

TUESDAY, FEBRUARY 10, 2015 COLD SPRING CITY COUNCIL & PLANNING COMMISSION MINUTES

Mayor Robert R. Thelen called the meeting to order at 6:30 p.m. The following members were found to be present: Mayor Robert R. Thelen and Council Members Fran Ramler, Jan Dingmann, and Dave Heinen. Others present: Brian Lintgen, Chris Boucher, Kevin Janssen, Frank Rajkowski, Dan Steil, Bill Foss, Doug Schmitz, Jodi Teich, Jeff Miller, Dan DeBaun, Ann Harren, Heidi Stalboerger, Paul Hoeschen, Tom Jovanovich, Chuck Krebsbach and Angie Mueller.

APPROVAL OF THE AGENDA

MOTION WAS MADE BY RAMLER, SECONDED BY HEINEN, TO APPROVE THE AGENDA OF THE FEBRUARY 10, 2015 CITY COUNCIL MEETING. MOTION PASSED 4-0.

CONSENT AGENDA

A. Minutes – January 27, 2015

MOTION WAS MADE BY DINGMANN, SECONDED BY HEINEN, TO APPROVE THE MINUTES OF THE JANUARY 27, 2015 CITY COUNCIL MEETING AS PRESENTED. MOTION PASSED 4-0.

B. Approval of Rise To The Top Don't Stop 5K Run

MOTION WAS MADE BY DINGMANN, SECONDED BY HEINEN, TO APPROVE THE "RISE TO THE TOP DON'T STOP 5K RUN" FOR SATURDAY, AUGUST 22, 2015. CO-SPONSORED BY THIRD STREET BREWHOUSE AND FGHC ACTIVE, WITH THE PROCEEDS BEING DONATED TO LOCAL CHARITIES. MOTION PASSED 4-0.

CSAH 2/RED RIVER AVENUE – PLANNING COMMISSION & COUNTY REPRESENTATIVES

Brian Lintgen presented drawings of the proposed street improvements for the County Road 2/Red River Avenue project for 2016. Lintgen stated that the lane configuration at Highway 23 is yet to be determined since it is a MnDOT intersection but that turning counts will be done this spring. He stated that center left hand turn lanes are proposed along Red River Avenue from 2nd Street South to 1st Street North. Three options were presented for the County Road 2/County Road 50 intersection. One being a re-alignment with a stop sign on Co Rd 50, and two options for roundabouts. The first proposed roundabout was shown at the crest of the hill, and parking would be lost in both the medical clinic and brewery parking lots. The second proposed roundabout was located more on top of the hill and doesn't impact existing parking lots. The roundabouts were seen as the preferred solution to the intersection with roundabout option two being recommended by city and county staff as the best for functionality and safety. The County requested that the Council consider the information presented and requested that a decision be made at the next Council meeting so that the County can move forward with the design layout and configuration of the roadway.

PLANNING COMMISSION MEETING CALLED TO ORDER

MOTION WAS MADE BY DINGMANN, SECONDED BY HEINEN, TO OPEN THE PLANNING COMMISSION MEETING AT 7:30 P.M. MOTION PASSED 3-0.

The Planning Commission meeting was opened and after seeing and hearing no further comments on the information presented for the County Road 2 roadway the meeting was concluded.

PLANNING COMMISSION MEETING ADJOURNMENT

MOTION WAS MADE BY HEINEN, SECONDED BY HARREN, TO ADJOURN THE PLANNING COMMISSION MEETING AT 7:31 P.M. MOTION PASSED 3-0.

PUBLIC WORKS DIRECTOR REPORT, PAUL HOESCHEN

A. Approve Televising Bids for CSAH 2/Red River Avenue Project

Hoeschen reported that only one televising bid was received and that it was turned in past the deadline. He suggested that the Council either approve of the one bid that was submitted or accept the bid without revealing the amount of it but continue to accept other bids. Hoeschen stated that the bid submitted is from a reputable company and seems to be a reasonable amount. Councilor Ramler stated that since this contractor took the time to submit a bid that the work should be awarded to them. Attorney Tom Jovanovich stated that after reviewing the bid that the project would not need to be rebid and that the Council could approve the bid as submitted.

MOTION WAS MADE BY RAMLER, SECONDED BY DINGMANN, TO APPROVE THE LOW BID FOR TELEVISIONING ALL SEWER PIPES ON THE CSAH 2/RED RIVER AVENUE PROJECT TO INFRATECH IN THE AMOUNT OF \$27,775.50. MOTION PASSED 4-0.

B. Well Drilling Update

Hoeschen reported that one hole has been drilled and that the geology looks favorable and the drilling results are reasonable so far. He stated he received some supportive comments from Wakefield Township officials about the City drilling for a new well but they also had concerns about the City annexing property.

CITY ENGINEER REPORT**A. 2nd Avenue Crossing**

Jovanovich stated that he received correspondence from BNSF that they will likely be approving the temporary construction easement and the roadway easement at the end of the week. He stated that the railroad would be mailing the signed agreement and a 20 day review period would start in which the City could review the legal descriptions. He stated that once the City receives and approves it, then the temporary road can be put in place as the necessary insurances have already been obtained.

LIST OF BILLS AND ADDITIONS

MOTION WAS MADE BY RAMLER, SECONDED BY DINGMANN, TO APPROVE THE PAYMENT OF THE ACCOUNTS PAYABLE ACCORDING TO THE LIST TOTALING \$85,880.34 AND SUPPLEMENTAL LIST TOTALING \$18,747.32 PRESENTED BY CITY STAFF. MOTION PASSED 4-0.

GENERAL COMMENTS AND QUESTIONS**A. City Administrator Paul Hetland Request for Family Medical Leave Act (FMLA) Leave**

Jovanovich stated that Paul Hetland has requested a 30 day leave under the Family Medical Leave Act. He explained that the leave request was submitted last week on Friday and that a proper certification from a medical provider has been received. He stated that it complies with FMLA law and that it had been approved by the Mayor but it still needs formal ratification pursuant to the City of Cold Spring policy since it is for a term longer than five days. He explained that under FMLA a person can request up to 12 weeks of leave under this Act. After the 12 weeks there is no more FMLA leave available, however the employee could request American Disability Act (ADA) where additional leave could be requested.

MOTION WAS MADE BY HEINEN, SECONDED BY THELEN, TO RATIFY THE APPROVAL OF A FMLA LEAVE FOR 30 DAYS FOR PAUL HETLAND. MOTION PASSED 4-0.

B. Paul Hetland Request for FMLA Leave to be Paid

Jovanovich presented a memo to the Council on the request for a paid FMLA Leave. He stated that the City of Cold Spring has adopted the FMLA Leave Policy and cited the various statements in the policy. He stated that in the past 10 years there have been six leaves granted, none of which have been paid. The persons who took these leaves received short-term disability while on leave. He stated that if the City were to grant the City Administrator additional payment on FMLA leave it would be problematic for several reasons, first that it would be seen as treating various classes of employees differently, secondly it could increase the likelihood of future discrimination claims under the Human Rights Act, and thirdly it could result in employees subject to collective bargaining agreements to raise this issue in future negotiations to receive paid reimbursement while on FMLA.

MOTION WAS MADE BY DINGMANN, SECONDED BY HEINEN, TO FOLLOW THE CITY POLICY FOR FMLA LEAVE AND THAT IT WOULD BE UNPAID. MOTION PASSED 4-0.

Councilor Ramler inquired what route the City would take while Hetland is on FMLA to fill his position. Councilor Dingmann stated that the Finance Director normally fills in for the City Administrator, and that it is in the Finance Directors job description to do so. The Council agreed to follow the policy that is already in place while the City Administrator is on a leave of absence.

C. City Council Member Email Accounts

Mayor Thelen stated he would like to discuss getting email accounts for City Council members that would be specific for city business instead of Council members having to use their personal email accounts for emails related to City matters. The Council authorized staff to research the matter as they wanted to make sure the accounts could be easily accessed.

D. Rocori Trail Construction Board Appointment

Mayor Thelen stated that the appointment resolution did not contain an appointment for the Rocori Trail Board. He inquired what type of representation the Council would like to see on the board, whether it be another elected official or a City maintenance staff. The Council agreed that they would wait until the fifth member is appointed to the Council before they would make a decision.

E. Revised Amortization Schedules for 2005 Inter-fund Loan

Mayor Thelen stated that he had concerns about raising taxes to pay back funds from inter-fund loans. Councilor Dingmann stated that the matter should be tabled until the Finance Director is present and that many of these directives have come from the auditors and financial advisors. The Council approved the Mayor contacting the Finance Director in order to start communications with Northland Securities and the auditors on this matter but that the discussion would be postponed to a future meeting.

F. Goldn' Plump Annexation

Jovanovich explained that the Goldn' Plump annexation ordinance had been sent to the Municipal Board for approval. He stated that the Municipal Board Administrator has stated that the Administrative Law Judge wants to change paragraph 6 of the annexation ordinance which deals with reimbursement to the Township for maintenance of the land. Jovanovich stated that as the ordinance was written there was no compensation given to Wakefield Township. He stated the Administrative Law Judge wants to change this law and stated that the township needs to approve getting no compensation. He stated that after requesting township approval on the matter, initially they were okay with no compensation, but then their attorney became involved and is now stating

that the City needs to provide compensation to the Township in the amount of \$4,314. Jovanovich explained in his interpretation of the law it is not necessary to provide compensation. He stated there are two options, the first would be to push the Administrative Law Judge to approve the annexation ordinance as written without compensation to the township which would likely upset them, and the second would be to meet with the Township to discuss a reasonable compensation. The Council agreed that the relationship with the Township has been stressed in the past, that they would like to improve it and that it would be the best course of action to meet with them to work out a form of compensation. Councilor Ramler volunteered to represent the City in a meeting with the City and County Attorney's with a Wakefield Township official to discuss compensation.

ADJOURN

MOTION WAS MADE BY RAMLER, SECONDED BY DINGMANN, TO ADJOURN AT 8:16 P.M., SEEING NO FURTHER BUSINESS TO COME BEFORE THE CITY COUNCIL. MOTION PASSED 4-0.

Robert R. Thelen, Mayor

Paul Hoeschen, Public Works Director