

**MELROSE CITY COUNCIL
REGULAR MEETING
THURSDAY, APRIL 20, 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 Resolutions:
 - 1) Resolution No. 2023-18, Roving Hillbillies Snowmobile Club
 - 2) Resolution No. 2023-19, Melrose Lions
 - * 3) Resolution No. 2023-24 Melrose Lions
 - e. Receptionist /Building Permit Tech Step Increase
 - f. HR Generalist/Payroll Clerk Step Increase
 - * g. Community Festival License – Chamber of Commerce
Community Festival License – Martinez Meat & Grocery
 - * h. Gambling Resolutions
 - 1) Resolution No. 2023-25, Melrose Area Chamber of Commerce
 - * i. Stearns County RDB Project Construction Invoice
5. Public Hearing
 - a. Public Hearing for the Vacation of Existing Right of Way, Drainage and Utility Easements in Melrose Meadow View.
6. Reports
 - a. Police Department Monthly
 - b. City Attorney Report
 - c. City Planner Report
 - d. City Engineer Report
 - e. City Administrator Report
7. Action Items
 - a. Resolution 2023-20 A Resolution Vacating Existing Right of Way, Drainage and Utility Easements
 - b. Resolution No. 2023-21, Resolution Approving VAR 02-2023-101 Variance Request by David and Holly Berscheit for exposed fasteners when installing metal roofing.
 - c. Resolution No. 2023-22, Resolution Approving CUP-03-2023-401 Conditional Use Permit Request by City of Melrose for Sauk River Park Restroom
 - d. Resolution No. 2023-23 Resolution Approving PP-03-2023-201 & FP-03-

- e. 2023-202 Plat Request by Karl and Petra Oevermann (Sarah Acres)
 - f. Seasonal Temporary Streets/Parks Worker
 - g. Cameras
 - h. 2023 Seal Coat Project
 - i. 2023 Street Improvement Projects
 - j. Purchase Agreements, Easements for Railroad West Property Owners
 - j. Supplemental Letter Agreements – Railroad West

- 8. Old Business

- 9. New Business
 - a. Food Truck Vendor
 - b. Solid Waste
 - c. Basketball Court
 - d. Sauk River Park Restroom Bid
 - e. Lions Playground in Sauk River Park
 - f. Sidewalk on County Road 168/5th Street NE
 - g. SEH Supplemental Letter Agreement for the 2023 Active Transportation Sidewalk

- 10. Informational Items
 - a. Utilities Commission Meeting Minutes
 - b. Schools and Conferences
 - c. Oak Hill Cemetery
 - * d. Staff Communication with Residents on Improvement Projects.

- 11. Adjournment

- * Amendment

**MELROSE CITY COUNCIL
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THURSDAY, APRIL 20, 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, April 20, 2023 at 6:42 p.m. at the Melrose City Center pursuant to due notice being given thereof. Present were Council Members Tony Klasen, Justin Frieler, Travis Frieler, Joeline Wieling, and Mayor Joe Finken, City Administrator Colleen Winter, and City Clerk Patti Haase. Mayor Finken 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

Mayor Finken then opened the floor to public comment. There were no comments.

A.I. #4 CONSENT AGENDA

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

- a. The minutes from the February 21, 2023 Special Meeting the March 1, 2023 German Student Visit, March 9, 2023 Special Meeting Minutes, and March 16, 2023 Regular Meeting Minutes
- b. List of bills in the amount of \$678.138.10.
- c. List of investments for the month of March
- d. Donation Resolution
 - 1) Resolution No. 2023-18, Donation in the amount of \$500 from the Roving Hillbillies Snowmobile Club towards the Melrose Fire Department.
 - 2) Resolution No. 2023-19, commitment of \$50,000 or the cost of the playground equipment for Sauk River Park whichever is the lesser of the two from the Melrose Lions.
 - 3) Resolution No. 2023-24 Donation in the amount of \$2,000 from the Melrose Lions to the Melrose Area Chamber of Commerce towards the Riverfest Celebration.
- e. Receptionist/Building Permit Tech, Stephanie Perez will complete 6 months under her new promotion with the city on May 7, 2023. Supervisor Colleen Winter has conducted Ms. Perez's review, and it is favorable; therefore, recommends she receive a step increase from Step 3 to Step 4 on the wage scale.
- f. HR Generalist/Payroll Clerk, Doris Rieland will complete 6 months under her new promotion with the city on May 7, 2023. Supervisor Colleen Winter has conducted Ms. Rieland's review, and it is favorable; therefore, recommends she receive a step increase from Step 3 to Step 4 on the wage scale.
- g. The Council to give consideration to approval of a Community Festival License – Public Property to the Melrose Area Chamber of Commerce. Approval is contingent upon state approval, and necessary liquor liability insurance

documentation.

- h. Gambling Resolution No. 2023-25, Resolution Approving Gambling License to the Melrose Area Chamber of Commerce for an exemption from lawful gambling license to hold a raffle and sell pull-tabs on June 24, 2023, at Sauk River Park located at 206 5th Avenue NE.
- i. The City received Invoice #106-2023, which is through Pay Voucher #12, in the amount of \$31,518.14 for our portion of the construction costs. The City's share is \$30,503.39, and the Utility share is \$1,014.75.

A motion was made by Mr. Travis 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 on Thursday, April 20, 2023, at 6:46 o'clock p.m. at the Melrose City Center, 225 1st Street NE, Melrose, MN, to consider a request to vacate the existing right of way, drainage and utility easements in Melrose Meadow View, according to the recorded plat thereof Stearns County, Minnesota. MADA is going to be re-platting Melrose Meadow View, changing the name to Railroad West and creating a Planned Unit Development for the area. MADA brings the request to the Council to vacate the existing right of way, drainage and utility easements in Melrose Meadow View, a necessary first step in the re-platting process.

City Administrator Winter presented the Affidavit of Publication of the hearing notice, which was published in the Star Post March 29, 2023 and April 5, 2023. Ms. Hellermann also presented the Affidavit of Posting of the Notice of Hearing,

Notice of Public Hearing, Affidavits of Publication, Posting & Mailing

Ms. Hellermann provided an overview of the request to vacate the existing right of way, drainage and utility easements in Melrose Meadow View, according to the recorded plat thereof Stearns County, Minnesota. MADA is going to be re-platting Melrose Meadow View, changing the name to Railroad West and creating a Planned Unit Development for the area. MADA brings the request to the Council to vacate the existing right of way, drainage and utility easements in Melrose Meadow View, a necessary first step in the re-platting process

Mayor Finken asked for public comment. There being no further comment, the Public Hearing was closed at 6:48 p.m.

A.I. #6 REPORTS

- a. Police Chief Craig Maus presented the Police Department's March 2023 report. He noted there were 245 calls for service during that month, compared to 268 for March 2022. A total of 17 citations were written for the month of March. There were 18 verbal warnings and 3 written warning. The year-to-date number of calls is 751 compared to 786 in 2022. For the month of March 2023, the Department received 32 agency assist calls. Chief Maus stated that the department is working with CentraCare to hold a bike rodeo on May 24 at the Melrose Area Public School. Chief Maus attended the Police Chief Conference last week that was held in Duluth MN.

b. City Attorney Scott Dymoke reported on projects he has been working on for City:

- **Railroad Avenue** – Prepared purchase agreements and easement agreements for Railroad Avenue improvement project.
- **Sign Easement** – Prepared easement agreement for Welcome to Melrose sign.
- **MADA** – Attended MADA meeting to review bylaws and discuss possible amendments. Prepared draft of bylaw amendments and forward to MADA and city staff for review.
- **Ambulance Service** – Attended meeting of Council and staff to review status of medical director change, terms of proposed memorandum of understanding with CentraCare, and re-licensure status.
- **Nuisance Ordinance** – Prepared draft of proposed amendments to nuisance ordinance and forwarded to city staff for review and comment.
- **Moving Regulations** – Prepared draft of proposed amendments to moving regulations and forwarded to city staff for review and comment.
- **Farm Lease** – Prepared draft of farm lease for use with undeveloped property in Melrose Meadow View.

c. City Planner Sheila Hellermann provided the following update:

Regarding Riverside Flats, on the former Kraft lot, soil boring work was done earlier this month by the developer's environmental consultant. In talking with the developer, they have received bids from the subcontractors for the project and are reviewing those. They have submitted plans and specifications for preliminary review. We are anticipating a closing date and building permit application.

Kwik Trip has wrapped up demolition. Their permit applications are coming in. They will be working on site preparation and soil/wetland work for a couple months. Construction begins in early July, or possibly earlier if the groundwork is done sooner.

We have several agenda items for the meeting related to Railroad West. It is also planned to have a joint working meeting of the Planning & Zoning Commission, MADA, and the City Council on the layout and expectations for the Planned Unit Development.

The comprehensive plan RFP deadline has passed, and we received one proposal. It is being reviewed.

There are some ordinance changes working through the system – nuisance concerns, building permit penalties, a change regarding steel roofs in residential areas. They will be reviewed by Planning and Zoning at its April 24th meeting and then be on your agenda for May.

The Welcome to Melrose sign will be constructed soon by the Melrose Lions. Meetings have been taking place to finalize that community project which is a

joint effort of the Lions, Arts Council and City.

Also, from the Park & Rec Board, the community benches have finally arrived. As you will recall, there have been opportunities for citizens to purchase benches and designate areas of the city they would like to see them. Seven are sponsored and we are working now on placement so watch for them to start appearing.

- d. City Engineer Dave Blommel provided an update.
2023 Street Project

Bids were opened on April 13th at 10:00 AM. 9 bids were received ranging from \$861,969.90 to \$1,291,264.20. The Engineers estimate for the work was \$1,003,000. A complete tabulation and engineer's recommendation are attached.

2023 Active Transportation Sidewalk

After receiving the grant for the sidewalk along 5th Street NE (County Road 168), I have prepared a proposal for engineering services related to the design and construction of the sidewalk. The plans will be completed in accordance with MnDOT State Aid Standards as required by the grant. The proposal is included under action items.

SEH has continued to support Melrose's housing efforts by drafting the right of way legal descriptions for Railroad West and by attending meetings with the developers for the Kraft lot.

- e. City Administrator Winter reported on the following:

Open House – On Thursday, April 13th the City hosted an Open House from 5 – 7 pm. It was a great turnout, we estimate that there were over 220 folks in attendance and staff received a lot of positive comments from the public. A huge thank you to all City staff, PUC, Council and Board members who helped make this a great success.

Legislative updates - Omnibus finance bill season has begun in the House, with the majority starting to bring to the floor a series of packages that will fund our state's next two-year budget. Much has been made of the fact that, in total, the bills would raise state spending by approximately 40 percent – from \$51.6 billion to around \$72 billion. While the biggest bills are still making their way through the process, the House did approve two omnibus packages this week, one related to higher education and the other appropriating Legacy Amendment funds.

A.I. #7 ACTION ITEMS

- a. Earlier this evening the City Council held a public hearing regarding the vacation of existing right of way, drainage and utility easements in Melrose Meadow View, according to the recorded plat thereof, Stearns County, Minnesota. The City Council is being asked by the Melrose Area Development Authority, which owns the property, to vacate the right of way, drainage, and utility easements in the Melrose Meadow View plat to allow for re-platting and re-naming to Railroad West. MADA held a public hearing at 5 pm regarding the execution of a purchase agreement with Granite City Real Estate, LLC for Lot 1, Block 1 of the new plat. We have also discussed two single family residential cul-de-sacs and a possible

new city park in the new PUD. Vacation of existing easement is a first step to re-platting the area.

Council Member Justin Frieler introduced Resolution No. 2023-20 A Resolution Vacating Existing Right of Way, Drainage and Utility Easements. The motion was seconded by Ms. Wieling with a roll call vote recorded as follows.

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

AGAINST: None

- b. At the Planning and Zoning Commission meeting held on March 27, 2023, the Commission held a public hearing on the request submitted by David and Holly Berscheit for a Variance on Parcel No. 66.37016.0178. If granted the Variance would allow the replacement of shingles on a residence with conventional metal roofing using exposed fasteners. The existing Zoning Ordinance No. 1989-1-A as adopted with amendments in the Melrose Code of Ordinances in Section 211.06 (1) (1.3) requires standing seam profiled metal and concealed fasteners on residences when using metal roofing materials. The Planning Commission recommends to the Council that the Variance be approved.

Also the Planning and Zoning Commission is viewing at its April meeting language amending Section 211.06(1)(1.3) of the Zoning Ordinance to allow exposed fasteners throughout the City of Melrose. This amendment will be brought to the Council at its May meeting.

Council Member Klasen introduced Resolution No 2023-21, Resolution Approving VAR 02-2023-101 Variance Request by David and Holly Berscheit for exposed fasteners when installing metal roofing. The motion was seconded by Mr. Justin Frieler with a roll call vote recorded as follows:

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

AGAINST: None

- c. At the Planning and Zoning Commission meeting held on March 27, 2023, the Commission held a public hearing on the request of the City of Melrose for the remodeling of the restroom on the south side of the Sauk River Park. A conditional use permit is required because of its location in the floodplain. The Planning Commission recommends to the Council that the Conditional Use Permit be approved.

Council Member Wieling introduced Resolution No. 2023-22, Resolution Approving CUP-03-2023-401 Conditional Use Permit Request by City of Melrose for Sauk River Park Restroom. The motion was seconded by Mr. Travis Frieler with a roll call vote recorded as follows:

FOR: Council Member Wieling, Travis Frieler, Klasen, Travis Frieler, and Mayor Finken

AGAINST: None

- d. At the Planning and Zoning Commission meeting held on March 27, 2023 the

Commission held at public hearing on the request of Karl and Petra Oevermann, who are proposing a Preliminary and Final Plat to split their parcel into two lots, each of which is under 5 acres in size. The applicants purchased a single 5.76 +/- acre parcel with an existing house and outbuildings from McCanns. At the time, Oevermanns thought the platting of Jeni Acres was completed, but it was not recorded within the required timeframe. Oevermanns are now bringing the same request. They would like to split off the western portion of the land which would allow a single-family home to be moved onto or constructed on that lot.

The Planning and Zoning Commission at its March 27, 2023, meeting recommended the Council approve the Preliminary and Final Plat for Sarah Acres (Karl and Petra Oevermann) with the conditions as stated in the resolution.

Council Member Klasen introduced Resolution No. 2023-23 Resolution Approving PP-03-2023-201 & FP-03-2023-202 Plat Request by Karl and Petra Oevermann (Sarah Acres) The motion was seconded by Ms. Wieling with a roll call vote recorded as follows:

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

AGAINST: None

- e. The PUC at its February 13, 2023, meeting and the Council at its February 16, 2023, meeting approved filling the position of the seasonal/temporary streets/park worker to assist with the summer workload. Three applications were received. Interviews were held on Friday, March 17. Staff is recommending the hiring of Ethan Frieler at step 1 for the seasonal/temporary streets/park worker.

A motion was made by Mr. Klasen concurring with the Public Utilities Commission approving the hiring of Mr. Ethan Frieler at step 1 for the seasonal/temporary streets/park worker. The motion was seconded by Ms. Wieling with a roll call vote recorded as follows:

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

AGAINST: None

ABSTAIN: Council Member Travis Frieler due to a conflict of interest.

- f. Electrical Supervisor has obtained quotes for the city camera system. Electrical Supervisor Avelsgard recommends awarding the quote to Arvig.

A motion was made by Mr. Travis Frieler, seconded by Ms. Wieling and unanimously carried concurring with the Public Utilities Commission awarding the camera system contract to Arvig.

- g. Bid opening for the 2023 Seal Coat Project was held on Thursday, April 6, 2023, at 11:00 a.m. at the Melrose City Center. Two bids were received. Streets/Parks Supervisor Middendorf is recommending awarding the bid to the Allied Blacktop with the low bid of \$70,560.

A motion was made by Mr. Travis Frieler, seconded by Mr. Justin Frieler and unanimously carried approving the seal coat bid from Allied Blacktop.

- h. Bid Opening for the 2023 Street Improvement Project was held on Thursday, April 13, 2023, at 10:00 a.m. A total of nine bids were received. The low bid was submitted by Molitor Excavating Inc. in the amount of \$861,969.90.

A motion was made by Ms. Wieling, seconded by Mr. Justin Frieler and unanimously carried awarding the project to Molitor Excavating.

- i. As part of the Railroad West Road project, the City needed to secure additional right of way. A work session was held with the Council on February 21, 2023, where we discussed the special assessments for the project and the right of way acquisition. Based on those discussions, City Planner Hellermann and Electric Supervisor Avelsgard went out and met with the affected property owners. We received verbal agreements with the parties. Attorney Scott Dymoke has drafted purchase agreements and easement agreements reflecting those agreements.

A motion was made by Ms. Wieling, seconded by Mr. Justin Frieler and unanimously carried authorizing the execution of the purchase agreements and easements by staff and setting the closings when appropriate following the 429 special assessment process.

- j. Council to approve the Supplemental Letter Agreements for SEH as presented relating to Railroad West.

A motion was made by Mr. Travis Frieler, seconded by Mr. Justin Frieler and unanimously carried approving the engineering Supplemental Letter Agreements for Street Improvements and Platting of Railroad West:

A.I. #8 OLD BUSINESS

None

A.I.#9 NEW BUSINESS

- a. Over the past few years, the city has received requests from food truck vendors to be in the City of Melrose. Currently the only way Food Truck vendors are allowed to be in city limits in public areas is through our transient merchant license. The transient merchant license requires a background check - \$250 for the first person and \$50 for every person after that. \$50 per day/week and transient merchants are only allowed to have a license for 14 days. If someone wishes to park a Food truck on private property we currently do not regulate that. If someone has a food truck as part of an event – Riverfest, Farmers Market we do not require them to get a separate license. We recently have had two inquiries regarding food trucks and I would just like the Council to provide guidance to staff. The options as I see it are:
- Continue to have food truck vendors apply through a transient merchant license
 - Create an ordinance that regulates food truck vendors – many communities have gone this route and there are many examples from LMC
 - Do we want to regulate food truck vendors on private property – what is the definition of private property? For example we recently had an inquiry from someone who wanted to bring a food truck to their house for graduation – that is

not something that we regulate. However Spirits Liquor and St Mary's have had folks reach out to them to park food trucks. The food truck would be selling to the general public.

- In talking with area communities, it varies greatly as to how food trucks are handled. For example in Sauk Centre they charge \$25 for the year and that covers both public and private property. Albany does not charge anything and has not issued any licenses for food trucks.

The Council by consensus directed staff to further research surrounding areas and provide examples at the next council meeting.

- b. Solid waste assessment charges. West Central Sanitation currently has 11 customers whose payments are overdue by 90 days and they are requesting that the City consider exercising MS 443.015 which allows for the assessment of unpaid garbage. Please refer to the attachment in the packet.

A motion was made by Mr. Travis Frieler, seconded by Mr. Klasen and unanimously carried authorizing staff to exercise MS 443.015 as it relates to garbage collection. Fees and interest to be set before the Sept deadline.

- c. The City has received \$15,000 from the Bernick Family Foundation for the basketball court in the park. Original estimate for this project was \$40,725 plus hoops and poles. This included site prep. Street and Park Supervisor Middendorf has said his crew could do much of this work. The Park and Recreation Board would like to proceed with this project. Attached is the updated budget for the Sauk River Park project for your review. It includes the estimate for this court as well as the agenda items coming up.

A motion was made by Ms. Wieling, seconded by Mr. Justin Frieler and unanimously carried authorizing the ordering of the hoops and poles for the basketball court and authorize staff to seek estimates for the work which cannot be completed by our internal staff, specifically the concrete.

- d. On Wednesday night, April 12th @ 5 PM the bids for the Sauk River Park restroom were opened. The Park and Recreation Board met at 6 pm. The low bid for the restroom is from St. Rosa Lumber in the amount of \$299,665. The Park and Recreational Board is recommending to the Council to award the bid to St. Rosa Lumber.

A motion was made by Ms. Wieling, seconded by Mr. Justin Frieler and unanimously carried approving the bid for the Sauk River Park restroom to St. Rosa Lumber in the amount of \$299,665.

- e. The City received notification that the Melrose Lions are willing to donate to, and construct a new playground in the area by the remodeled restroom and expanded campground in the Sauk River Park. Based on this donation we will like to proceed to order the equipment. Currently, due to supply chain, the equipment would not arrive until September. The Lions will be installing the equipment as a community project, in addition to paying for the cost. Their generosity and continued support of our parks and community is greatly appreciated.

A motion was made by Mr. Klasen, seconded by Mr. Justin Frieler and unanimously carried authorizing the ordering of the playground equipment for this area located in the Sauk River Park.

- f. Staff has been notified that we were awarded \$351,725 for the sidewalk along 5th Street NE which will connect Daylight Court and 5th Avenue. This was Active Transportation Grant from the Minnesota Department of Transportation. There were 81 applications submitted. Only nine grants were awarded throughout the state, with only three going to small cities outstate. The estimate for this project is \$360,000. This is a project which was in 2023 capital budget. Now we can proceed with the project with an alternate funding source, which is good news. Stearns County will be acting as our sponsoring agency. Council authorization is sought to begin work on engineering, authorizing the execution of temporary construction easements, negotiating a maintenance agreement with Melrose Area High School, and moving forward with this project.

A motion was made by Mr. Travis Frieler, seconded by Ms. Wieling and unanimously carried authorizing the execution of temporary construction easements with property owners along the sidewalk, engineering for the project, and other steps as required by staff to move forward with the construction of the sidewalk along County Road 168/5th Street NE.

- g. SEH has submitted the Supplemental Letter Agreement for 2023 for the Active Transportation Sidewalk.

A motion was made by Mr. Klasen, seconded by Mr. Justin Frieler and unanimously carried approving the Supplemental Letter Agreement from SEH for the 2023 Active Transportation sidewalk.

A.I. #10 NFORMATIONAL ITEMS

The following informational items were then reviewed:

- a. Utilities Commission's March 13, 2023, Regular Meeting minutes
- b. The following is a list of schools and/or conferences where registrations were made:
 - 1) Leading & Communicating in Times of Change April 25 Attending: HR Generalist/Payroll Tech Doris Rieland, Finance Director Ryan Meyer, and City Administrator Colleen Winter
 - 2) LMC Safety and Loss Training April 27 Attending Finance Director Ryan Meyer, and City Administrator Colleen Winter
 - 3) LMC Safety and Loss Training March 29 Attending Accounting Clerk Stacy Funk
 - 4) MRES Annual Meeting May 9-11 Attending Finance Director Ryan Meyer and City Administrator Colleen Winter.
- c. Oak Hill Cemetery Information
- d. Council Member Travis Frieler mentioned that the council and staff need to look at improving communication with the residents. An in-depth conversation ensued amongst the council and those in attendance at the meeting.

A.I. #10 ADJOURNMENT

A motion was made by Mr. Justin Frieler, seconded by Mr. Klasen and unanimously carried to adjourn the meeting at 8:00 p.m.

PATRICIA HAASE – CITY CLERK