

**MELROSE CITY COUNCIL
REGULAR MEETING
THURSDAY, APRIL 16, 2020– 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. 2020-22, Donation from Melrose Lions
 - 2) Resolution No. 2020-23, Donation from Grey Eagle – Burtrum Lions Club
 - 3) Resolution No. 2020-24, Donation from the Melrose VFW Post #7050
 - e. Pay Voucher #4 – Final County Road 65 Sidewalk Project
 - f. Ambulance Bad Debt
5. Reports
 - a. Police Department Monthly
 - b. City Attorney Report
 - c. Community Development Director Update
 - d. City Engineer Report
 - e. City Administrator Report
6. Public Hearing
 - a. 3.2% Off Sale Liquor License Coborn's Inc. DBA Coborn's Grocery Store #2043
7. Action Items
 - a. 3.2% Off Sale Liquor License Coborn's Grocery
 - b. Planning and Zoning Commission Appointment
 - c. Pro-rating Liquor Licenses
8. Old Business
 - a. 2020 Street Improvement Project
 - b. Emergency Revolving Loan Fund Policy
 - * c. Resolution No. 2020-21 Resolution Declaring a Local Emergency

9. New Business
 - a. Parking Area Surface Requirement

10. Informational Items
 - a. Utilities Commission Meeting Minutes

11. Adjournment

- * Amendment

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REGULAR MEETING
THURSDAY, APRIL 16, 2020 – 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 16, 2020 at 6:00 p.m. via global/GoToMeeting pursuant to due notice being given thereof. Present were Council Members Tony Klasen, Justin Frieler, Mark Hill, Travis Frieler, 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 Mr. Justin Frieler to approve the agenda as amended. The motion was seconded by Mr. Klasen with a roll call vote recorded as follows:

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

A.I. #3 OPEN FORUM

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

A.I. #4 APPROVAL OF CONSENT AGENDA

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

- a. The minutes from the March 19 Regular Meeting
- b. List of bills in the amount of \$288,696.56 (See attached list)
- c. List of investments for the month of March (See attached list)
- d. Donation Resolutions
 - 1) Resolution No. 2020-22, Donation in the amount of \$1,000 from the Melrose Lions from the towards the Riverfest Celebration.
 - 2) Resolution No. 2020-23, Donation in the amount of \$250 from the Grey Eagle- Burtrum Lions Club to the Melrose Ambulance Department
 - 3) Resolution No. 2020-24, Donation in the amount of \$200 from the Melrose VFW post #7050 to the Melrose Area Chamber of Commerce towards the Riverfest Celebration.
- e. The Council to give consideration to Pay Voucher No. 4 – Final from Worms Lumber & Ready Mix for the 2019 County Road 65 Sidewalk Improvements. The total of Pay Voucher 4 – Final is \$7402.20. WSB Engineering has reviewed and is hereby recommending approval of the Final Pay Voucher #4.
- f. Ambulance Department uncollectible accounts in the amount of \$125.00 has been submitted to Revenue Recapture, collections or written off. There was a total of \$7,874.90 collected from account holders during this quarter. A complete list of accounts is on file at the City Office

A motion was made by Mr. Hill, to approve the Consent Agenda items. The

motion was seconded by Mr. Justin Frieler with a roll call vote recorded as follows:

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

AGAINST: None

A.I. #5 REPORTS

- a. Police Chief Maus presented the Police Department's March 2020 report. He noted there were 278 calls for service during that month, compared to 426 calls for March 2019. A total of 15 citations were written for the month of March. There were 69 verbal warnings and one written warning. The year-to-date number of calls is 895 compared to 1151 in 2019. For the month of March 2020, the Department received 25 agency assist calls. Chief Maus noted that he has received the Annual Report from the Stearns County Attorney Office. The juvenile numbers remain steady, however the adult crime level has slightly increased, most jumping from misdemeanors to gross misdemeanors. Police Chief Maus reminded people of the social distancing protocol that is in place under Governor Walz's Shelter in Place order. Council Member Klasen asked how the police department is handling the social distancing, and shelter in place protocol. Chief Maus said mainly they have been using it to educate the public. If it becomes habitual there are prosecution tools available however the Melrose Police Department has not had to use this measure. Council Member Klasen expressed his concern that government may be infringing on constitutional freedom. Mr. Klasen is suggesting that the Police Department use its discretion and make social distancing a recommendation at this time as long as case numbers do not substantially increase. City Attorney stated that he has not looked at 1st amendment implications and is not aware of anyone filing a case against the 1st amendment. Mr. Dymoke stated that the police and city are obligated to follow the law and terms of the order.
- b. City Attorney Scott Dymoke reported on projects he has been working on for the City:
 - Massman Property: Prepared opinion regarding effect of proposed subdivision of Massman property on deferred special assessments and application of subdivision ordinance.
 - Revolving Loan Fund: Reviewed proposed loan policies, emergency order, statutes and ordinances concerning emergency relief loan program. Prepared drafts of loan documents for use with emergency relief loan program.
 - Auditor's Letter: Prepared and submitted opinion letter for use by City Auditor in preparation of annual audit.
- c. Community Development Director Atkinson provided an update on year-to date building permits. Ms. Atkinson also noted that Ed Zimney with the Central Minnesota Housing Partnership has been administering the City's federal commercial and housing updates grant. The balance for the funds in the residential program is \$112,019. The balance for the commercial program is

\$80,120. There is one residence in the process of getting approved. There is one residence and one business who have requested applications but not yet submitted them. Ms. Atkinson noted that after only one 4:00 on the 4th event, the program will be on hold indefinitely due to COVID-19. Ms. Atkinson reported that MADA and the City Council approved offering a program to provide funds to local small businesses affected by COVID-19 at their April 2, 2020 joint meeting. It is being referred to as the Emergency Revolving Loan Fund (ERLF). As of today, six applications have been received.

- d. Mike Nielson with WSB & Associates provided the following information on various city projects. Mr. Nielson stated that work has resumed at the Casey's south side site. Demolition will begin on April 17. WSB will continue to make inspections as required. Mr. Nielson provided a status report on the Road/Dam/Bridge project.
- e. City Administrator Winter provided an update on city operations during the COVID-19 pandemic. The City Center offices will remain closed until May 4, 2020. Melrose has been working on the RDB project with the DNR and Corp of Engineering. Although the multi-family development has been placed on hold, as directed by the Council, City staff has contacted the property owner and they remain interested in selling their property for a multi-family development.

A.I. #6 PUBLIC HEARING

- a. The Council held a public hearing on the request for a 3.2% Off Sale Malt Liquor License from Coborn's Inc. DBA Coborn's Grocery Store #2043. A public hearing is required as per City Code Chapter 113 Liquor Regulations.

City Administrator Winter presented the Affidavit of Publication of the hearing notice which was published in the April 1, 2020 edition of the Melrose Beacon.

There being no further comment, the Public Hearing was closed at 6:28 p.m.

A.I. #7 ACTION ITEMS

- a. The Council gave consideration to the request from Coborn's Inc. DBA Coborn's Grocery Store #2043 for a 3.2% Off Sale Malt Liquor License. A background investigation has been conducted by the Melrose Police Department and nothing was found that would prohibit issuing of the license. The City has received the fee and required documentation.

A motion was made by Mr. Justin Frieler, to approve the 3.2 Off Sale Liquor License to Coborn's Inc. DBA Coborn's Grocery Store #2043. The motion was seconded by Mr. Travis Frieler with a roll call vote recorded as follows:

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

AGAINST: None

- b. Two members from the Planning & Zoning Commission terms expired in December of 2019. Staff had advertised for the positions. Incumbent Kevin Thomes did not seek reappointment and no other applications were received

leaving a vacant seat on the Planning and Zoning Commission. Jean McDonald has submitted an application for the Planning and Zoning Commission

A motion was made by Mr. Hill appointing Jean McDonald to the Planning and Zoning Commission. The motion was seconded by Mr. Klasen with a roll call vote recorded as follows:

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

AGAINST: None

- c. Mayor Finken stated that City staff was contacted by a liquor license holder asking if the City would consider prorating liquor license fees, since they have been forced to shut down. The Alcohol and Gambling Control Board does not object to a city refunding a prorated portion of the liquor license fees that a city collects. There is support for refunding a prorated portion of a liquor license fee, if a City elects to do so, under Minn. Stat. 340A.408, Subd. 5(3). The City of Melrose licenses renewed on March 1st and payments have been received by the City.

City Administrator Winter has been in contact with some of the surrounding communities

Avon Will propose to the council that we offer folks a payment plan so they can pay over the next 12 months.

Sauk Centre does not renew until July. They are waiting to see when they get to re-open before doing anything.

If the City wishes to allow for a prorated amount or a refund, they could do so in their Emergency Declaration Actions and Policies.

Liquor License Proration. City staff will calculate the duration in which bars and restaurants are prohibited from selling alcohol to the community. The prorated amount of their license for the days they are closed due to Governor Tim Walz's Declaration shall be refunded back to them or applied to the following year's application and permit fee.

A motion was made by Mr. Klasen to prorate the On-Sale Liquor license. City Administrator Winter asked for clarification on the motion. There are two ways to handle the refund either by applying credit to next year's fees or through issuing a refund check. Also does the Council wish to prorate both the On Sale and Sunday On Sale license fee. Mr. Klasen amended his motion to pro-rate both the On-Sale and Sunday On Sale liquor license fee by issuing a refund check. The motion was seconded by Mr. Hill with a roll call vote recorded as follows:

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

AGAINST: None

A.I. #8 OLD BUSINESS

- a. Mayor Finken stated that bid opening for the 2020 Street Improvement Project took place on Thursday, April 16, 2020 at 10:00 a.m. Seven bids were received. The bids were checked for mathematical accuracy and tabulated. Mark Lee Excavating Inc., Alexandria Minnesota was the low bidder with a total bid amount of \$446,137.00. The Engineer's Estimate for the project was \$570,637.40. WSB is recommending awarding the contract to Mark Lee Excavating in the amount of \$446,137.00. The public utilities improvements are included in the project.

A motion was made by Mr. Justin Frieler awarding the 2020 Street Improvement project to Mark Lee Excavating in the amount of \$446,137.00. The motion was amended and seconded by Mr. Hill to include up to an additional \$25,000 for excavating and dirt work should it be deemed necessary. The roll call vote is recorded as follows:

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

AGAINST: None

- b. Mayor Finken stated that MADA and the City Council held a joint meeting on April 2, 2020 to discuss providing emergency revolving loan funds to businesses affected by COVID-19. Since that time staff has made some slight revisions. One change was to extend the payback period from 2 years to 4 years. This would make the monthly payments more affordable. The policy also did include a \$150 application fee. Staff at this point has not collected the fee, however it could be collected at the time of fund disbursement. Council Member Justin Frieler supported waiving the application fee or only charging the application fee if they receive funding. Staff has received 6 applications as of today.

After further discussion, a motion was made by Mr. Justin Frieler to waive the application fee and adopt the revised Emergency Revolving Loan Fund Policy. The motion was seconded by Mr. Hill with a roll call vote recorded as follows:

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

AGAINST: None

- c. The Council next discussed Resolution No. 2020-21 Resolution Declaring a Local Emergency due to COVID-19. The Council at its March 19 meeting adopted Resolution No. 2020-21 Declaring a Local Emergency. Does the Council want to continue to work under the Emergency Declaration?

A motion was made by Mr. Justin Frieler for Resolution No. 2020-21 to remain in effect and to be bought back for review at the May meeting. The motion was seconded by Travis Frieler with a roll call vote recorded as follows:

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

AGAINST: None

A.I.#9 NEW BUSINESS

- a. Mayor Finken stated that there have been some questions regarding the parking area surface requirements. Community Development Director Atkinson has researched the current Zoning Ordinance and Melrose City Code and has found a solution that would address the parking of recreational vehicles. The Planning and Zoning Commission at its April 13 meeting did review the existing ordinance and looked at possible solutions. Planning and Zoning Member Shawn Mayers has made a recommendation on types of durable surfaces that would work well. Mr. Mayers will further research and provide input prior to the May 11 Planning and Zoning Meeting.

The Council by consensus directed staff to initiate the ordinance revision.

A.I. #10 INFORMATIONAL ITEMS

The following informational items were reviewed:

- a. Utilities Commission's March 9, 2020 Regular Meeting minutes.

A.I. #11 ADJOURNMENT

A motion was made by Mr. Justin Frieler that the meeting be adjourned at 7:10 p.m. The motion was seconded by Mr. Travis Frieler with a roll call vote recorded as follows:

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

PATRICIA HAASE – CITY CLERK