

**MELROSE CITY COUNCIL
REGULAR MEETING
THURSDAY, AUGUST 17, 2023 – 6:00 P.M.**

AGENDA

1. Call to Order/Roll Call/Pledge of Allegiance
2. Approval of Agenda
3. Open Forum
4. Consent Agenda
 - a. Approval of Minutes
 - b. Approval of Bills/Purchase Orders
 - c. Approval of Investments
 - d. Donation Resolution
 - 1) Resolution No. 2023-41 – from the Albany Mutual Telephone Company/Albany Fiber Communications to the Melrose Ambulance Department
 - 2) Resolution No. 2023-45 – from Magnifi Financial to the Melrose Ambulance Department
 - e. Pay App #3 Molitor Excavating
5. Public Hearings
 - a. Public Hearing to Abate Nuisances Pursuant To Melrose City Code Section 93.21
6. Reports
 - a. Police Department Monthly
 - b. City Attorney Report
 - c. Community Development Director Report
 - d. City Engineer Report
 - e. City Administrator Report
7. Action Items
 - ~~a. Resolution No. 2023-42 Resolution Ordering Abatement of Nuisance Conditions Located at 103 Rose Park Street SW Melrose MN~~
 - ~~b. Resolution No. 2023-43 Resolution Ordering Abatement of Nuisance Conditions Located at 425 Main Street W Melrose MN~~
 - c. Resolution No. 2023-44 Resolution Ordering Abatement of Nuisance Conditions Located at 530 Main Street E, Melrose MN
 - d. Resolution No. 2023-46, Resolution Accepting Grant Navigator Funding
 - e. MADA Member Appointment
 - f. Guidelines and Procedures for the Minnesota Government Data Practices Act
 - g. Melrose Area Ambulance EMS Guidelines
 - ~~h. 2023 Railroad Avenue NW Street & Utility Improvements~~

8. Old Business
 - a. Vacant Building Registration Ordinance
 - b. Cannabis
 - c. LOMR Submittal
 - d. Railroad West
 - 1) Resolution No. 2023-47, Resolution Approving Conditional Use Permit for Melrose Area Development Authority to Create a Planned Unit Development for Railroad West.
 - 2) Resolution No. 2023-48, Resolution Approving Preliminary and Final Plat of Railroad West
 - 3) Ordinance No 08-17-2023, An Ordinance Amending City of Melrose Zoning Ordinance No. 1989-1-A, as Amended and Adopted by Reference as Chapter 153 of the City of Melrose Code of Ordinances to Rezone Railroad West From R-2, Single Family to R-1, Single Family

9. New Business

10. Informational Items
 - a. Utilities Commission Meeting Minutes

11. Adjournment

** Deleted

**MELROSE CITY COUNCIL
REGULAR MEETING
THURSDAY, AUGUST 17, 2023 – 6:00 P.M.**

A.I. #1 CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE

The Melrose City Council met in a Regular Meeting on Thursday, August 17, 2023 at 6:00 p.m. at the Melrose City Center pursuant to due notice being given thereof. Present were Council Members Tony Klasen, Justin Frieler, Joeline Wieling, City Administrator Colleen Winter, and City Clerk Patti Haase. Mayor Joe Finken and Council Member Travis Frieler were absent. Acting Mayor Klasen presided thereat.

The Council then recited the Pledge of Allegiance.

A.I. #2 APPROVAL OF AGENDA

A motion was made by Ms. Wieling, seconded by Mr. Justin Frieler and unanimously carried to approve the agenda as amended.

A.I. #3 OPEN FORUM

Resident Craig Schiffler addressed the Council regarding the curb located on the southside of the parking lot at Melrose Bowl. He is requesting to knock down the curb by the southside parking lot and also pour concrete in the boulevard by his home. Mr. Schiffler has tried to grow grass or put in landscape rock. Due to snow removal the area is not conducive for either. Mr. Schiffler has also requested that the council revisit the mural or sign ordinance. Mr. Schiffler would like to paint a mural on his building that would reflect his business, which is not allowable by ordinance.

A.I. #4 CONSENT AGENDA

The following items were considered for approval under the Consent Agenda:

- a. The minutes from the July 5, 2023 Special Joint Meeting with MADA, and the Melrose Planning & Zoning Commission, the July 20, 2023 Regular Meeting and the July 27, SJM with the Melrose Public Utilities
- b. List of bills in the amount of \$1,185,929.67
- c. List of investments for the month of July
- d. Donation Resolution
 - 1) Resolution No 2023-41 Donation in the amount of \$10,000 from Albany Mutual Telephone Company/Albany Fiber Communications the towards Melrose Ambulance Department for the cardiac monitors
 - 2) Resolution No. 2023-45 Donation in the amount of \$400 from Magnifi Financial towards the Melrose Ambulance Department
- e. Molitor Excavating has submitted Pay App #3 for the 2023 Street and Utility Improvement Project in the amount of \$69,443.42. Of this amount, \$12,272.68 is utility and \$ 57,170.74 the general fund portion of the invoice. SEH has reviewed the payment request and is recommending payment as outlined in the invoice.

A motion was made by Mr. Justin Frieler, seconded by Ms. Wieling and unanimously carried. to approve the Consent Agenda items.

A.I. #5 PUBLIC HEARING

- a. The Melrose City Council held a public hearing to abate nuisances pursuant to Melrose City Code Section 93.21 on the following property:

- 530 Main Street E, Melrose Minnesota.

The Public Hearing was opened at 6:06 p.m. City Attorney Scott Dymoke provided an overview of the abatement process. Police Chief Craig Maus presented the noncompliance information on 530 Main Street E.

There being no further comments, the Public Hearing was closed at 6:11 p.m.

A.I. #6 REPORTS

- a. Police Chief Craig Maus presented the Police Department's July 2023 report. He noted there were 176 calls for service during that month, compared to 300 for July 2022. A total of 15 citations were written for the month of July. There were 23 verbal warnings and 0 written warnings. The year-to-date number of calls is 1,786 compared to 2,022 in 2022. For the month of July 2023, the Department received 17 agency assist calls. Chief Maus reminded everyone that school will be in session soon. Please watch for school bus stop signs, and students walking and biking to school.
- b. City Attorney Scott Dymoke reported on projects he has been working on for the city:
 - **Nuisance Properties** – Prepared hearing notice and proposed abatement orders. Advised staff on service requirements and preparation for abatement hearings.
 - **Cannabis Public Use Ordinance** – Prepared draft of proposed ordinance for presentation to Council.
- c. Community Development Director provided the following update.

In the Sauk River Park, the restroom re-model continues. City staff will be doing the subcut for the basketball court, so it is ready when the contractor is ready.

We have action items related to Granite City's development in Railroad West. Closing is set for Monday, August 28th.

Riverside Flats next to City Center has been busy forming and pouring the walls for the underground parking garage. Framing of the 1st, 2nd and 3rd floors will begin soon.

Kwik Trip is busy installing their gas tanks, pumps, and canopies.

The first meeting of the steering committee for the comprehensive plan has been set for September 14th. In October we will be holding a community workshop. We want to encourage people who are interested in being part of the committee to reach out to me. We are looking for voices from lots of different groups so the final plan reflects a wide view.

There has been significant interest in the rehab grant/ loan program. The subcommittee of MADA will be reviewing those applications as they come in.

Ms. Hellermann thanked the community for a successful National Night Out/Farmers Market. We had over 600 people there. Our consultant from Community Design Group and I talked to many people about what people like, don't like, and want to see in Melrose. We have been collecting feedback and it will help us form a more comprehensive survey and give us direction in our workshop.

Building permit update: We have almost 200 permits totaling \$23.5 million. Ms. Hellermann looked back 15 years. This is the 2nd highest year (already) in terms of valuation. Jennie O's construction in 2017 was the only year higher. And we are only in August.

- d. City Engineer Dave Blommel provided an update.

Railroad Avenue

Bids were opened for the Railroad Avenue expansion on Thursday, August 2nd. We had 11 bidders, 8 of which were below the engineer's estimate. In talking with the low bidder, a combination of flexibility with the street work, and availability of underground crews made for an excellent bidding scenario for the City. The contractor is available to start the pipe work in about 6 weeks if awarded.

5th St (County 168) Sidewalk

Advertising in the Star Post will begin on 8/16 with bids being opened on Thursday, September 7th. We are planning to complete the work this fall, but with concrete prices, an option for spring 2024 construction is being included with the bid. If bids are within our grant award for 2023 construction we will proceed. If fall bids are high, we will weigh the options based on the bids received for 2024. We have received approval from Stearns County to approach the bidding in this manner.

Kraft Drive and CSAH 13

Moving the curb and pedestrian ramp back 10' has been approved by the County for construction this fall. Molitor excavating is working with their subcontractors to add this work as a change order to the 2023 street project. As noted above, concrete work is difficult to come by, so Molitor is looking into other options.

2024 Street Project (Main Street)

Melrose City staff met with the Stearns County Engineer regarding the reconstruction planned for Main Street in 2024. The county proposed a couple of options, letting the city decide which is more palatable.

- Classify the project as pavement repair.
 - County pays for all asphalt costs and pedestrian ramp work and very selective storm sewer repairs.
 - City pays for all other work and 100% of soft costs (engineering, legal, administrative). ce additional storm sewer to put in sewer and water.
 - Classify the project as reconstruction

- County pays for about 70% of the storm sewer
- County pays for the center 24 feet of the roadway including subgrade excavation, gravel, and pavement.
- County pays for between 40% and 50% of the engineering costs.
- City is responsible for all street and concrete work outside of the center 24' or roadway including pedestrian ramps and all curb and gutter in addition to the utility work.

Staff is evaluating the best course of action for the roadway and will have a recommendation associated with the budget work in the upcoming weeks. The option selected may require the County to do a portion of the reimbursement in 2025 depending on schedule.

- e. City Administrator Winter provided an update. Ms. Winter noted that the budget meeting will be held on August 24, 2023 at 5:30 p.m. Also the retaining wall located on the east side of the property is deteriorating at a faster rate than in the past. This may be addressed sooner than later.

A.I. #7 ACTION ITEMS

- a. Deleted
- b. Deleted
- c. The Council reviewed and gave consideration to ordering the abatement of nuisance conditions on 530 Main Street E, Melrose MN.

Council Member Justin Frieler introduced Resolution No. 2023-44, Resolution Ordering the Abatement of Nuisance Conditions Located At 530 Main Street E Park SW, Melrose, MN. The motion was seconded by Ms. Wieling with a roll call vote recorded as follows:

FOR: Council Member Justin Frieler, Wieling, and Mayor Finken

AGAINST

ABSENT: Council Member Travis Frieler, and Mayor Joe Finken

- d. While attending the League of Minnesota Cities Conference in Duluth staff were made aware of a grant from the League of Minnesota Cities to assist cities with the preparation of the technical design parts of grants. The PUC is interested in receiving grant funding for the substation tie project and the moving of overhead lines to underground lines. We are currently in the final stage of consideration for the Grid Resilience and Innovation Partnership grant with the Department of Energy. If unsuccessful, the State of Minnesota will have similar grant funding opportunities for the same project. These projects are prioritized in multiple strategic plans of the city, including its disaster plan, system study, and CIP. DGR Engineering has been contacted about technical assistance/design of the substation ties and undergrounding. Their estimate for services was \$6,600. The League of Minnesota Cities has awarded Melrose a grant for up to \$5,000 for these expenses but needs an authorizing resolution. We can also apply for another \$5,000 if, for example, we would need engineering/design for road grants.

A motion was made by Ms. Wieling, seconded by Mr. Justin Frieler and

unanimously carried adopting Resolution No. 2023-46 Approving the Grant Application for Grid Resilience – consisting of the substation tie and movement of overhead lines to underground.

- e. MADA Member Sara Hoffner has submitted her resignation from MADA. She has left her position as the Executive Director of the Melrose Chamber of Commerce. Three applications have been received.

A motion was made by Mr. Klasen, seconded by Ms. Wieling and unanimously carried appointing Mr. Joe Woeste to the Melrose Area Development Authority to fill the vacancy created by the resignation of Ms. Hoffner. The term would expire December 31, 2026.

- f. Acting Mayor Klasen stated that City Attorney Scott Dymoke has reviewed the Guidelines and Procedures for the Minnesota Government Data Practices Act to be in compliance with the Minnesota Government Data Practices Act (MGDPA). The basic structure and content of the Melrose Policies and Procedures remain in compliance. However, there are some obsolete references that need to be updated.

A motion was made by Ms. Wieling, seconded by Mr. Justin Frieler and unanimously carried approving the revisions to the Guidelines and Procedure for the Minnesota Government Data Practices Act.

- g. Acting Mayor Klasen noted that as part of the application process for the part-time ALS licensing as well as new rules and regulations, Dr. Dennison Gillen, Medical Director, and Melrose Ambulance Department staff have updated the Melrose Area Ambulance EMS Guidelines

A motion was made by Mr. Justin Frieler, seconded by Ms. Wieling and unanimously carried approving the revision to the Melrose Area Ambulance EMS Guidelines.

- h. Deleted

A.I. #8 OLD BUSINESS

- a. At the July 20, 2023 Council tabled the Vacant Building Registration Ordinance, seeking public input. Council to determine what changes should be incorporated and/or whether to proceed with this ordinance.

Council Member Klasen stated that he strongly feels that to a point of public health or nuisance he doesn't feel comfortable going forward with the vacant building registration process. He believes that the buildings that the ordinance was set out to address could be dealt with through code violations. Mr. Klasen recommends looking at existing ordinances to spur property owners to come into compliance. Council Member Justin Frieler concurs does not want to overstep. Mr. Justin Frieler would like commercial property owners with vacant buildings to inform the city of their intent of the property. City Attorney Dymoke noted that a condition of registration would allow entry for inspection. Without this ordinance the city has no right to entry without a court process

Council Member Klasen suggested checking with the city of Long Prairie. Council Member Wieling also suggested the council hold a working session to explore further options.

Mr. Klasen would prefer it if staff could work with the property owners to resolve the issue.

The Council by consensus determined not to go forward with an ordinance at this time and to look at other avenues to address the issue of vacant properties.

- b. Another item regarding cannabis was discussed at the July 20 Council meeting. The city adopted an interim ordinance, prohibiting cannabis businesses while we look at zoning. However, we have also been discussing the use of cannabis in public places. Attorney Scott Dymoke has provided a markup of Melrose's public consumption ordinances to include cannabis. The proposed changes would have the effect of prohibiting cannabis use in public areas where Melrose prohibits alcohol consumption. However, in reviewing Melrose's current ordinances, he found that Melrose does not prohibit alcohol consumption in the parks.

Michael Williams, Stearns County Administrator, sent all cities in Stearns County the Cannabis Public Use Ordinance. In his email, he said,

"State law allows the county to prohibit the use of cannabis in public spaces and makes violation of such ordinances a petty misdemeanor. Thus, the County Board will consider an ordinance on Tuesday, August 8th that will prohibit the use of cannabis in public places and places of public accommodation. Public places and places of accommodation are defined below:

Public place. A "public place", means a public park or trail, public street or sidewalk, any enclosed, indoor area used by the general public, including, but not limited to, theaters, restaurants, bars, food establishments, places licensed to sell intoxicating liquor, wine, or malt beverages, retail businesses, gyms, common areas in buildings, public shopping areas, auditoriums, arenas, or other places of public accommodation.

Place of public accommodation. "Place of public accommodation" means a business, refreshment, entertainment, recreation, or transportation facility of any kind, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

This ordinance covers the entire county unless a local government adopts different regulations."

The City of Avon adopted an ordinance prohibiting smoking, vaping and cannabis on all public property in Avon.

Staff is seeking Council input about this issue. Stearns County has tabled its decision, but it will be re-visiting it soon. If it passes, is that sufficient? If not, do we want to adopt different regulations?

City Attorney Scott Dymoke presented the options that the council can consider for use of cannabis on public property.

The Council by consensus tabled action on this item to wait and see what Stearns County puts in place. This item will be brought back at the next regular meeting.

- c. The engineers at WSB have completed the documents for submittal to FEMA for the LOMR (Letter of Map Revision) revising the maps for the floodplain, regulatory floodplain, flood elevations resulting from the re-channeling of the Sauk River due to the bridge project. Council approved a contract with WSB for this work at its January 19, 2023 meeting.

A motion was made by Mr. Justin Frieler, seconded by Ms. Wieling and unanimously carried approving the submission to FEMA of the documents for the LOMR by WSB.

- d. At the Planning and Zoning Commission meeting held on July 24, 2023, the Commission held a public hearing on the request of Melrose Area Development Authority for Preliminary and Final Plat of Railroad West. This is a re-plat of Melrose Meadow View. It also considered the request of Melrose Area Development Authority for an amendment to City Code Chapter 153 Zoning Regulations to rezone the property from R-2 to R-1 and a Conditional Use Permit for the General Development Plan for a Planned Unit Development overlay for the area. The development plan for the area includes a 73-unit multi-family housing complex, two (2) cul-de-sacs containing 25 single family residential lots, and a lot designated as a future municipal park. The Planning Commission recommends to the Council that the Preliminary Plat, Final Plat, Re-zoning Request, and Conditional Use Permit be approved.

The closing on the sale of Lot 1, Block 1, Railroad West to GCRE-Melrose, LLC is scheduled for Monday, August 28th. Their plans include construction beginning in September on the 73-unit multi-family development.

Council Member Joelene Wieling introduced Resolution No. 2023-47 issuing the Conditional Use Permit for the Planned Unit Development and re-zoning of the area to an R-1 zoning district. The motion was seconded by Mr. Justin Frieler with a roll call vote recorded as follows:

FOR: Council Member Wieling, Justin Frieler, Acting Mayor Tony Klasen

AGAINST: None

ABSENT: Council Member Travis Frieler and Mayor Finken

Council Member Wieling introduced Resolution No. 2023-48 Approving the Preliminary and Final Plat for Railroad West. The motion was seconded by Mr. Frieler with a roll call vote recorded as follows:

FOR: Council Member Wieling, Justin Frieler, and Acting Mayor Tony Klasen

AGAINST: None

ABSENT: Council Member Travis Frieler and Mayor Finken

Council Member Joelene Wieling introduced Ordinance 08-17-2023 Approving the Re-zoning of Railroad West. The motion was seconded by Mr. Justin Frieler with a roll call vote recorded as follows:

FOR: Council Member Wieling, Justin Frieler, and Acting Mayor Klasen
AGAINST: None
ABSENT: Council Member Travis Frieler, and Mayor Finken

A.I.#9 NEW BUSINESS

None

A.I. #10 INFORMATIONAL ITEMS

The following informational items were then reviewed:

- a. The minutes from the Utilities Commission's July 10, 2023, Regular Meeting

A.I. #11 ADJOURNMENT

A motion was made by Ms. Wieling, seconded by Mr. Justin Frieler and unanimously carried to adjourn the meeting at 7:10 p.m.

PATRICIA HAASE – CITY CLERK