

TUESDAY, AUGUST 28, 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, Brian Lintgen, Jon Stueve, Tammy Paczkowski, Chuck Krebsbach, Marv Mueller, Connie Mueller, Chris Virta, Brenda Weller, Connie Schmoll, Ron Fischer, Jason Blum, Dan Soldner, Jim Kraemer, Dale Kremers, Abigail Lundstrom, Fran Ramler, Deb Ramler, Dan Lepinski, Scott Knudson, Jennifer Knudson, Justin Nelson and Angie Mueller.

OPEN PUBLIC FORUM

Chuck Krebsbach requested that the minutes from the Special Meeting on August 16th be removed from the consent agenda and modified to properly reflect that the Council indicated they wanted a cost estimate to be provided for the plan Krebsbach presented at the meeting.

APPROVAL OF THE AMENDED AGENDA

MOTION WAS MADE BY MILLER, SECONDED BY KNAPP, TO APPROVE THE AMENDED AGENDA AS PRESENTED OF THE AUGUST 28, 2018 CITY COUNCIL MEETING. MOTION PASSED 5-0.

CONSENT AGENDA

A. Minutes – August 7, 2018 and August 16, 2018

B. One-Day Gambling License, Nicholas P. Koenig HERO Foundation

MOTION WAS MADE BY SCHMITZ, SECONDED BY KNAPP, TO REMOVE THE MINUTES OF THE AUGUST 16, 2018 SPECIAL MEETING FROM THE CONSENT AGENDA. MOTION PASSED 5-0.

MOTION WAS MADE BY KNAPP, SECONDED BY MILLER, TO APPROVE THE CONSENT AGENDA AS AMENDED. MOTION PASSED 5-0.

SPECIAL MEETING MINUTES – AUGUST 16, 2018

MOTION WAS MADE BY SCHMITZ, SECONDED BY THEISEN, TO AMEND THE MINUTES OF THE SPECIAL MEETING ON AUGUST 16, 2018, TO INCLUDE THE CITY COUNCIL'S REQUEST FOR MURRAY MACK TO PROVIDE A COST ESTIMATE FOR THE PLAN PRESENTED BY CHUCK KREBSBACH. MOTION PASSED 5-0.

RESOLUTION NO. 2018-22, A RESOLUTION APPROVING THE ISSUANCE AND SALE OF HEALTH CARE FACILITY BONDS

Chris Virta with Fryberger Law Firm, the City's Bond Counsel, stated that federal law requires a public hearing be held for the issuance of conduit bonds and that Council must approve the process. The borrower, Assumption Home Inc. was represented by Brenda Weller, who explained that the bonds would be used for the construction of a new memory care unit for the existing nursing home.

MOTION WAS MADE BY SCHMITZ, SECONDED BY KNAPP, TO APPROVE RESOLUTION NO. 2018-22, A RESOLUTION APPROVING THE ISSUANCE AND SALE OF HEALTH CARE FACILITY BONDS. MOTION PASSED 5-0.

QUIT CLAIM DEED- ASSUMPTION HOME, INC.

Brenda Weller from Assumption Home, Inc. explained that this request relates to the construction project they will be undertaking. She stated that Assumption owns a vacant lot to the west of their current facility, and their title company is requesting that Assumption home provide a ten foot utility easement to the City, along the westerly lot line of the vacant lot.

MOTION WAS MADE BY THEISEN, SECONDED BY KNAPP, TO APPROVE ACCEPTANCE OF THE QUIT CLAIM DEED FROM ASSUMPTION HOME FOR A TEN FOOT UTILITY EASEMENT ON THE WESTERLY LINE OF LOT 7, BLOCK 8, MEADOW VIEW ADDITION. MOTION PASSED 5-0.

HIGHWAY 23 COALITION MEMBERSHIP RENEWAL

Connie Schmoll from the Highway 23 Coalition presented the Council with an update of the group's efforts and achievements over the last year. She stated that their success has been positively impacted by the support of businesses and other committee members. She explained through the Coalitions efforts during the 2018 legislative session, \$105 million in Corridors of Commerce funding has been approved to complete the two, four-lane gaps between Willmar and I-94, which is projected to be started in four years.

MOTION WAS MADE BY MILLER, SECONDED BY THEISEN, TO APPROVE RENEWING THE CITY OF COLD SPRING'S 2019 SUPPORT OF THE HIGHWAY 23 COALITION AT THE ADVOCATE LEVEL OF \$1,500. MOTION PASSED 5-0.

RESOLUTION NO. 2018-23, A RESOLUTION GRANTING A VARIANCE FROM THE 24 FOOT MAXIMUM WIDTH CURB CUT FOR MARV AND CONNIE MUELLER

Marv Mueller explained that the Planning Commission had reviewed the request and recommended approval of the variance due to the hardship of inconsistency enforcement of the driveway width zoning ordinance. Councilor Miller recommended that the Muellers submit a driveway permit application and pay the fee along with the penalty fee for the permit, due to a permit not being obtained for the portion of the driveway that was added.

MOTION WAS MADE BY THEISEN, SECONDED BY KNAPP, TO APPROVE RESOLUTION NO. 2018-23, A RESOLUTION APPROVING A VARIANCE FROM THE 24 FOOT MAXIMUM CURB CUT FOR MARV AND CONNIE MUELLER. MOTION PASSED 4-1. MAYOR HEINEN OPPOSED.

DALE KREMERS ZONING ISSUE

Dale Kremers explained that he is a property owner of land on Rookery Drive and he inquired about the process for determining which building permits are issued and how they are issued. Murphy stated that building permits are reviewed for zoning compliance by City staff. Kremers inquired about a house that was moved in onto property on Rookery Drive and felt that it did not comply with zoning regulations. Murphy stated that when the permit was reviewed by City staff it met the zoning requirements. Kremers stated that the house that was moved in has a 4:12 pitch roof and therefore it does not comply. He stated City staff had told him, he was required to have a 6:12 roof pitch, brick and a required square footage. Murphy stated that she did not believe that was a City requirement, but that she could review the situation. Murphy explained that what Kremers could be speaking about is a covenant restriction and the City does not enforce development covenants. Justin Nelson inquired about the process of enforcing covenants and Murphy instructed him that would be a civil action between the development homeowners and the builder of the home.

EDA UPDATE ON REVOLVING LOAN

Jim Kraemer, President of the EDA gave the Council an update on the Revolving Loan Fund Program. He explained that recently DEED loosened the restrictions on how the proceeds from the Brewery Loan can be used. He provided a list of suggestions that the EDA had come up with for the use of the funds which is around \$110,000. That list included additional contract time in 2019 with CEDA for the EDA consultant, grants for local businesses, and paying down the EDA debt on the Business Park.

PUBLIC HEARING FOR RESOLUTION NO. 2018-22

Mayor Heinen explained that a public hearing is required for Resolution No. 2018-22, for the issuance and sale of Health Care Facility bonds. He opened the public hearing at 7:00 p.m. He called three times for public comments or questions. After hearing none he closed the public hearing at 7:01 p.m.

LOGO CONTEST

Murphy presented the modifications the Council had requested to the two logos that were identified as finalists for the contest. The Council indicated they preferred the design with the word Cold Spring spelled out. This design was submitted by Abi Lundstrom, who was present and then provided an explanation of her design.

MOTION WAS MADE BY SCHMITZ, SECONDED BY MILLER, TO APPROVE THE NEW CITY LOGO TO BE THE LOGO WITH THE WORD COLD SPRING, WITH THE DOT OF THE "I" BEING A BASEBALL.

MOTION PASSED 5-0.

PUBLIC WORKS DIRECTOR REPORT

A. Hydrant Flushing

Stueve explained that the hydrant flushing process has been completed and offered tips for homeowners to use to clear their individual service lines.

B. Well No. 7 Update

Stueve stated that the motor for the pump on Well No. 7 has burned out again. He stated that the pump manufacturer and sales company along with other staff will be coming out to meet and discuss the issue to figure it out.

CITY ENGINEER REPORT

A. North Pointe 5

Lintgen explained that sidewalks are being poured and should be finished up by the following week.

B. Safe Routes to School

Lintgen stated that he is getting comments back from state and federal agencies and will be continuing to advance the environmental document.

C. Water Treatment Plant

Lintgen stated staff has met with a vendor to discuss biological nitrate removal and has determined that it would be a good fit for our plant. He stated that staff will be touring other water plants to view piping, pumps and material to determine the important elements of where to spend the funding dollars as wisely as possible to keep the cost estimates under \$4 million.

D. Alexander Park

Lintgen stated that the general layout master plan presented has been provided to Planning Commission and Park Board. Murphy stated that the Splash Pad Committee would be seeing the plan at their meeting later this week.

POLICE DEPARTMENT REPORT

A. Resignation of Part-Time Police Officer Ryan Schaefer

Chief Blum explained that Ryan Schaefer had submitted a letter of resignation. He explained that Officer Schaefer had worked for Cold Spring for three year and recently had been hired full-time by another agency.

MOTION WAS MADE BY SCHMITZ, SECONDED BY THEISEN, TO ACCEPT THE RESIGNATION OF PART-TIME POLICE OFFICER RYAN SCHAEFER AND THANK HIM FOR HIS SERVICE. MOTION PASSED 5-0.

B. Request to Advertise to Fill the Vacant Part-Time Position

Chief Blum stated he would like to advertise and fill the part-time police officer position.

MOTION WAS MADE BY MILLER, SECONDED BY KNAPP, TO APPROVE ADVERTISING TO FILL THE PART-TIME POLICE OFFICER POSITION. MOTION PASSED 5-0.

C. Volunteer Chaplain Program

Chief Blum explained that the Volunteer Chaplain Program is a new program for the department and that a description of the program had been developed and was presented. Chief Blum stated that a background check was completed on the volunteer chaplain.

MOTION WAS MADE BY THEISEN, SECONDED BY MILLER, TO APPROVE THE JOB DESCRIPTION OF THE VOLUNTEER CHAPLAIN PROGRAM. MOTION PASSED 5-0.

D. Introduction of Ronald Fischer – Volunteer Chaplain

Chief Blum introduced Ronald Fischer the Volunteer Chaplain for the department. Chaplain Fischer described his background and experience serving as a Chaplain over the past years.

E. Monthly Reports

Chief Blum provided a report on calls for service for the month of June.

F. FireFest Recap

Chief Blum stated that the Firefest event went well and thanked the local area agencies that assisted with security during the event.

G. National Night Out Recap

Chief Blum stated that there were four events in Cold Spring and one in Richmond to celebrate National Night Out. He stated he thinks that the event is growing and hopes that it continues to grow throughout the future.

H. Speed Truck

Chief Blum stated that if anyone has a recommendation of where to place the speed truck that they should contact the department.

I. Cemetery Vandalism

Chief Blum stated that several graves had ornaments and vases stolen from them at the cemetery. He urged people to keep their eyes open for suspicious activity and to call at any time as there is always an officer on duty.

CITY ADMINISTRATOR REPORT

A. Joint Representation Agreement

Murphy explained that Jovanovich, Kadlec, Athmann Law Firm represents both the City of Cold Spring and the City of Rockville. Murphy explained that both cities are working together to resolve an issue with one of Rockville's significant water and sewer users. She stated that the City Attorney needs to have the presented agreement approved so that they can assist both entities with enforcement issues.

MOTION WAS MADE BY THEISEN, SECONDED BY SCHMITZ, TO APPROVE ENTERING INTO A JOINT REPRESENTATION AGREEMENT WITH THE CITY OF ROCKVILLE AND JOVANOVICH, KADLEC, AND ATHMANN, P.A. MOTION PASSED 5-0.

B. Initiative Foundation Hometown Turnaround

Murphy explained that the City's EDA consultant had applied for and received a grant for the Hometown Turnaround Program. The program consists of a four day visit from Economic Development Consultant Deb Brown, from September 14th through the 18th.

MOTION WAS MADE BY MILLER, SECONDED BY KNAPP, TO APPROVE ACCEPTANCE OF THE HOMETOWN TURNAROUND GRANT FROM THE INITIATIVE FOUNDATION. MOTION PASSED 5-0.

C. Wellhead Protection Issue

Murphy stated that she had received concerns about the Knife River gravel pit off of Co Rd 50 which appears to be located in the City's Wellhead Protection Area. She stated that there has been mining and digging in the pit which could impact the groundwater. She stated she has been in contact with the County and Township regarding the issue and that the City Attorney had sent Knife River a letter about it too.

D. Recap of Space Study Meeting

Murphy stated that Mack was instructed to cost out both plan designs and she will continue to work with him to get cost estimates for Mack's work so that it can be budgeted for 2019.

E. Midco Outage

Murphy stated that a planned service outage will be happening on September 11, 2018 from midnight until 6 a.m. for Midco services.

COMMISSION AND BOARD UPDATE

A. Park Board

Councilor Schmitz stated the Board received a presentation from the Baseball Association about a project they would like to have done in the next year. He stated that they reviewed the Parks Department budget for 2019 and into the future.

B. Planning Commission

Councilor Miller and Mayor Heinen stated they reviewed the variance request for Marv and Connie Mueller. They also discussed the Splash Pad master concept drawing.

C. EDA

Councilor Theisen stated that the EDA had discussed the Revolving Loan fund which Jim Kraemer had already provided a report on.

D. Rocori Trail Construction Board

Councilor Theisen stated they did not meet.

E. Fifth Monday Meeting

Councilor Theisen stated that Michelle Fischbach and Jeff Howe had given a presentation on the political happenings at the legislature. He stated that the Interim Superintendent for Rocori School District had also spoke to the group.

LIST OF BILLS AND ADDITIONS

MOTION WAS MADE BY SCHMITZ, SECONDED BY MILLER, TO REVIEW AND ACCEPT THE PAYMENT OF THE ACCOUNTS PAYABLE ACCORDING TO THE LIST TOTALING \$274,402.66 AND SUPPLEMENTAL LIST TOTALING \$5,511.52 PRESENTED BY CITY STAFF. MOTION PASSED 5-0.

CLOSED MEETING

Mayor Heinen stated that pursuant to Minnesota Statute 13D.05 Subdivision 2(3) and (4) the meeting would be closed at 7:32 p.m.

OPEN MEETING

Mayor Heinen re-opened the meeting at 7:41 p.m. and stated that information had been received by Council and no action was taken.

ADJOURN

MOTION WAS MADE BY SCHMITZ, SECONDED BY MILLER, TO ADJOURN AT 7:42 P.M., SEEING NO FURTHER BUSINESS TO COME BEFORE THE CITY COUNCIL. MOTION PASSED 5-0.

Dave Heinen, Mayor

Brigid Murphy, City Administrator