

TUESDAY, APRIL 28, 2020 COLD SPRING CITY COUNCIL MEETING 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 Shannon Miller and Jamie Knapp. Council members present by phone: Gary Theisen and Doug Schmitz. Absent: none. Others present: Brigid Murphy, Jon Stueve, Doug Boser, Mike St. Martin, Jan Schmitz, Jim Schmitz, Cyril Erkens, Chad Feigum, Marlene Dingmann, Gordon Schlichting, and Angie Mueller. Also present by video/phone: Jason Blum, Brian Lintgen, Jim Schleper, Jeff Kraemer, Sue Dege, Scott Bender, Leslie Dingmann, Dave Dingmann, Tom McCary, Tom Goodrum, and Larry Hosch.

OPEN PUBLIC FORUM

Cyril Erkens, 14466 248th Street and Wakefield Township Board Supervisor spoke about the Brewery's willingness to address light and noise concerns that residents on 241st Street had when the Brewery initially expanded in the Business Park. He stated that he hoped for the same results if there are similar concerns from property owners on the east side of Co Rd 2 near the proposed warehouse addition.

Gary Schlichting, 24306 Co Rd 2, spoke about his concerns about the Brewery's warehouse project and letter which he received about it that he felt didn't explain the project in detail. He stated his concerns about lights, truck noise, including backing of trucks and door slams and traffic conditions. He stated that the suggestions they provided at the Planning Commission meeting of creating a berm or flipping the orientation of the building were met with opposition. He explained that they had planted 150 trees years ago and that the trees have not muffled the noise.

Marlene Dingmann, 24306 Co Rd 2, spoke about her concerns about the project too. She stated she did not feel like enough was done to make the public aware of the project. She stated her concerns about truck headlights, noise not being mitigated and that her concerns should be addressed now, not after the warehouse is built.

APPROVAL OF THE AGENDA

MOTION WAS MADE BY KNAPP, SECONDED BY MILLER, TO APPROVE THE AGENDA OF THE APRIL 28, 2020 CITY COUNCIL MEETING AS PRESENTED. ROLL CALL VOTE, AYES – HEINEN, KNAPP, MILLER, SCHMITZ AND THEISEN. NAYES - NONE. MOTION PASSED UNANIMOUSLY.

CONSENT AGENDA

A. Minutes – April 14, 2020 Regular Meeting Minutes

B. Approval of Annual Liquor Licenses – TO APPROVE THE FOLLOWING 2020 LICENSES: **ON-SALE INTOXICATING LIQUOR LICENSES** FOR THE SIDE BAR, GREAT BLUE HERON, GRUMPY'S, WINNERS SPORTS BAR AND GRILL, AND RIVER OAKS; **CLUB ON-SALE LIQUOR LICENSE** FOR THE AMERICAN LEGION; **SUBSIDIARY OFF-SALE INTOXICATING LIQUOR LICENSES** FOR THE SIDE BAR, GREAT BLUE HERON, GRUMPY'S, AND WINNERS SPORTS BAR AND GRILL; **FREE-STANDING OFF-SALE INTOXICATING LIQUOR LICENSES** FOR TEALS LIQUOR AND KIESS LIQUOR; **SUNDAY LIQUOR LICENSES** FOR THE SIDE BAR, GREAT BLUE HERON, GRUMPY'S, WINNERS SPORTS BAR AND GRILL, AMERICAN LEGION, RIVER OAKS, COLD SPRING BREWING CO., COLD SPRING LANES, AND MARNANTELI'S; **ON-SALE BREWER'S TAPROOM LICENSE** FOR COLD SPRING BREWING CO.; **ON-SALE INTOXICATING MALT LIQUOR LICENSE** FOR COLD SPRING BASEBALL ASSOCIATION.; **2:00 A.M. LICENSE** FOR WINNERS SPORTS BAR AND GRILL; **WINE LICENSES** FOR COLD SPRING BOWLING LANES AND MARNANTELI'S; **ON-SALE 3.2 LIQUOR LICENSES** FOR COLD SPRING LANES AND MARNANTELI'S; **OFF-SALE 3.2 LIQUOR LICENSE** FOR SUPERAMERICA; AND **BOTTLE CLUB LIQUOR LICENSE** FOR COLD SPRING LANES; FINALLY, TO APPROVE THE 2020 **TOBACCO LICENSES** FOR GRUMPY'S, TEALS LIQUOR, TEALS MARKET, KIESS BROS. INC, KIESS LIQUOR, INC., SUPERAMERICA, AND HOLIDAY.

MOTION WAS MADE BY KNAPP, SECONDED BY SCHMITZ, TO APPROVE THE CONSENT AGENDA AS PRESENTED. ROLL CALL VOTE, AYES – HEINEN, KNAPP, MILLER, SCHMITZ, AND THEISEN. NAYES – NONE. MOTION PASSED UNANIMOUSLY.

RESOLUTION NO. 2020-19, A RESOLUTION APPROVING THE PRELIMINARY AND FINAL PLAT OF DM DINGMANN PLAT- INVENTURE PROPERTIES, LLC; CJK INVESTMENTS, LLC AND SPRING HILL CAPITAL, LLC

Murphy explained several conditions noted on the resolution. The first is that the field access to 248th Street is removed from the plat and that no access is granted until a road agreement is in place. Secondly, the 30-foot easement for the sewer main along the west property line must be shown on the plat as a dedicated easement. Thirdly, a reduction in the parkland dedication fee based only on the building’s square footage which would equal an amount of \$45,080.00.

MOTION WAS MADE BY KNAPP, SECONDED BY THEISEN, TO APPROVE RESOLUTION NO. 2020-19, A RESOLUTION APPROVING THE PRELIMINARY AND FINAL PLAT FOR DM DINGMANN PLAT. ROLL CALL VOTE, AYES – HEINEN, KNAPP, MILLER, SCHMITZ, AND THEISEN. NAYES – NONE. MOTION PASSED UNANIMOUSLY.

WAREHOUSE SITE PLAN AGREEMENT PROPOSAL

Doug Boser from Inventure Properties, representing the project stated that they want to be good neighbors to the other property owners and that forklifts operating, and door slams are a nature of their business. Murphy stated that Sue Dege is drafting the proposed agreement.

MOTION WAS MADE BY MILLER, SECONDED BY THEISEN, TO AUTHORIZE THE MAYOR AND CITY ADMINISTRATOR TO SIGN AN ESCROW ACCOUNT AGREEMENT WITH THE WAREHOUSE DEVELOPER FOR NUISANCE MITIGATION WITH SPECIFIC TERMS OF \$25,000 AND FIVE YEARS AFTER THE CERTIFICATE OF OCCUPANCY. MOTION WAS LATER WITHDRAWN FROM BOTH MILLER AND THEISEN.

In further discussion, Council was concerned about the proposed amount of \$25,000 in the escrow account and if it would run out quickly. After further discussion, Tom McCary from Scannell stated they would be willing to increase the amount to \$40,000. Trees and fencing were discussed as possible ways to mitigate noise and lights concerns that neighboring property owners mentioned.

MOTION WAS MADE BY MILLER, SECONDED BY KNAPP, TO AUTHORIZE THE MAYOR AND CITY ADMINISTRATOR TO SIGN AN ESCROW ACCOUNT AGREEMENT WITH THE WAREHOUSE DEVELOPER FOR NUISANCE MITIGATION WITH SPECIFIC TERMS OF \$40,000 AND FIVE YEARS AFTER THE CERTIFICATE OF OCCUPANY. ROLL CALL VOTE, AYES – HEINEN, KNAPP, MILLER, SCHMITZ AND THEISEN. NAYES – NONE. MOTION PASSED UNANIMOUSLY.

RESOLUTION NO. 2020-20, A RESOLUTION APPROVING A VARIANCE FROM THE SECTION 17, SUBDIVISION 12 OFF-STREET PARKING AND LOADING – INVENTURE PROPERTIES, LLC; CJK INVESTMENTS, LLC AND SPRING HILL CAPITAL, LLC, SCANNELL PROPERTIES

MOTION WAS MADE BY KNAPP, SECONDED BY THEISEN, TO APPROVE RESOLUTION NO. 2020-20, A RESOLUTION APPROVING A VARIANCE FROM SECTION 17, SUBDIVISION 12, OFF-STREET PARKING AND LOADING REQUIREMENTS FOR A WAREHOUSE. ROLL CALL VOTE, AYES – HEINEN, KNAPP, MILLER, SCHMITZ AND THEISEN. NAYES – NONE. MOTION PASSED UNANIMOUSLY.

REQUEST FOR APPROVAL FOR THE CONSTRUCTION OF A 39-FOOT-HIGH BUILDING IN THE I-2 GENERAL INDUSTRIAL DISTRICT

Murphy explained that the Planning Commission and the Fire Chief had reviewed the request and were recommending approval.

MOTION WAS MADE BY SCHMITZ, SECONDED BY THEISEN, TO APPROVE THE CONSTRUCTION OF A 39-FOOT-HIGH BUILDING IN THE I-2 GENERAL INDUSTRIAL DISTRICT. ROLL CALL VOTE, AYES – HEINEN, KNAPP, MILLER, SCHMITZ AND THEISEN. NAYES – NONE. MOTION PASSES UNANIMOUSLY.

PUBLIC WORKS DIRECTOR REPORT

A. Award DRSC Concrete Co. Inc. Bid for Concrete on the Promenade Fishing Pier

Stueve explained that the concrete fishing pier is a unique project and that not many concrete contractors are willing to take on the project since it is right next to the river. Stueve explained that he had priced out maintenance free composite decking material for the fence on the fishing pier which came to approximately \$8,000. He stated that the cost of fencing to match the rest of Alexander Park and Granite Landing would be double that amount. The Council stated they would like to see bids for both types of fencing and options for funding it since there will be a budget shortfall for fencing costs.

MOTION WAS MADE BY THEISEN, SECONDED BY KNAPP, TO APPROVE THE BID OF DRSC CONCRETE COMPANY INC OF \$21,500.00 FOR THE CONCRETE ON THE PROMENADE FISHING PIER AND FURTHERMORE, TO BE PAID OUT OF THE PARKS DEPARTMENT BUDGET LINE ITEM CAPITAL EXPENDITURES #6413. ROLL CALL VOTE, AYES – HEINEN, KNAPP, MILLER, SCHMITZ AND THEISEN. NAYES – NONE. MOTION PASSED UNANIMOUSLY.

B. Pump for Well #5

Stueve explained that a new pump was urgently needed for Well #5 and that the cost for it would be around \$4,000-\$5,000. He stated that a larger pump was installed with 30 HP motor to provide 500 gallons per minute.

CITY ENGINEER REPORT

A. County Road 158/1st Street South Update

Lintgen stated the project has started on the east end of the project and is ahead of schedule.

B. Water Treatment Plant Update

Lintgen explained they are still having meetings to discuss the plant and design.

C. Wells 8 & 9

Lintgen explained the first well has been drilled and they will be starting on the second one shortly. He stated then they will begin the process of test pumping to see the output of the wells.

D. Wells 8 & 9 Watermain

Lintgen explained that they have fused pipe for directional drilling under the wetland. He stated pipe work will begin next week and by the end of May the pipe should be completely installed.

E. Wells 8 & 9 Pumps, Controls, Overhead Power and Roadway

Lintgen explained that once the output of the wells is determined, the design can be finished and be ready for bid in June or July.

F. Change Orders for Drilling Wells 8 & 9 and Watermain for Wells 8 & 9

Lintgen explained that change orders add prevailing wage requirements to the contract in order to comply with funding requirements from DEED. He reminded the Council that the City received a grant in the

amount of \$951,000 from DEED for these two projects. He clarified that the low bidders for the project were still the low bidders after adding in the change orders for prevailing wages.

MOTION WAS MADE BY KNAPP, SECONDED BY MILLER, TO APPROVE CHANGE ORDER NO. 2. ROLL CALL VOTE, AYES – HEINEN, KNAPP, MILLER, THEISEN, AND SCHMITZ. NAYES – NONE. MOTION PASSED UNANIMOUSLY.

MOTION WAS MADE BY KNAPP, SECONDED BY THEISEN, TO APPROVE CHANGE ORDER NO. 1. ROLL CALL VOTE, AYES – HEINEN, KNAPP, MILLER, THEISEN, AND SCHMITZ. NAYES – NONE. MOTION PASSED UNANIMOUSLY.

G. Sanitary Sewer and Water System Improvements

Lintgen explained that design work is underway. He stated a massive locate was called in to determine the best route along Co Rd 2 to install pipes. He stated the timeline would be to start the project first thing in 2021.

POLICE DEPARTMENT REPORT

A. Part-Time Officer Discussion

Chief Blum discussed bolstering the departments roster to add back previous part-time officers to provide more options for filling the schedule if a staffing shortage would occur during the pandemic. He stated that there are currently three part-time officers and in the past, there have been up to six. The Council was supportive of going in that direction. He stated that there was for sure one officer that was interested in it and would bring a recommendation to the next meeting.

LIST OF BILLS AND ADDITIONS

MOTION WAS MADE BY SCHMITZ, SECONDED BY KNAPP, TO REVIEW AND ACCEPT PAYMENT OF THE ACCOUNTS PAYABLE ACCORDING TO THE LIST TOTALING \$126,772.56 AND SUPPLEMENTAL LIST TOTALING \$5,783.19 AS PRESENTED BY CITY STAFF. ROLL CALL VOTE, AYES – HEINEN, KNAPP, MILLER, SCHMITZ AND THEISEN. NAYES – NONE. MOTION PASSED UNANIMOUSLY.

ADJOURN

MOTION WAS MADE BY KNAPP, SECONDED BY MILLER, TO ADJOURN AT 7:40 P.M., SEEING NO FURTHER BUSINESS TO COME BEFORE THE CITY COUNCIL. ROLL CALL VOTE, AYES – HEINEN, KNAPP, MILLER, SCHMITZ AND THEISEN. NAYES – NONE. MOTION PASSED UNANIMOUSLY.

David Heinen, Mayor

Brigid Murphy, City Administrator