

MONDAY, OCTOBER 27, 2014 COLD SPRING CITY COUNCIL MINUTES

Mayor Doug Schmitz called the meeting to order at 6:30 p.m. The following members were found to be present: Mayor Doug Schmitz and Council Members Jan Dingmann, Fran Ramler, and Dave Stadther. Absent: Bob Thelen. Others present: Paul Hetland, Chris Boucher, Brian Lintgen, Dan Kron, Chad Vogt, Dan Steil, Erin Trisko, Nate Sauer, Jeff Illies, Kurt Hemmesch, Lance Weber, Elaine Kalthoff, Russ Kalthoff, Heidi Stalboerger, Jodi Teich, Susan Sauer, Curt Sauer, Geoff Martin, Jeff Miller, Gary Theisen, George Schnepf, Angie Mueller, Chad Middendorf, Mary Kiess, Mike Guggenberger, Kris Dockendorf, Paul Hoeschen, Dave Hinkemeyer, Ann Harren, Kelly Warren and Rick Bohannon.

APPROVAL OF THE AGENDA

MOTION WAS MADE BY RAMLER, SECONDED BY DINGMANN, TO APPROVE THE AGENDA OF THE OCTOBER 27, 2014 CITY COUNCIL MEETING. MOTION PASSED 4-0.

CONSENT AGENDA

A. Minutes – October 14, 2014

MOTION WAS MADE BY RAMLER, SECONDED BY STADTHER, TO APPROVE THE MINUTES OF THE OCTOBER 14, 2014 CITY COUNCIL MEETING AS PRESENTED. MOTION PASSED 4-0.

ASSESSMENT SERVICES AGREEMENT

MOTION WAS MADE BY RAMLER, SECONDED BY STADTHER, TO APPROVE THE AGREEMENT FOR PROPERTY ASSESSMENT SERVICES BETWEEN THE COUNTY OF STEARNS AND COLD SPRING CITY. MOTION PASSED 4-0.

TOM FICKER – REQUEST TO MOVE LIGHT TOWER AT BALLPARK

Tom Ficker representative of Cold Spring Area Baseball Inc. (CSABI) presented a request to move a light tower at the Baseball Park. He stated that this light tower blocks the view of the field from the concession stand. He stated that it will cost \$25,000 to move the light tower and that CSABI will be able to pay the City for the cost as soon as an invoice is received.

MOTION WAS MADE BY DINGMANN, SECONDED BY SCHMITZ, TO APPROVE THE ADDITIONAL INVESTMENT TO MOVE THE LIGHT TOWER, FURTHERMORE THAT COLD SPRING BASEBALL INC. WILL PAY THE COST OF MOVING THE LIGHT TOWER AS SOON AS IT IS INVOICED. MOTION PASSED 4-0.

The discussion moved into the funding of the baseball park improvements. It was pointed out that the Council needed to give approval for the improvements for the grandstand. It was noted that the last time the grandstand seating was discussed with the Council it was unknown what type of seating would be used, but since then it was agreed by the Park Board and CSABI that they would use aluminum bench seats. The Council was also requested to give clarification on the funding of the baseball concession stand and party deck improvements. The cost of the improvements for the concession stand/party deck improvements is \$100,000 and the cost for improvements for the grandstand is \$50,000. It was implied that the Council's original intent was to pay a third of the total cost of the combined projects, which totaled \$150,000 and therefore, their contribution would be \$50,000.

MOTION WAS MADE BY STADTHER, SECONDED BY RAMLER, TO APPROVE AND PAY FOR THE COST OF THE GRANDSTAND IMPROVEMENTS AT A COST OF \$50,000, FURTHERMORE THAT THE REST OF THE TOTAL PROJECT IMPROVEMENTS SHALL BE PAID BY COLD SPRING AREA BASEBALL INC. MOTION PASSED 4-0.

JOINT MEETING WITH THE PLANNING COMMISSION, GEOFF MARTIN PRESENTATION ON DOWNTOWN PLANNING

Geoff Martin from Stantec presented the Planning Commission and the City Council with the downtown streetscape concept drawings. He described the process, property owner surveys, goals and objectives, downtown framework plan, state aid design parameters, preliminary streetscape elements and estimates of probable costs for the streetscape improvements along Red River Avenue and Main Street. The designs showed with narrowed streets with bike lanes, widened sidewalks with trees, plant materials, pavements, streetlights, benches, parking buffers, entry monuments, signage and public art. He stated that the estimated costs for streetscaping on Red River Avenue is \$1,523,000 and Main Street is \$871,000. Mike Guggenberger stated that the Preservation Alliance of Minnesota may be able to provide assistance in keeping downtown alive and thriving. Several members of the audience stated their support for the project and desire to get input and support from the entire community. Stearns County Highway officials stated that they had some reservations about the functionality of designs, but they would be reviewing the project in the next coming months and would host an open house early in 2015 to gather public input.

RUSTY FIFIELD PRESENTATION

Rusty Fifield from Northland Securities gave a presentation on the Bond rating and the Municipalities Continuing Disclosure Cooperation Initiatives (MCDC). Fifield described how the City's rating in 2009 was Moody's A3, through a recalibration in 2010, the City's bond rating improved to A1, and in 2014 under the new methodology the rating was downgraded to A3 with a negative outlook. He stated that Moody's concerns with the City's liquidity are one of the main challenges to overcome. He stated that the City has three options, do nothing, sell bonds to local banks, or establish a plan for a rating upgrade. The rating upgrade plan would include increasing the City's tax base, increase overall liquidity, and decrease outstanding interfund receivable amounts. He suggested developing a clear plan to repay the EDA loan and support 2007A Bonds, restoring the general fund balance and improving liquidity. He stated that the plan would need to be adopted by the City Council and progress and commitment will need to be shown. He next explained that the Securities and Exchange Commission have been looking to find bond offering documents that contain materially inaccurate statements about continuing disclosure back to 2004. He stated that Northland Securities has reported 274 issues to the SEC, and does not believe that they contain materially inaccurate statements. He stated these regulations also apply to the issuers, which would be the City. He stated the City will have until December 1, 2014 to determine if it will self-report the three issues that were identified, which are that annual reports were posted past their due dates on the bond issuances on 2010A and 2010B. He stated that the City is not subject to any economic penalty if they do a self-report, although if the enforcement division finds that the reported failure constitutes a materially inaccurate statement there will be requirements the City will need to follow. Fifield stated that the path of least risk is to do the self-report which is a one page form that Northland Securities can provide assistance in completing. The Council requested that this item be added to the November 24th agenda so that it can be decided at that time.

REQUEST FOR ANNEXATION, ERIC LEITHER, 22249 PATCH LAKE RD, PID 36.24024.0004

Eric Leither explained that he recently purchased 22249 Patch Lake Road located in Wakefield Township and their private well is severely underperforming, resulting in them trucking water in to supply their home with adequate water. He stated that all other options for water have been exhausted and as a result they would like to be annexed into the City to connect to the City water service. Hetland stated that since the Leither's property is contiguous to City that an annexation could be considered. He stated a petition for annexation would need to be signed by the Leither's and that all annexation costs would be their responsibility, in addition to the water and sewer connection fees. Schmitz suggested that an indemnity agreement be drafted in the meantime to protect the City, should Leither decide to start excavating on his property before the annexation is completed.

MOTION WAS MADE BY DINGMANN, SECONDED BY STADTHER, TO HOLD A PUBLIC HEARING ON TUESDAY, DECEMBER 9, 2014 TO CONSIDER AN ANNEXATION PETITION FOR ERIC LEITHER, FOR THE PROPERTY AT 22249 PATCH LAKE RD, PID 36.24024.0004. MOTION PASSED 4-0.

APPROVAL OF PART-TIME POLICE OFFICER

MOTION WAS MADE BY STADTHER, SECONDED BY DINGMANN, TO APPROVE HIRING CHAD VOGT FOR THE POSITION OF PART-TIME POLICE OFFICER AT AN HOURLY RATE OF \$17.67, WHICH IS THE FIRST STEP OF THE PART-TIME POLICE OFFICER PAY SCALE WITH THE ONLY BENEFIT BEING THE CURRENT PART-TIME CLOTHING ALLOWANCE OF \$30.00 PER CALENDAR QUARTER IF THE EMPLOYEE WORKS 36 OR MORE HOURS DURING THAT QUARTER. MOTION PASSED 4-0.

APPROVAL OF RESOLUTION 2014-19

Hetland stated that this resolution is a support document to show the legislature that human trafficking is being taken seriously and that appropriate penalties should be enforced on those violating such laws.

MOTION WAS MADE BY DINGMANN, SECONDED BY STADTHER, TO APPROVE RESOLUTION 2014-19, A RESOLUTION ON HUMAN TRAFFICKING. MOTION PASSED 4-0.

BNSF LAND ACQUISITION

MOTION WAS MADE BY DINGMANN, SECONDED BY RAMLER, TO APPROVE THE REAL ESTATE PURCHASE AGREEMENT WITH BNSF RAILWAY COMPANY FOR LAND ALONG 2ND AVENUE SOUTH IN GRANITE LANDING FOR THE ESTABLISHMENT OF LINKING SAID AVENUE; FURTHERMORE, THAT THE PURCHASE PRICE SHALL BE \$36,000 FOR THE LAND AND A PROCESSING FEE OF \$2,000 TOTALING \$38,000. MOTION PASSED 4-0.

CITY ENGINEER REPORT**A. CSAH 50**

Lintgen stated that the assessment hearing for the CSAH 50 improvement project is scheduled for November 10th.

B. 2nd Avenue

Lintgen stated that he will be attending the Rocori Trail Construction Board meeting to get approval to cross the trail with the temporary road yet this winter. He added that the necessary signs will be ordered for along the trail crossing.

C. Red River Ave/CSAH 2

Lintgen stated that they will be meeting with Stearns County Highway officials to further discuss the lane configurations and bike lanes as shown in the concept drawings. He added that since things are still in the early stages there is time to all get on the same page about these items.

D. Safe Routes to School Grant

Lintgen explained that there are both state and federally funded Safe Routes to School Grants. He stated that state grant does not require a local match, whereas the federal grant requires a 20% local match. He stated that the estimated cost of the project is \$180,000, therefore the City would need to contribute \$36,000 plus 25% of the cost for engineering which would be a total of \$80,000 contribution from the City. He stated that the federal grant has an application deadline of October 31st, but that the funding would be for construction in 2016 or 2017. The Council was in favor of submitting the grant application since if awarded the grant they could budget for the costs in the coming years.

MOTION WAS MADE BY DINGMANN, SECONDED BY STADTHER, TO SUBMIT A LETTER OF INTENT FOR THE SAFE ROUTES TO SCHOOL GRANT AND TO SUPPORT FUNDING FOR THE PROJECT. MOTION PASSED 4-0.

PUBLIC WORKS DIRECTOR REPORT**A. Part-time Public Works Employee Clothing Allowance**

Hoeschen stated his request for approval of the clothing allowance for part-time public works employees to match the police department part-time employee clothing allowance of \$30 per quarter. He stated that this request is not intended for the part-time seasonal parks and skating rink attendant positions.

MOTION WAS MADE BY DINGMANN, SECONDED STADTHER, TO APPROVE THE PART-TIME CLOTHING ALLOWANCE FOR PUBLIC WORKS EMPLOYEES. MOTION PASSED 4-0.

B. Real Estate Agreement

Hoeschen explained that there is a property that he has received a verbal approval to drill on. He stated he would like to get Council approval for the real estate agreement for \$200 for the contract, \$200 per each hole drilled, and the option to purchase property at a cost of \$6,000 per acre. He stated that there appears to be a large quantity of water at this location but the quality of the water will need to be determined. He stated that there would be approximately up to nine acres that could be purchased should the water quality and quantity be sufficient for a City well.

MOTION WAS MADE BY RAMLER, SECONDED BY DINGMANN, TO APPROVE THE REAL ESTATE AGREEMENT FOR A CONTRACT PRICE OF \$200, A FEE OF \$200 PER EACH HOLE DRILLED, AND A PURCHASE PRICE OF \$6,000 PER ACRE. MOTION PASSED 4-0.

C. Minnesota Department of Health Grant

Hoeschen explained that a two year grant application will be submitted to continue the wellhead protection efforts to reduce the amount of nitrates in the groundwater. He requested the Council's approval to accept the \$10,000 grant from the Minnesota Department of Health, wherein the City turns in \$20,000 worth of receipts from wellhead protection efforts, and the grant will pay \$10,000.

MOTION WAS MADE BY DINGMANN, SECONDED BY STADTHER, TO SUPPORT THE MINNESOTA DEPARTMENT OF HEALTH GRANT APPLICATION AND TO COMMIT TO THE CITY'S HALF OF THE REQUIRED CASH MATCH FOR THE GRANT. MOTION PASSED 4-0.

D. Wakefield Township Road Maintenance Agreement

Hoeschen explained that he has been working with Heidi Stalboerger from Wakefield Township to complete a road maintenance agreement. He stated that Dan Kron has provided survey information to help determine which areas are city and which are township. He stated they are still working on the agreement but they hope to establish which entity will be responsible for which roads that are often times split in half in ownership.

E. Red River Avenue

Hoeschen stated that the County has informed him that they will extend the area of improvements to Red River Avenue in 2016, and that it will continue north to the River Oaks Golf Course. The Council agreed that the property owners for this additional area should be made aware of Stearns County's decision to add their properties into the project.

F. Streetlight on Main Street near former First National Bank

Hoeschen explained that he has looked at the area and determined that a temporary light will not be necessary for this location.

G. Purchase of Surplus Property

Hoeschen stated that there are several pieces of equipment available through federal surplus property that he would like to purchase. The property is located in California and he will need to figure out and pay for shipping separately. He stated the items he would like to purchase are a little backhoe for \$200, a snow plow blade for \$675, and three generator light sets at \$675 each.

MOTION WAS MADE BY RAMLER, SECONDED BY DINGMANN, TO APPROVE THE PURCHASE OF SURPLUS PROPERTY, NAMELY A BACKHOE AT A COST \$200 WITH THE FUNDS TO BE DRAWN FROM THE STREET EQUIPMENT LINE ITEM, A SNOW PLOW BLADE AT A COST OF \$675 WITH THE FUNDS TO BE DRAWN FROM THE STREET EQUIPMENT LINE ITEM, AND THREE SETS OF GENERATOR LIGHTS AT A COST OF \$675 WITH THE FUNDS TO BE DRAWN EQUALLY FROM THE WATER, WASTEWATER, AND STREET EQUIPMENT LINE ITEMS; FOR A GRAND TOTAL OF \$2,900 WHICH DOES NOT INCLUDE SHIPPING. MOTION PASSED 4-0.

PLANNING COMMISSION REQUEST FOR PUBLIC HEARING

Hetland explained that the Planning Commission has requested a public hearing be held on December 9, 2014 to consider an amendment to the Zoning Ordinance, in Section 5 Low Density Residential District, Subdivision 3a. Accessory Uses. He stated that the size of an attached private garage currently cannot contain more than 1,200 square feet, or 80% of the square footage of the dwelling, whichever is less. He stated that the proposed change would be to eliminate the 1,200 square foot maximum. He stated there is such a case presently where this restriction is impeding the size of an addition to a garage, whereas it would still meet the 80% square footage of the dwelling requirement. He stated that if a property owner has a big house they should also be able to have a big garage. Dingmann stated that there probably aren't many lots that would be able to accommodate such instances.

MOTION WAS MADE BY DINGMANN, SECONDED BY STADTHER, TO HOLD A PUBLIC HEARING ON DECEMBER 9, 2014 TO CONSIDER AN AMENDMENT TO SECTION 5, SUBDIVISION 3A. OF THE ZONING ORDINANCE. MOTION PASSED 4-0.

LIST OF BILLS AND ADDITIONS

MOTION WAS MADE BY RAMLER, SECONDED BY STADTHER, TO APPROVE THE PAYMENT OF THE ACCOUNTS PAYABLE ACCORDING TO THE LIST TOTALING \$109,681.32 AND SUPPLEMENTAL LIST TOTALING \$4,433.58 PRESENTED BY CITY STAFF. MOTION PASSED 4-0.

ADJOURN

MOTION WAS MADE BY DINGMANN, SECONDED BY RAMLER, TO ADJOURN AT 10:17 P.M., SEEING NO FURTHER BUSINESS TO COME BEFORE THE CITY COUNCIL. MOTION PASSED 4-0.

Doug Schmitz, Mayor

Paul Hetland, City Administrator