

**MELROSE CITY COUNCIL
REGULAR MEETING
THURSDAY, NOVEMBER 16, 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, November 16, 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, Travis Frieler, Joelene Wieling, 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. Klasen, seconded by Ms. Wieling 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 October 23 Regular Meeting
- b. List of bills in the amount of \$583,801.27.
- c. List of investments for the month of October
- d. 1) Resolution No. 2023-65, Donation from Melrose Bowl in the amount of \$500 to the Melrose Park and Recreation Fund for purchase of trees.
- e. Community Development Director, Sheila Hellermann will complete 6 months under her new promotion with the city on November 22, 2023. City Administrator Colleen Winter has conducted Ms. Hellermann's review, and it is favorable; therefore, recommends she receive a step increase from Step 1 to Step 2 on the wage scale.
- f. Ambulance Coordinator Gina Eggert is requesting approval be given to the appointment of Jillien Lieser to the Ambulance Department, contingent upon successfully passing the EMT class, background check, pre-employment physical and drug test.
- g. Molitor Excavating has submitted Pay App #5 for the 2023 Street and Utility Improvement Project in the amount of \$86,384.13. Of this amount, \$8,024.30 is utility and \$ 78,359.84 is 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 Ms. Wieling, seconded by Mr. Travis Frieler and unanimously carried. to approve the Consent Agenda items.

A.I. #5 PUBLIC HEARING

- a. The Melrose City Council held a Public Hearing on Monday, November 16, 2023, in the City Center located at 225 First Street NE, Melrose, MN 56352 at 6:00 p.m. to consider enactment of Ordinance 11-16-2023, an Ordinance related to Adult-Use Cannabis in Public Places.

The proposed ordinance prohibits public use of cannabis in public places. Public places do not include private residences, private property if authorized by the owner, or premises licensed for on-site consumption.

Mayor Finken open the Public Meeting at 6:03 p.m.

City Attorney Scott Dymoke reviewed the proposed Ordinance Relation to Adult-Use Cannabis in Public Places.

Mayor Finken asked for any comment or input from the public. There being none the Public Hearing was closed at 6:07 p.m.

A.I. #6 REPORTS

- a. Police Chief Craig Maus presented the Police Department's October 2023 report. He noted there were 273 calls for service during that month, compared to 279 for October 2022. A total of 14 citations were written for the month of October. There were 44 verbal warnings and 0 written warnings. The year-to-date number of calls is 2,420 compared to 2,949 in 2022. For the month of October 2023, the Department received 15 agency assist calls. Chief Maus reported that part-time police officer Alyssa Enger has submitted her letter of resignation and police reserve Austin Kowski has also submitted his letter of resignation.
- b. During the period from October 12, 2023 through November 8, 2023, City Attorney Dymoke has not given significant attention to any projects on behalf of the City of Melrose.
- c. Community Development Director Sheila Hellermann provided an update.

Our comprehensive plan public workshop was held on Thursday, October 26th. There were excellent table discussions with people, reviewing city maps and sharing ideas. We have opened survey #2 and want to encourage everyone to complete that. We are working on setting up small group sessions with members of the community we have not heard from yet. We want lots of voices to be heard as we create the plan for the next 20 years.

Construction continues all around town – Kwik Trip, Riverside Flats next door and the apartments on Railroad Avenue. Riverside has been working on the roof, windows and patio doors. On Railroad they are framing garages, and the elevator shaft is ready. Kwik Trip changes every day. Lots of focus on concrete before the weather changes. Also around the city, contractors and owners are finishing up siding, shingle projects, sheds, and additions. The weather has been very favorable for wrapping up these projects.

- d. Fire Chief Tom Budde reported that the Fire Department will not be requesting an increase to the PERA pension fund. The department is requesting Council approval for the purchase jaws of life as well as air bags for lifting equipment. The department will also be contacting area businesses for donations to help in offsetting the cost of a new ladder trunk in 2028. They will also be asking the city to assist with the cost.
- e. City Engineer Dave Blommel reported on the following:

Railroad Ave

Pipe work on the Railroad Avenue project is expected to be completed on Thursday, November 8th. The contractor will then begin grading the roadway to ready for gravel placement the following week. We anticipate the roadway will be back to gravel by Friday, November 17th. The final quantity for granite was very close to the estimated volume. We will have a change order for the work at the December meeting as well as a pay application for all work completed in 2023.

2023 Street Project

The contractor has completed the punchlist for the work and is ready for winter. We will hold 2% retainage on the contract until vegetation growth is evaluated in the spring. We do not anticipate further payment until the final payment is made.

- f. City Administrator Winter provided the following

Melrose Community LLC – The Melrose Public Utilities has received notice of filing and assignment for Melrose Community, LLC vs City of Melrose, City of Melrose Public Utilities Commission along with the scheduling conference. In speaking with Jim Thomson the lawyer from Kennedy and Graven that is representing us through the League of MN Cities, their strategy is to counter claim and ask the judge to make a declaratory judgement that states the City can collect the delinquent amounts by certifying them to the property taxes of Melrose Community LLC if they fail to pay. The judge that has been assigned to this case, is the same judge that ruled in favor of Melrose Community LLC for the house that was illegally moved into the park. Mr Thomson is pretty confident however in this case that the judge will rule in our favor as this is standard practice for municipalities related to charges for sewer and water.

WWTF – We are still working on getting the screens to work properly. Other than that everything else should be wrapped up.

PFA's settlement - Staff presented the proposed Class Action lawsuits regarding PFA's. The bottom-line for each city is that there are three options available all with impending deadlines for action. We can choose to:

1. Be included in the settlements (no action needed if you received notice) AND file claims forms by early 2024 (deadline not yet set) from this website: <https://www.pfaswatersettlement.com/>
2. Opt-out by the deadlines in early December. This preserves the city's litigation rights for future lawsuits. More information about how to opt-out is available in the notices from the respective companies.

3. Do nothing—this option will mean that the city gets no compensation from the litigation and cannot sue for damages later. **We have been advised by LMC and MESERB that this is not an option.**

It is quite complicated and there are pros and cons both ways. When our Wastewater was tested by MPCA the PFA's level were very low. The Dept of Health tested our drinking water and that was also very low. Council Member Klasen stated that it is complicated that although the water is currently testing at a low level for PFA's that may not be the case ten years from now. However Council Member Justin Frieler stated that if we decide not to join the class action lawsuit the city would be on its own to future litigation. The Council by consensus concurred with the Commission to opt in on the class action lawsuit.

A.I. #7 ACTION ITEMS

- a. Community Development Director Sheila Hellermann stated that Marv Meyer from Meire Grove has submitted a petition requesting Stearns County to consider including a trail extension from Lake Wobegon down to the Dairyland Trail. Mr. Meyer is asking for Council support for his petition.

Council Member Klasen would like additional information on cost, and a cost benefit analysis. Mr. Finken stated he supported looking into the project.

A motion was made by Mr. Travis Frieler authorizing the mayor to sign the petition on behalf of the city. The motion was seconded by Ms. Wieling with a roll call vote recorded as follows:

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

- b. As discussed last month, staff is requesting another supporting resolution for an application to MnDOT's Local Road Improvement Program. Last month it was for Main Street. This month it is to complete Railroad Avenue. This is a state grant program supporting local transportation. We need Stearns County to be the sponsor since we are a small city. This project was an idea that Melrose Township approached us with. It will be a joint application as they are interested in paving the rest of Railroad Avenue and the Sauk River Bypass. We have collaborated on the application and necessary resolutions. In the event the funding is not awarded, this project will not go forward.

Council Member Wieling introduced Resolution No. 2023-66 Resolution Supporting Local Road Improvement Program Application for Railroad Avenue. The motion was seconded by Mr. Justin Frieler with a roll call vote recorded as follows:

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

- c. Mayor Finken stated that as part of the 2024 capital budget was equipment purchases with the one-time Public Safety Aid fund from the State of Minnesota. The City will receive the Public Safety Aid payment on December 26, 2023. Due to long lead times, Fire Chief Budde is recommending getting the equipment ordered prior to receiving the funds. Fire Chief Budde obtained quotes for the extraction tools and air bags and is recommending awarding the quote to Alex Air Apparatus

A motion was made by Ms. Wieling, seconded by Mr. Justin Frieler and unanimously carried approving the quote from Alex Air Apparatus for extraction tools and air bags in the amount of \$44,525.

- d. According to the Fire Department Policies, Officers' terms expire every two years. The terms will expire on January 1, 2024; therefore, applications for Chief, 1st Assistant Chief, 2nd Assistant Chief, and Training Officer were accepted October 1st through the 15th.

Fire Chief Tom Budde was the only applicant for the Fire Chief position. Therefore, interviews were not conducted Administrator Winter is recommending Chief Budde be reappointed as Fire Chief for appointments for 2024 and 2025.

A motion was made by Ms. Wieling, seconded by Mr. Travis Frieler and unanimously carried appointing Mr. Budde as Fire Chief for 2024 and 2025.

- e. The Streets/Park Supervisor position needed clarification and general cleanup of the job description. City Administrator Winter, HR Generalist/Payroll Clerk Rieland, and Finance Director Ryan Meyer reviewed the job description.

A motion was made by Mr. Travis Frieler, seconded by Mr. Klasen and unanimously carried adopting the revised Streets Parks Supervisor Job Description.

- f. Earlier this evening the Council held a public hearing to consider an ordinance regulating the use of cannabis and cannabis derived products. Stearns County has adopted a similar ordinance. Adopting the ordinance specific to Melrose allows criminal and administrative penalties to be set by the Melrose City Council.

Mr. Klasen introduced Ordinance No. 11-16-2023, Ordinance Regulating the Use of Cannabis and Cannabis Derived Products in Public Places. The motion was seconded by Ms. Wieling with a roll call vote recorded as follows:

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

AGAINST: None

If approval is given to Ordinance No. 11-16-2023, the Council to consider taking action approving the Official Title and Summary for this Ordinance. This Official Title and Summary will then be published in the Melrose Beacon on November 22, 2023, in lieu of the entire Ordinance containing the amendments. Ordinance

No. 11-16-2023 will be available at the Melrose City Center and at the Great River Regional Library – Melrose Branch. State Statute requires that approval of the Official Title and Summary by the Council must be by a 4/5 vote.

A motion was made by Ms. Wieling, seconded by Mr. Justin Frieler and unanimously carried approving the Official Title and Summary for Ordinance No. 11-16-2023 Ordinance Title and Summary

- g. Finance Director Meyer has obtained quotes for the city printer leases. Finance Director Meyer recommends awarding the quote to Metro Sales, Inc.

A motion was made by Mr. Travis Frieler, seconded by Ms. Wieling and unanimously carried concurring with the Melrose Public Utilities Commission awarding the city's printer lease to Metro Sales, Inc.

- h. Due to the Melrose Ambulance Department's pending ALS certification, the Council established the required Paramedic/Registered Nurse position at the 9/21/2023 meeting Justin Wieling

A motion was made by Mr. Justin seconded by Ms. Wieling and unanimously carried approving the 2024 Paramedic/Registered Nurse wage scale.

- i. Earlier this evening at the budget workshop, Finance Director presented the proposed 2024 Ambulance Department Wage Scale.

A motion was made by Mr. Klasen, seconded by Ms. Wieling and unanimously carried approving the proposed 2024 Ambulance Department Wage Scale.

A.I. #8 OLD BUSINESS

None

A.I.#9 NEW BUSINESS

- a. The Council to review and discuss the 2024 Meeting Schedule for any possible changes. Please note that in January we will have two meetings instead of the usual one meeting per month.

The Council by consensus approved the 2024 meeting schedule.

- b. At its meeting on October 30, 2023, the Planning & Zoning Commission reviewed the non-equipment related Capital Improvement Projects proposed for years 2024-2028 addressed in the City's Five-Year Capital Improvement Plan. They also reviewed with staff the land acquisition and disposition projects being discussed by the Council and MADA. This is done in accordance with Minnesota Statutes Section 462.356 Subd. 2.

The statute reads "After a comprehensive municipal plan or section thereof has been recommended by the planning agency and a copy filed with the governing body, no publicly owned interest in real property within the municipality shall be

acquired or disposed of, nor shall any capital improvement be authorized by the municipality or special district or agency thereof or any other political subdivision having jurisdiction within the municipality until after the planning agency has reviewed the proposed acquisition, disposal, or capital improvement and reported in writing to the governing body or other special district or agency or political subdivision concerned, its findings as to compliance of the proposed acquisition, disposal or improvement with the comprehensive municipal plan.”

Following its review, the Commission found that the City's non-equipment related Capital Improvement Projects proposed in the budget and the land acquisition and disposition plans which are being discussed, are in compliance with the Comprehensive Plan.

No Council action is required.

- c. SEH has submitted the Supplemental Letter Agreement for the 2024 Main Street Improvements.

A motion was made by Ms. Wieling, seconded by Mr. Justin Frieler and unanimously carried approving the Supplemental Letter Agreement for the 2024 Main Street Improvements.

- d. SEH has submitted the Supplemental Letter Agreement for the 2024 1st Street South Street Improvements

A motion was made by Ms. Wieling, seconded by Mr. Travis Frieler and unanimously carried approving the Supplemental Letter Agreement for the 2024 1st Street South Street Improvements.

A.I. #10 PRESENTATION

- a. Bryan Borstad was at work on October 5th and collapsed near another employee. EMS was called immediately, Chief Craig Maus and Melrose first responders arrived very quickly initiating CPR. Melrose Ambulance arrived and with continued help from Rescue members patient was loaded into rig where we continued CPR and working on airway management. We were able to verify he was in a shockable rhythm, and we started AirCare immediately and the hospital was updated. We continued lifesaving efforts and transport to Melrose ER where meds were given, and ROSC was achieved. Bryan is here today because of the quick response and adequate ventilation of our local responders. Members of the Melrose Police, Fire and Ambulance departments that assisted in the incident were presented with the Life Saving Award.

A.I. #11 INFORMATIONAL ITEMS

The following informational items were then reviewed:

- a. Utilities Commission's October 9 Regular Meeting minutes.
- b. The Salvation Army has teamed up with Coborn's for the Red Kettle kick-off on Friday, November 24 from 1-4 p.m. They are asking for the Mayor and Council to be there at 1:00 to help them ring the bell.

A.I. #12 ADJOURNMENT

A motion was made by Mr. Travis Frieler, seconded by Ms. Wieling and unanimously carried to adjourn the meeting at 6:50 p.m.


PATRICIA HAASE – CITY CLERK