

Regular Meeting

May 7, 2014

7:00 p.m.

With due call and notice thereof, the May 7, 2014 Regular Council Meeting of the City of Eden Valley was called to order by Mayor Korman at 7:00 p.m. in the Civic Center meeting room. Present were Mayor Korman, Councilors Gabrelcik, Bradshaw, Thielen and Kern, and Clerk Haag. Also present Public Works Director Rademacher, Police Chief Junker, City Attorney Ben Bohnsack, Kent Louwagie, and others. Mayor Korman presided.

The agenda was approved on a motion by Thielen, seconded by Kern.

A motion to approve the consent agenda was made by Gabrelcik. Items on the consent agenda included Approve Minutes of April 9, 2014 regular meeting, Adopt Donation Resolution #2014-7, Accept liability coverage limits of \$1,500,000 from LMCIT and not waive the monetary limits on municipal tort liability established by Minnesota Statutes 466.04. Motion to approve consent agenda was seconded by Bradshaw and carried unanimously.

Mayor Korman reported his term as Mayor expires at the end of this year, he had decided not to file for re-election, and that he wanted to inform people of that now so they would have time to consider filing if they were interested.

Mayor Korman then announced the City Council would be going into closed session for Attorney/Client privilege and asked Public Works Director Rademacher to assist those present in finding a location to wait until the meeting was re-opened. Mayor Korman then closed the meeting at 7:08 p.m. for Attorney/Client privilege.

The meeting was re-opened at 7:25 p.m. Mayor Korman reported the closed session was to discuss a proposed settlement agreement between the City of Eden Valley and Douglas Ruhland, Lonn Peterson, and Ann Peterson in regards to Jack's Addition. Korman reported several lots in Jack's Addition had gone into foreclosure status and the Council had pursued funds due to the City. A motion was made by Bradshaw to approve the Settlement Agreement as proposed. Motion was seconded by Thielen and carried unanimously.

City Engineer Kent Louwagie was present to update the Council on the Hwy 22 Street Project. Louwagie reported the sanitary sewer on Coleman Avenue and from Coleman south to Stearns Avenue had been installed, watermain there was currently being installed and should finish within a day. Next week the detour route would shift to allow sewer and watermain installation at the intersection of Stearns Avenue and State Street, dewatering continues, and work from the railroad tracks south to Hwy 55 would occur during the detour shift as well. Rebuilding of Coleman Avenue is expected within the next week and concrete work including both replacement and new concrete should be starting next week as well. Pay Estimate #5, in the amount of \$92,993.98 to Kuechle Underground, was presented for payment. A motion was made by Bradshaw, seconded by Thielen, and carried unanimously, to approve payment of Pay Estimate #5 as presented.

Ordinance #2014-1, was introduced as follows:

AN ORDINANCE AMENDING THE EDEN VALLEY CITY CODE TO ALLOW FOR TEMPORARY ON-SALE LIQUOR LICENSES FOR MALT BEVERAGES AND INTOXICATING LIQUOR UNDER CHAPTER 11

RECITALS

- A. The City of Eden Valley ("City") regulates the sale and consumption of 3.2 percent malt liquor, malt liquor, and intoxicating liquor under Chapter Eleven of the City Code ("Ordinance").
- B. The City wishes to amend Section 1101.020 of the Ordinance to include temporary on-sale licenses for the sale of malt liquor and/or intoxicating liquor pursuant to Minn. Stat. § 340A.404, Subdivision 10.
- C. The City wishes to amend Section 1101.020, Subdivision 7, of the Ordinance relating to consumption and display permits to correct references to Minn. Stat. § 340A.414.

THE EDEN VALLEY CITY COUNCIL ORDAINS:

SECTION 1: Chapter Eleven, Section 1101.20 of the City of Eden Valley Municipal Ordinance Code is amended as follows (additions are noted by underlining, deletions are noted by ~~strikeout~~):

"1101.020. Subdivision 6.

Temporary on-sale licenses. The City may issue to a club or charitable, religious, or other nonprofit organization in existence for at least three years a temporary license for the on-sale of malt liquor (strong beer) and/or intoxicating liquor in connection with a social event within the City sponsored by the licensee. The license may authorize the on-sale of intoxicating liquor for not more than four consecutive days, and may authorize on-sales on premises other than premises the licensee owns or permanently occupies. The license may provide that the licensee may contract for malt liquor (strong beer) and/or intoxicating liquor>catering services with the holder of a full-year on-sale liquor license issued by any municipality. The licenses shall pay a license fee of \$50.00 to the City. Licenses issued under this subdivision are subject to all laws and ordinances governing the sale of intoxicating liquor except sections 340A.409 and 340A.504, subdivision 3, paragraph (d), and those laws and ordinances which by their nature are not applicable. Licenses under this subdivision are not valid unless first approved by the commissioner of public safety. Subdivision 7 does not apply to temporary on-sale licenses.

1101.020. Subdivision ~~7~~.6

Number of Licenses. The City may issue up to (4) "on sale" licenses and up to four (4) "off sale" licenses. Subdivision 6 does not apply to this Subdivision. (~~Amended May 7, 2003~~)

1101.020. Subdivision ~~8~~.7

Consumption & Display.

a) One day consumption & display permits may be issued to a non-profit organization in conjunction with a social activity in the City sponsored by the organization. The permit issued by the City must be approved by the Commissioner of Public Safety to be valid. The amount of the fee charged by the City for a one day permit for consumption & display shall not exceed \$25.00, or, the maximum amount permitted under Minnesota Statute ~~§340A.414, Subd. 9, §340A.14, Subd. 9~~ as it may be amended from time to time. The amount of the fee charged by the City for a one day consumption & display permit shall be set by resolution of the City Council and may be amended by resolution of the Council from time to time.

b) Approval of the Issue of a Consumption & Display Permit by the Commissioner of Public Safety. Upon application of a business establishment or club who has obtained a consumption & display permit from the Commissioner of Public Safety, the Council shall consider approval of the consumption & display permit. The maximum amount of the additional fee which may be imposed by the Council on a person who has been issued a

consumption & display permit under this ordinance shall not exceed \$300.00, or the maximum amount permitted by Minnesota Statute ~~§340A.414, Subd. 6~~, ~~§340A.14, Subd. 6~~ as it may be amended from time to time. Consumption & display permits shall expire on March 31 of each year. The amount of the license fee charged by the City for a consumption & display permit shall be set by resolution of the City Council and may be amended by resolution of the Council from time to time. (Amended 2/6/08)

SECTION 2: This amended Ordinance becomes effective from and after its passage and publication.

SECTION 3: **Summary publication.** Four-fifths (4/5) of the City Council direct the city staff to publish only the title and a summary of Ordinance No. 2014-1. The following is the official summary of Ordinance No. 2014-1 approved by the City Council on May 7, 2014:
AN ORDINANCE AMENDING CHAPTER ELEVEN OF THE EDEN VALLEY CITY CODE TO ALLOW FOR TEMPORARY ON-SALE LIQUOR LICENSES. The City Council added a temporary liquor license provision for clubs or charitable, religious, or other nonprofit organizations hosting social events approved by the City. A complete, printed copy of the amended Ordinance is available for inspection by any person during regular office hours at the City Administrators office.

A motion was made by Kern to adopt Ordinance No. 2014-1 as introduced. Motion was seconded by Gabrelcik. Voting in favor were Gabrelcik, Bradshaw, Korman, Thielen, and Kern; against: None, whereby Ordinance No. 2014-1 was duly adopted.

An application for a temporary on-sale liquor license for Valley Daze 2014 was submitted by Eden Valley Fire Relief Association. Haag reported the fees have been paid, application is complete, with the exception of the certificate of insurance. Resolution 2014-8, Authorization of Temporary 1 to 4 Day Liquor License for the Eden Valley Fire Relief Association on June 27-29, 2014 at the Valley Daze Food Court Area on Cossairt Avenue West between State Street North and the Alley between State Street North and Church Street North was introduced and moved for adoption, contingent on receipt of certificate of insurance, by Thielen, seconded by Gabrelcik. Voting in favor were Gabrelcik, Bradshaw, Korman, Thielen, and Kern; against: None, whereby Resolution #2014-8 was duly adopted. An application to close Cossairt Avenue West between State Street and the Alley west of State Street for Valley Daze beer garden and bingo and bean-bag tournament activity was also submitted by the Eden Valley Fire Relief Association and unanimously approved on a motion by Gabrelcik, seconded by Bradshaw.

Minutes of the April 23, 2014 regular and April 30, 2014 special Planning and Zoning Commission meetings were reviewed. Haag reported an application had been received for an accessory building with a tarp covering for a roof, and review of the Ordinance confirmed that type of structure was not allowed. The applicant changed their plans to include an accessory building that met Ordinance requirements, but in discussion of the issue it became apparent there are similar tarp covered structures within the City. Haag had checked the files and could find no site permit applications for the structures, and after consulting with City Attorney Adam Ripple, suggested the Planning & Zoning Board contact those in violation of the City Ordinance and invite them to a Zoning meeting to discuss how to remedy the situation and come in compliance with City Ordinance. Haag questioned the Council as to their support of such action, and Council consensus was that was the course of action to pursue. Review of the minutes showed recommended site permit applications submitted by Jeff Wendroth for a commercial building and Kevin Nohner for an accessory building. After review, a motion to

accept the April 23, 2014 and April 30, 2014 minutes of the Planning & Zoning Commission as presented and approve recommended site permit applications was made by Kern, seconded by Thielen, and carried unanimously. Haag also reported there has been discussion of considering an amendment of the zoning ordinance to more clearly define side yard setback requirements in the RSF and RMF districts, and at the same time to review the current ordinance to comply with recent State law changes, as recommended by the League of MN Cities. Haag provided information to the Council on both the proposed amendments to side yard setbacks and the information provided by the League of MN Cities as compared to the current ordinance language, and requested the Council consider authorizing the Planning and Zoning Commission to hold a public hearing to consider the amendments at their next regular meeting scheduled for May 28, 2014. After review, a motion was made by Gabrelcik to authorize the Planning & Zoning Commission to hold a public hearing on May 28, 2014 to consider proposed amendments as presented. Motion was seconded by Kern, and carried unanimously.

Barb Hagemeier, the City's representative on the Meeker EDA Board, has completed her term on the Board and is willing to continue serving. A motion was made by Thielen, seconded by Bradshaw, and carried unanimously to re-appoint Hagemeier to the Meeker EDA Board as the City of Eden Valley's representative.

Councilor Thielen gave an update on Healthy Communities' remodeling progress at the Event Center building including plans for new restrooms, a new south entrance, and heating and air conditioning for the library area. Thielen reported the existing furnace/air conditioning unit will heat and cool the event center and new restrooms on the east end of the building but not the entire building and installation of a new furnace/air conditioning unit in the library is planned to more efficiently heat and cool that area, plus allow separate controls between the library and event center. Bids for the furnace/ac unit were received from Kohnen's in the amount of \$8033.49, Wenners in the amount of \$8720, and Mr. Heating & AC in the amount of \$6675. The Healthy Communities' Executive Board reviewed the bids and recommends awarding the bid to Mr. Heating & AC. Thielen reviewed other plans, including electrical work to separate lighting between the library and event center, and reported he is still obtaining quotes for some of the work, and estimates it could run between \$20,000 to \$25,000 to complete. City 2014 budget workshop discussions last year regarding completing remodeling work on the building were mentioned, and the 2014 budget did include a proposed transfer of \$25,000 from the General Fund to the Healthy Communities Fund for building improvements. Thielen requested the Council consider transferring the budgeted amount of \$25,000 in order to assist in completing the needed improvements. A motion was made by Kern to approve the budgeted transfer of \$25,000 to the Healthy Communities Fund and grant the Executive Board the authority to review and approve bids and quotes as needed to complete the work. Mayor Korman asked for a second to the motion and Councilor Bradshaw stated he wants to sell the building and he believes it is prime real estate for a retail business. Discussion followed on the long length of time the building had been for sale before the Bank had donated it to the City, the Bank's intent and request when the building was donated, and the need for a community facility such as the event center/library. After discussion, Councilor Thielen seconded the motion to approve transfer of the funds. Motion carried with Kern, Thielen and Korman voting in favor and Bradshaw and Gabrelcik voting against.

Mayor Korman opened the Public Forum. There were no comments.

The Clerk presented the bills.

Total Expense: \$ 190,481.87

A motion to approve the bills was made by Thielen, seconded by Kern, and carried unanimously.

Clerk Haag reported she had contacted a local electrician to get an estimate on replacing old fluorescent lighting in the old fire hall, since the school is considering using the building for the Eagle Kids daycare program and some of the fixtures are broken and all of them are older and not energy efficient. Haag questioned if the Council would like to consider replacement and have her obtain quotes from other electricians to compare costs, and did not disclose what the estimate was in the event they wanted additional information. Council consensus was to obtain more quotes and they would compare and consider replacement at that time.

Haag provided the monthly cash and investment balance report to the Council.

A copy of correspondence from Stearns County regarding the extension of the moratorium on the upgrading of non-conforming subsurface sewage treatment systems on McCarthy Avenue was provided to the Council.

Chief Junker provided his monthly report. Junker reported he is hoping to have another part-time officer hired by Valley Daze.

Public Works Director Rademacher reported the Water Festival at Richmond Arena would be on Friday and approximately fifty-one 4th graders from EV-W would be attending. Dave Braegelman is back working for the summer and the first round of contracted street sweeping has been completed. Dust control on Hutcheson Avenue and the pond road was discussed, and the question of whether it is part of the street project and should be handled by the contractor was raised. Kent Louwagie will check into that issue. Rademacher also reported the irrigators have been started for the season.

Councilor Kern questioned whether the civil defense sirens were working properly, and reported he had been notified of concerns coming from the elementary school area because they do not hear the sirens there. Emergency Management Director Rademacher reported he would check into the possibility of changing the horn heads, or other options available to improve the coverage area.

As there was no further business, the meeting was adjourned on a motion by Kern, seconded by Gabrelcik.

Attest:

Mona Haag, Clerk/Treasurer

Peter Korman, Mayor

CITY OF EDEN VALLEY

*Check Summary Register©

April 2014 to May 2014

Name	Check Date	Check Amt	
10100 STATE BANK IN EV			
Paid Chk# 007748	AFSCME LOCAL 65	4/24/2014	\$238.64 UNION DUES
Paid Chk# 007749	CENTER POINT ENERGY	4/24/2014	\$2,489.99 NATURAL GAS
Paid Chk# 007750	FLEET SERVICES	4/24/2014	\$558.31
Paid Chk# 007751	MADISON NATIONAL LIFE	4/24/2014	\$334.70 INSURANCE
Paid Chk# 007752	NANCY MCNAB	4/24/2014	\$244.53 BAR CODE SUPPLIES
Paid Chk# 007753	MEEKER COOPERATIVE	4/24/2014	\$762.50 ELECTRIC
Paid Chk# 007754	MN REVENUE	4/24/2014	\$691.17 PAYROLL TAX
Paid Chk# 007755	NOHNER ELECTRIC	4/24/2014	\$663.00 INSURANCE REPAIRS
Paid Chk# 007756	SELECT ACCOUNT	4/24/2014	\$338.69 FLEX
Paid Chk# 007757	T-MOBILE	4/24/2014	\$111.78 PHONE
Paid Chk# 007758	WEST CENTRAL SANITATION	4/24/2014	\$154.69 SERVICES
Paid Chk# 007759	AFFORDABLE PUMPING SERVIC	5/8/2014	\$375.00 THAW STORM SEWER
Paid Chk# 007760	AMERIPRIDE SERVICES	5/8/2014	\$121.91 UNIFORM RENTAL
Paid Chk# 007761	RITA ANDERSON	5/8/2014	\$60.00 ZONING 4/23 & 4/30
Paid Chk# 007762	JUANITA ARENS	5/8/2014	\$450.00
Paid Chk# 007763	ARVIG	5/8/2014	\$1,622.13
Paid Chk# 007764	AUTOMATIC SYSTEMS CO.	5/8/2014	\$885.00 SERVICES
Paid Chk# 007765	BCBS/RESOURCE TRAINING	5/8/2014	\$5,591.50 INSURANCE
Paid Chk# 007766	BOLTON & MENK, INC	5/8/2014	\$5,167.50 ENGINEERING
Paid Chk# 007767	BRAUN INTERTEC CORP	5/8/2014	\$280.00 SERVICES
Paid Chk# 007768	LONA BRUTGER	5/8/2014	\$30.00 EDA MTG 4/28/14
Paid Chk# 007769	CENTRAL MCGOWAN	5/8/2014	\$6.00 RENTAL
Paid Chk# 007770	CITY OF ROCKVILLE	5/8/2014	\$26.00 SUPPLIES-SAFETY TRAINING
Paid Chk# 007771	COMDATA	5/8/2014	\$253.78 SUPPLIES & SERVICES
Paid Chk# 007772	DAVE CURRENS	5/8/2014	\$30.00 EDA MTG 4/28/14
Paid Chk# 007773	DPC INDUSTRIES, INC.	5/8/2014	\$900.93 SUPPLIES
Paid Chk# 007774	EDEN VALLEY LUMBER CO	5/8/2014	\$1,806.25 SUPPLIES
Paid Chk# 007775	ERKENS WATER SOFTENER SE	5/8/2014	\$64.25
Paid Chk# 007776	ERTL HARDWARE	5/8/2014	\$19.47 SUPPLIES
Paid Chk# 007777	FRAUENSHUH & SPOONER, P.A.	5/8/2014	\$143.50 LEGAL
Paid Chk# 007778	GARYS TOWING	5/8/2014	\$15.00 REPAIRS
Paid Chk# 007779	CONNIE HAAG	5/8/2014	\$30.00
Paid Chk# 007780	MONA HAAG	5/8/2014	\$132.52 MILEAGE
Paid Chk# 007781	BARB HAGEMEIER	5/8/2014	\$30.00
Paid Chk# 007782	HEARTLAND SECURITY	5/8/2014	\$189.96 SERVICES
Paid Chk# 007783	HEIMAN INC.	5/8/2014	\$589.13 HOSE
Paid Chk# 007784	JACK'S OIL DISTRIBUTING INC	5/8/2014	\$1,173.85 GAS
Paid Chk# 007785	KEEPRS, INC.	5/8/2014	\$92.99 SUPPLIES
Paid Chk# 007786	KELLYS HEATING AND AC	5/8/2014	\$1,116.00 MAINTENANCE CONTRACT
Paid Chk# 007787	KORONIS TIRE INC	5/8/2014	\$660.36 REPAIRS
Paid Chk# 007788	LANDSCAPING PLUS	5/8/2014	\$900.00 SNOW REMOVAL
Paid Chk# 007789	MATT LAHR CONSTRUCTION	5/8/2014	\$300.00 REPAIRS
Paid Chk# 007790	MCFOA	5/8/2014	\$35.00 DUES
Paid Chk# 007791	MEEKER COMMUNICATION SER	5/8/2014	\$100.55 REPAIRS
Paid Chk# 007792	MEEKER COUNTY SHERIFF	5/8/2014	\$40.00 CFS 14000143 REPORT
Paid Chk# 007793	MIES OUTLAND	5/8/2014	\$169.95 BLOWER

CITY OF EDEN VALLEY
***Check Summary Register©**

April 2014 to May 2014

Name	Check Date	Check Amt	
Paid Chk# 007794	MINNESOTA COMPUTER SYSTE	5/8/2014	\$142.54 SUPPLIES
Paid Chk# 007795	440600 NCPERS MINNESOTA	5/8/2014	\$16.00
Paid Chk# 007796	OFFICE DEPOT	5/8/2014	\$291.33 SUPPLIES
Paid Chk# 007797	PARKING LOT SWEEPING	5/8/2014	\$3,290.00 STREET SWEEPING
Paid Chk# 007798	BOB PESCHON	5/8/2014	\$200.00
Paid Chk# 007799	POLLARDWATER.COM	5/8/2014	\$368.84 SUPPLIES
Paid Chk# 007800	RIDGEWATER COLLEGE	5/8/2014	\$725.00 TRAINING
Paid Chk# 007801	RINKE NOONAN	5/8/2014	\$2,670.70 LEGAL
Paid Chk# 007802	RON'S SOFT WATER	5/8/2014	\$8.99
Paid Chk# 007803	JAMES SCHUTZ	5/8/2014	\$1,804.00 SERVICES
Paid Chk# 007804	SELECT ACCOUNT	5/8/2014	\$66.57
Paid Chk# 007805	SERVOCAL INSTRUMENTS INC.	5/8/2014	\$323.00 SUPPLIES
Paid Chk# 007806	STEARNS COUNTY AUDITOR/TR	5/8/2014	\$3,436.00 PROPERTY TAXES
Paid Chk# 007807	JEFF TEICHER	5/8/2014	\$255.00
Paid Chk# 007808	THIELEN EXCAVATING	5/8/2014	\$764.00 SNOW REMOVAL
Paid Chk# 007809	TOM'S CARPET KINGDOM	5/8/2014	\$2,860.95 APT 101 CARPET & TILE REPLACEM
Paid Chk# 007810	TOSHIBA FINANCIAL SERVICES	5/8/2014	\$134.72
Paid Chk# 007811	TOTAL LAWN CARE	5/8/2014	\$76.22
Paid Chk# 007812	TRI-COUNTY NEWS	5/8/2014	\$59.00 STORY HR ADV
Paid Chk# 007813	UC LABORATORY	5/8/2014	\$43.60 SERVICES
Paid Chk# 007814	VALLEY DAIRY SUPPLY, INC.	5/8/2014	\$17.15 SUPPLIES
Paid Chk# 007815	VALLEY DAZE COMMITTEE	5/8/2014	\$5,000.00 PARADE SERVICES.- LIONS DONATI
Paid Chk# 007816	VERIZON	5/8/2014	\$61.03
Paid Chk# 007817	VMG	5/8/2014	\$122.74 SUPPLIES
Paid Chk# 007818	WIDSETH SMITH NOLTING & AS	5/8/2014	\$30.75 SERVICES
Paid Chk# 007819	XCEL ENERGY	5/8/2014	\$3,062.51
Total Checks			\$55,827.17

CHECK#	TO:	FOR:	AMOUNT
EFT6E	IRS	Payroll Taxes	272.65
39924	Valley Daze	Parade Services	2,300.00
39925	MN Revenue	Sales Tax	532.00
EFT7E	ING	MN DCP	50.00
EFT8E	PERA	PERA	1,542.90
EFT9E	IRS	Payroll Taxes	1,688.81
39926	MNJIS Criminal History	Background ck-Brookview	30.00
39921	Horizon Talent Agency	MSB Band deposit	1,500.00
EFT10E	ING	MN DCP	100.00
EFT11E	PERA	PERA	1,573.02
EFT12E	IRS	Payroll Taxes	1,706.15
39928	Scenic Concepts Inc	Supplies	99.00
39929	Void	Void	0.00
39930	MN BCA	Background ck - Fire/Rescue	156.50
JE-2014-	Water Treatment Plant	April Usage	16,402.50
39932	Kuechle Underground	Pay Estimate #5	92,993.98
22217-			
22237	Fire & Rescue	Calls/Meetings	998.76
22238-			
22244	Payroll	Salaries	6,288.58
22245-			
22251	Payroll	Salaries	6,419.85
		TOTAL:	\$ 134,654.70
		GRAND TOTAL	\$ 190,481.87