEPARTMENT APPROVALS**

MOTION WAS MADE BY KNAPP, SECONDED BY MILLER, TO APPROVE THE RESULTS OF THE NOVEMBER 28, 2017 FIRE DEPARTMENT ELECTION OF DAN WEBER AS FIRE CHIEF AND ADAM LUBBERS AS SECRETARY. MOTION PASSED 5-0.

**RESOLUTION NO. 2018-09, A RESOLUTION APPROVING OF A SPECIAL USE PERMIT FOR ASSUMPTION HOME**

Lindsey Sand from Assumption Home, Inc. along with Lon Negen from Negen Architects, explained that Assumption Home is planning an expansion to the nursing home facility to add 28 memory care units. A special use permit is required to allow for an addition to the multi-family residential campus, which is a special use in the R-3 High Density Residential District. Murphy added that the Planning Commission had reviewed the request and recommended approval of it.

MOTION WAS MADE BY THEISEN, SECONDED BY MILLER, TO APPROVE RESOLUTION NO. 2018-09, A RESOLUTION APPROVING A SPECIAL USE PERMIT TO ADD A 16,507 SQUARE FOOT ADDITION TO THE ASSUMPTION CAMPUS. MOTION PASSED 5-0.

**ORDINANCE NO. 363, AN ORDINANCE REZONING PROPERTY LOCATED AT 18 8<sup>TH</sup> AVE NORTH**

Sand explained that Assumption Home, Inc. had purchased the property located at 18 8<sup>th</sup> Avenue North and intends to use it for a parking lot. The property is currently zoned R-1 Low Density Residential and they are requesting to have it rezoned to R-3 High Density Residential, with multi-family designation.

MOTION WAS MADE BY MILLER, SECONDED BY KNAPP, TO APPROVE ORDINANCE NO. 363 REZONING LOTS LOCATED AT 18 8<sup>TH</sup> AVENUE NORTH FROM R-1 LOW DENSITY RESIDENTIAL TO R-3 HIGH DENSITY RESIDENTIAL. MOTION PASSED 5-0.

**RESOLUTION NO. 2018-10, A RESOLUTION DECLARING THE SUFFICIENCY OF A PETITION TO VACATE A PORTION OF FIRST STREET NORTH**

Murphy explained that she had received a petition from Assumption Home Inc. and Independent School District No. 750 to vacate the last portion of 1<sup>st</sup> Street North, between 8<sup>th</sup> Avenue North and the previously vacated 1<sup>st</sup> Street North. Murphy explained that the area is approximately 180 feet of road. She stated that a public hearing is required for the vacation request and is scheduled for the second meeting in March.

MOTION WAS MADE BY THEISEN, SECONDED BY SCHMITZ, TO APPROVE RESOLUTION NO. 2018-10, A RESOLUTION DECLARING THE SUFFICIENCY OF A PETITION TO VACATE A PORTION OF 1<sup>ST</sup> STREET NORTH AND TO SET A PUBLIC HEARING ON MARCH 27, 2018 TO CONSIDER THE PETITION. MOTION PASSED 5-0.

**ESTOPPEL CERTIFICATE REGARDING SOLAR GARDEN SUBSCRIPTION AGREEMENT WITH SUNSHARE LLC**

Murphy explained that the entity that is financing Sunshare LLC, requested that an agreement be signed to say that the City has no pending claim against Sunshare or the company that bought out Sunshare. She added that the City Attorney requested revisions to the original agreement, which have been made in the agreement presented.

MOTION WAS MADE BY KNAPP, SECONDED BY MILLER, TO APPROVE AUTHORIZING THE MAYOR TO SIGN THE ESTOPPEL CERTIFICATE REGARDING THE SOLAR GARDEN SUBSCRIPTION AGREEMENT THE CITY ENTERED WITH SUNSHARE LLC. MOTION PASSED 5-0.

**PUBLIC WORKS DIRECTOR REPORT**

**A. Well #7**

Stueve stated that drilling started today and they reached 60 feet in depth and found sand and gravel. He added that the other well in that location is at a depth of 100 feet. He added that Stantec has submitted a bid for the scoping and design work for Well #7, with the design portion estimated to cost \$32,250.

MOTION WAS MADE BY KNAPP, SECONDED BY THEISEN, TO APPROVE THE BID FOR SCOPING AND DESIGN FROM STANTEC FOR THE DESIGN OF WELL #7. MOTION PASSED 5-0.

**B. Water Update**

Stueve reported that bids have been requested from three companies for the control panel for the new well. He stated that the bids will likely be between \$50,000 and \$60,000. He stated that he would like move forward with the low bid as soon as possible to order the control panel since each day is crucial in the timeline.

MOTION WAS MADE BY MILLER, SECONDED BY KNAPP, TO APPROVE THE LOW BID FOR THE CONTROL PANEL FOR THE NEW WELL. MOTION PASSED 5-0.

**C. Implementation Grant**

Stueve stated that he has submitted reimbursement to the Minnesota Department of Health for the costs for the water festival and the hazardous spill response training class.

**D. Nitrate Levels in Well #4**

Stueve explained how the water from Wells 4, 5 and 6 are blended before they reach the distribution system first users. He stated that Well #4 has exceeded the levels of nitrates and the Department of Health will be sending out a letter to residents to let them know about the test results. He stressed that the water is safe to drink because it gets blended.

**CITY ENGINEER REPORT**

**A. CSAH 2 Appeal Update**

Lintgen reported that they are finalizing the appeal to the Petro Fund and that it has a deadline of mid-March.

**B. Alexander Park Update**

Lintgen stated that he is getting the homework items to the committee members for them to work on ahead of time to improve efficiency with the landscape architect.

**CITY ADMINISTRATOR REPORT**

**A. Update on Discussion Regarding Fire Service Contract with Townships**

Murphy stated that at the workshop meeting the Council declined using the proposed formula that was presented by the townships. She stated that the contract the Council had endorsed was shared with the townships, and they were in general agreement that it was a better formula to what is currently used. She stated that additional items will still need to be worked out in March including a phase in period for the new contract.

**B. Amend Request to Change Address of the Cold Spring Brewing Company Building within the Business Park**

Murphy stated that after the Council had approved the address change for the Brewery, the Brewery learned that their permit with the Department of Agriculture is under the address of 115 11<sup>th</sup> Street NE. It would be difficult to change the permit forms so instead they are asking for an additional change for their buildings in the Business Park.

MOTION MADE BY SCHMITZ, SECONDED BY MILLER, TO APPROVE CHANGING THE BUILDING NUMBER FROM 107 TO 115 AND MAINTAINING THE SUITE DESIGNATIONS FOR THE COLD SPRING BREWING COMPANY PROPERTY LOCATED IN THE COLD SPRING BUSINESS PARK. MOTION PASSED 5-0.

**UPDATE ON COMMITTEES**

**A. Planning Commission**

Councilor Miller stated that they reviewed the requests from Assumption Home, Inc. for the special use permit and rezoning. She stated they have been continuing their discussion the calculation for the allowed size for attached garages for two story homes.

**B. EDA**

Councilor Theisen stated they elected officers at their last meeting and discussed the one and five-year plans.

**C. Park Board**

Councilor Schmitz explained that Wayne Cymbaluk was elected as chairman and that Shannon Smith was recommended to be appointed to the board. He added that they are planning a spring walk through the parks.

D. Rocori Trail Construction Board and Heritage Preservation Board  
Murphy reported that neither of these boards met this month.

**LIST OF BILLS AND ADDITIONS**

MOTION WAS MADE BY THEISEN, SECONDED BY MILLER, TO REVIEW AND ACCEPT THE PAYMENT OF THE ACCOUNTS PAYABLE ACCORDING TO THE LIST TOTALING \$90,682.60 AND SUPPLEMENTAL LIST TOTALING \$7,490.34 PRESENTED BY CITY STAFF. MOTION PASSED 5-0.

**ADJOURN**

MOTION WAS MADE BY SCHMITZ, SECONDED BY KNAPP, TO ADJOURN AT 7:05 P.M., SEEING NO FURTHER BUSINESS TO COME BEFORE THE CITY COUNCIL. MOTION PASSED 5-0.

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Dave Heinen, Mayor

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Brigid Murphy, City Administrator