

**MELROSE CITY COUNCIL  
REGULAR MEETING  
THURSDAY, MARCH 21, 2019 – 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. Community Festival License
  - e. Gambling Resolution:
    - 1) Resolution No. 2019-19, Melrose Area Chamber of Commerce
5. Reports
  - a. Police Department Monthly
  - b. Community Development Director
  - c. City Attorney Report
6. Public Hearing
  - a. Public Hearing to Abate Nuisances Pursuant To Melrose City Code Section 93.21
7. Action Items
  - a. **CASE NO. PP-1-2019-203 and FP-1-2019-204** Preliminary / Final Plat Melrose 1 Stop / Resolution No. 2019-20, Resolution Approving Case No. PP-1-2019-203 And FP-1-2019-204, Preliminary and Final Plat Requested By Rahn Properties, LLC
  - b. Resolution No. 2019-21, Resolution Ordering the Abatement of Nuisance Conditions Located At 304 Third Street SE, Melrose, MN
  - c. Resolution No. 2019-22, Resolution Ordering the Abatement of Nuisance Conditions Located at 121 Fourth Street SW, Melrose MN
  - d. Ordinance No. 03-21-2019-1, Zoning Ordinance Amendment to Section 700; Sign Regulations by Repealing and Replacing and/or Amending the Code Related to Signage / Official Title and Summary
  - e. Ordinance No. 03-21-2019-2, Zoning Ordinance Amendment to Section 1100: Nonconformities and Amending All Relevant Ordinances Regarding Nonconformities / Official Title and Summary
  - f. Police Reserve Hire
  - g. Springsted – Consent to Assignment

8. Old Business
  - a. Downtown Parking Restrictions
  - b. City Center HVAC System
  - c. 2019 Street Improvement Projects
  - d. 2019 Chip Seal Projects
  - e. Rock Arch Rapids
  
9. New Business
  - a. Meeting Schedule
  
10. Informational Items
  - a. Utilities Commission Meeting Minutes
  - b. Schools and Conferences
  
11. Adjournment

**MELROSE CITY COUNCIL  
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THURSDAY, MARCH 21, 2019 – 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, March 21, 2019 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, Mayor Joe Finken, Finance Director/Acting City Administrator Tessa Beuning and City Clerk Patti Haase. Council Member Mark Hill was absent. Mayor Finken presided thereat.

The Council then recited the Pledge of Allegiance.

**A.I. #2 APPROVAL OF AGENDA**

A motion was made by Mr. Klasen, seconded by Mr. Justin Frieler and unanimously carried to approve the agenda as submitted.

**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 Council's January 28, Special Joint Meeting with the Commission, the February 21 Special Joint Meeting with the Utilities Commission, the February 21 Regular Meeting, the February 21 Special Meeting with the Area City and Township Officials, the February 27, Special Joint Meeting with the Utilities Commission, the March 4 Special Joint Meeting with the Utilities Commission, and the March 4 Special Meeting hosting the German Students.
- b. list of bills in the amount of \$ 471,922.25. (See attached list)
- c. list of investments for the month of February. (See attached list)
- d. The Council to give consideration to approval of a Community Festival License – Public Property to the Melrose Area Chamber of Commerce. Police Chief Maus and Finance Director Beuning have reviewed the Community License Application and recommend approving the application. Approval is contingent upon state approval, receiving fees and necessary liquor liability insurance documentation.
- e. 1) Gambling Resolution No. 2019-19, Resolution Approving Gambling License to the Melrose Area Chamber of Commerce for an exemption from lawful gambling license to conduct a bingo, sell pull-tabs and hold a raffle on June 29, 2019 at the Sauk River Park located at 206 5<sup>th</sup> Avenue NE.

A motion was made by Mr. Travis Frieler, seconded by Mr. Justin Frieler and unanimously carried to approve Consent Agenda items a and b.

A motion was then made by Mr. Justin Frieler, seconded by Mr. Travis Frieler and unanimously carried approving Consent Agenda items c, d, and e.

## **A.I. #5 REPORTS**

- a. Police Chief Maus presented the Police Department's February 2019 report. He noted there were 318 calls for service during that month, compared to 338 for February 2018. There were 97 verbal warning and five written warning. A total of 33 citations were written for the month of February. The year-to-date number of calls is 725 compared to 680 in 2018. For the month of February, the Department received 16 agency assist calls.
- b. Community Development Director Atkinson reported on the Planning and Zoning Commission's February 25 and March 19 meetings. Ms. Atkinson also provided an overview of upcoming projects. She provided an overview on the revision to the Ordinances that will be brought before the Council later this evening.
- c. City Attorney Scott Dymoke reported on projects he has been working on for the City:
  - Lemke Nuisance: Received report of nuisance from the Police Department. Prepared Council resolution ordering abatement and hearing notices. Advised City staff on service of hearing notices.
  - Lange-Stenski: Received report of nuisance from the Police Department. Prepared Council resolution ordering abatement and hearing notices. Advised City staff on service of hearing notices.
  - Outdoor Seating: Reviewed draft of proposed ordinance regulating outdoor seating. Prepared recommended revisions to ordinance and forwarded to City staff.
  - Airbnb: Staff had an inquiry regarding an Airbnb. Mr. Dymoke stated the City's current ordinances would allow this as rental property. The City's ordinance is silent on the length of stay. The Council, by consensus, determined that for now the City will continue with the current ordinance as written.

## **A.I. #6 PUBLIC HEARING**

- a. The City Council opened the Public Hearing at 6:08 p.m. to determine if conditions identified on the property located at:
  1. 304 3<sup>rd</sup> Street SE, Melrose MN
  2. 121 4<sup>th</sup> Street SW, Melrose MN

are a public nuisance and consider issuing orders to abate the nuisance.

Attorney Scott Dymoke provided an overview of the nuisance violations and the process of abating the nuisance.

Mr. Lemke property owner of 121 4<sup>th</sup> Street SW stated that he had been out of town for the last two weeks and, therefore, was not able to address the issue. Mr. Lemke stated that he has contacted Opatz Metals, which has been closed on Saturdays; however, they will be open this upcoming Saturday at which time he intends to dispose of the items.

There being no further comment, a motion was made by Mr. Travis Frieler, seconded by Mr. Justin Frieler and unanimously carried to close the Public Hearing at 6:16 p.m.

### **A.I. #7 ACTION ITEMS**

- a. Mayor Finken stated that the Planning and Zoning Commission, at its March 19 meeting, reviewed the Preliminary and Final Plat for Melrose 1 Stop. The Commission is recommending approval of the Preliminary and Final Plat for Melrose 1 Stop with the following recommendations:

A motion was made by Mr. Justin Frieler, seconded by Mr. Klasen and unanimously carried affirming that “the ‘truck wash’ as a use is in harmony with the original ‘car wash’ CUP but if stacking becomes an issue or chemicals in the water become an issue, the City may give notice to the property owner and use the same process as outlined in the Letter of Understanding and Preliminary/ Final Plat Resolution and the CUP may be revoked if necessary to resolve the issue.”

A motion was then made by Mr. Travis Frieler, seconded by Mr. Klasen and unanimously carried affirming that “the fence on the south and west side, abutting the cemetery and Lovelace properties (near the car/truck wash) are waived at this time, but the language in the resolution shall remain regarding the process for determining if it is needed in the future if issues arise.”

A motion was then made by Mr. Justin Frieler, seconded by Mr. Travis Frieler and unanimously carried affirming that “if a fence is needed in the future, the fence can be set back eight feet instead of 15 feet abutting the cemetery road. It is also noted that that there is a minimum eight-foot landscape yard/buffer and parking setback required, which needs to include grass at the minimum. This is required but is not currently shown on the plans for the Melrose 1 Stop property, particularly between the Lovelace property and the car wash area.”

Mr. Justin Frieler introduced Resolution No. 2019-20, Resolution Approving Case No. PP-1-2019-203 And FP-1-2019-204, Preliminary and Final Plat Requested by Rahn Properties, LLC. The motion was seconded by Mr. Klasen with a roll call vote recorded as follows:

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

A motion was made by Mr. Klasen, seconded by Mr. Justin Frieler and unanimously carried approving the Letter of Understanding.

- b. Mayor Finken stated that earlier this evening, a Public Hearing was held to determine if conditions identified on the property located at 304 Third Street SE are a public nuisance and consider issuing orders to abate the nuisance.

City Attorney Dymoke stated that if the Council wishes to move forward with the abatement of the nuisance conditions for the above listed property, they will need to take action adopting the resolutions. In so doing, the property owner has 30 days in which to come into compliance with the applicable City codes and regulations. A motion for summary enforcement of the order will be made to the Stearns County District Court unless correction action is taken, or unless an answer is filed within the time specified in Minn. Stat. §463.18 which is 20 days. If the City must take action to enforce this order, all enforcement costs will be specially assessed against the property and collected in accordance with Minn. Stat. §463.22, §463.21 and §463.161.

Council Member Travis Frieler introduced Resolution No. 2019-21, Resolution Ordering the Abatement of Nuisance Conditions Located At 304 Third Street SE, Melrose, MN. The motion was seconded by Mr. Klasen with a roll call vote recorded as follows:

FOR: Council Members Travis Frieler, Klasen, Justin Frieler, and Mayor Finken

AGAINST: None

ABSENT: Council Member Hill

- c. Mayor Finken stated that earlier this evening, a Public Hearing was held to determine if conditions identified on the property located at 121 Fourth Street SW are a public nuisance and consider issuing orders to abate the nuisance.

City Attorney Dymoke stated that if the Council wishes to move forward with the abatement of the nuisance conditions for the above listed property, they will need to take action adopting the resolutions. In so doing, the property owner has 30 days in which to come into compliance with the applicable City codes and regulations. A motion for summary enforcement of the order will be made to the Stearns County District Court unless correction action is taken, or unless an answer is filed within the time specified in Minn. Stat. §463.18 which is 20 days. If the City must take action to enforce this order, all enforcement costs will be specially assessed against the property and collected in accordance with Minn. Stat. §463.22, §463.21 and §463.161.

Council Member Klasen introduced No. 2019-22, Resolution Ordering the Abatement of Nuisance Conditions Located at 121 Fourth Street SW, Melrose MN. The motion was seconded by Mr. Travis Frieler with a roll call vote recorded as follows:

FOR: Council Members Klasen, Travis Frieler, Justin Frieler, and Mayor Finken

AGAINST: None

ABSENT: Council Member Hill

- d. Mayor Finken stated that the Planning and Zoning Commission reviewed the revisions to Section 700: Sign Regulations at its February 25 meeting, held a public hearing, and is recommending approval. The changes are pertaining to changeable and electronic signage.

Council Member Klasen introduced Ordinance No. 03-21-2019-1, Zoning Ordinance Amendment to Section 700: Sign Regulations by Repealing and Replacing and/or Amending the Code Related to Signage. The motion was seconded by Mr. Justin Frieler with a roll call vote recorded as follows:

FOR: Council Members Klasen, Justin Frieler, Travis Frieler, and Mayor Finken

AGAINST: None

ABSENT: Council Member Hill

A motion was made by Mr. Justin Frieler, seconded by Mr. Klasen and unanimously carried approving the Official Title and Summary for Ordinance No. 03-21-2019-1.

- e. Mayor Finken stated that changes have been made to Section 1100: Nonconformities. This revision includes a combination of Albany's ordinance and State Law language, with a few portions of Melrose's original ordinance. This has been reviewed by the City Attorney. The Commission reviewed the revision to Section 1100: Nonconformities at its February 25 meeting and is recommending adoption.

Council Member Klasen introduced Ordinance No. 03-21-2019-2, Zoning Ordinance Amendment to Section 1100: Nonconformities and Amending All Relevant Ordinances Regarding Nonconformities. The motion was seconded by Mr. Justin Frieler with a roll call vote recorded as follows:

FOR: Council Members Klasen, Justin Frieler, Travis Frieler and Mayor Finken

AGAINST: None

ABSENT: Council Member Hill

A motion was made by Mr. Justin Frieler, second by Mr. Travis Frieler and unanimously carried approving the Official Title and Summary for Ordinance No. 03-21-2019-2.

- f. Police Chief Maus is requesting the approval to hire Reece Riegel for the Melrose Police Reserves, contingent on a successful background investigation and physical exam. Reece is currently enrolled in the Law Enforcement program at the Alexandria Technical College. Mr. Riegel is also a soldier in the Army National Guard.

A motion was made by Mr. Justin Frieler, seconded by Mr. Klasen and unanimously carried approving the hiring of Mr. Riegel to the Melrose Police Reserves contingent on a successful background investigation and physical exam.

- g. Mayor Finken noted that Springsted Incorporated is the municipal advisor for bonding, arbitrage, continuing disclosures and other services. The City was informed of Springsted's intent to combine with Baker Tilly Virchow Krause, LLP, a financial services and accounting firm, and will operate its business under the name Baker Tilly Municipal Advisors, LLC ("Baker Tilly").

A motion was made by Mr. Klasen, seconded by Mr. Travis Frieler and unanimously carried approving the Consent to Assignment.

#### **A.I. #8 OLD BUSINESS**

- a. Police Chief Maus will provide an update on the downtown parking restrictions. Mr. Klasen stated that he spoke with the individual who brought up the parking concern and he would like, at a minimum, three-hour parking on the side streets if possible. Mr. Klasen inquired about vehicles parked on 2<sup>nd</sup> Avenue NE that are encroaching the street. Chief Maus stated that this is being monitored and addressed. Council Member Frieler stated that Arvig would prefer no parking on the back side of Arvig (Turkey Lane) or at least limit parking, allowing parking only on one side. Mr. Justin Frieler also stated that other business employees are welcome to use the Arvig parking lot.

- b. Mayor Finken stated that on March 13, 2019, two bids were received for the HVAC System for the City Center. SEH has reviewed the bids and is recommending the project be awarded to Mission Mechanical in the amount of \$163,271. This includes the replacement of the hot water coils.

A motion was made by Mr. Klasen, seconded by Mr. Justin Frieler and unanimously carried awarding the project to Mission Mechanical in the amount of \$163,271.

- c. Mayor Finken noted that bids were opened at 9:30 a.m. on March 21, 2019 for the 2019 Chip Seal project. A total of two bids were received. The low bidder was Asphalt Surface Technologies Corp. (ASTECH) in the amount of \$72,195.85. However, during review, it was determined to remove the FA3 requirement and to use the FA2 aggregate, which reduced the bid to \$69,195.85.

A motion was made by Mr. Travis Frieler seconded by Mr. Klasen and unanimously carried awarding the 2019 Seal Coat contract to ASTECH in the amount of \$69,195.85

- d. Mayor Finken noted that bids were opened at 10:00 a.m. on March 21, 2019 for the 2019 Street Improvement project. A total of six bids were received. The low bidder was Riley Bros. Construction Inc., in the amount of \$287,074.60. WSB & Associates have reviewed the bids and is recommending awarding the project to Riley Bros. Construction Inc. in the amount of \$287,074.60.

A motion was made by Mr. Justin Frieler, seconded by Mr. Travis Frieler and unanimously carried awarding the 2019 Street Improvement project contract to Riley Bros. Construction Inc. in the amount of \$287,074.60.

- e. Mayor Finken stated that on March 13, 2019, Finance Director Beuning, Community Development Director Atkinson, and several WSB staff members attended a meeting with several representatives from the DNR, including the Assistant Commissioner at Senator Westrom's Office in St. Paul. After further discussion, it was determined that there is a possibility that the rock arch rapids could work at the current level, without requiring draw down of the lake/river; however, additional hydraulic analysis is needed.

Mr. Nielson is recommending that the Council meet first with project engineer and hydrologist and then perhaps later with the DNR.

The Council, by consensus, determined to meet with WSB engineers and hydrologist to further research the rock arch rapids design.

### **A.I. #9 NEW BUSINESS**

- a. The Local Board of Appeals and Equalization meeting will be held on April 11, 2019 at 4:30 p.m. A quorum of the Council is required. At least one member must have Local Board of Appeal and Equalization training. Joe Finken and Justin Frieler are certified members.

### **A.I. #10 INFORMATIONAL ITEMS**

The following informational items were reviewed:

- a. Utilities Commission's February 11 Regular Meeting minutes.
- b. The following are schools and/or conferences where registrations were made:
  - 1) Safety and Loss Control Workshop – March 28, 2019. Attending: Streets/Parks Supervisor Gary Middendorf.

### **A.I. #11 ADJOURNMENT**

A motion was made by Mr. Travis Frieler, seconded by Mr. Justin Frieler and unanimously carried that the meeting be adjourned at 7:15 p.m.

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PATRICIA HAASE – CITY CLERK