



**CITY OF GAYLORD
REGULAR CITY COUNCIL MEETING**

Wednesday, May 20, 2015
6:30 P.M., City Hall

Members Present: Mayor Boeder and Members DeVlaeminck, Landaas, Losure, Muchow and Uecker
Members Absent: None
Staff Present: Don Lannoye, Schauer Law Office; Kevin McCann, City Administrator; Tony Padilla, Chief of Police; Charlie Eichten, Eric Boon and Dan Reich, Police Officers; Ty Reimers, City Service Supervisor; Amy Newsom, EDA Coordinator and Lori Waltz, Accountant/Clerk
Visitors Present: Dale Kroells, Bruce Brinkman, Curt Menk, Arlington Enterprise; Carl and Claudia Wetzel, Toby Brummer, RS Fiber General Manager; Jerry Hahn, Joshua Colonna, Dr's Tim and Wendy Goldsmith, Barb Skluzacek, Tricia Gustafson, Chuck Klimmek, Joe Deis, Gaylord Hub

1. Call Meeting to Order

Pursuant to due call and notice thereof, the meeting of the City Council was called to order by Mayor Boeder at 6:30 p.m.

2. Pledge of Allegiance

The Pledge of Allegiance was recited by Council and visitors present.

3. Consider 05-20-15 Agenda

COUNCIL MEMBER LOSURE MOVED, COUNCIL MEMBER UECKER SECONDED, TO APPROVE THE MAY 20, 2015 AMENDED AGENDA. WITH ALL MEMBERS VOTING IN FAVOR, THE MOTION CARRIED.

4. Comments, Updates, Concerns

- 4.A. Citizens – Carl Wetzel wanted to discuss his removal from the Park and Library boards. Wetzel read a letter that he had written to the newspaper and said that he has been patiently waiting for the Mayor to call him and discuss his removal from the boards. Wetzel listed several committees that he has been on, many times without pay. Wetzel stated that he would like to know why he was removed from the committees.
- 4.B. Council Members – Muchow reported that he had been contacted by Immanuel Lutheran School, as they were concerned about the additional traffic on High Avenue.
- DeVlaeminck reported that he had been contacted by Erin's Auto Body, stating that he would like to have his company's name on the detour sign. McCann stated that MN Dot will not be adding any more signage, but people can put up their own signs.
 - Uecker stated that she was concerned that City Hall was closed today, since there was no emergency.

5. * Consent Agenda

Council members wanted the invoice from E.J. Pinske Builders removed from the Accounts Payable listing.

COUNCIL MEMBER LANDAAS MOVED, COUNCIL MEMBER MUCHOW SECONDED, TO APPROVE THE CONSENT AGENDA, WHICH INCLUDED THE FOLLOWING ITEMS ALONG WITH THE REMOVAL OF THE DISCUSSED INVOICED. WITH ALL MEMBERS VOTING IN FAVOR, THE MOTION CARRIED.

- 5.A. Minutes
- 5.A.i. Minutes from May 6, 2015 – Regular Meeting
 - 5.A.ii. Minutes from May 12, 2015 – Special Meeting
- 5.B. Accounts Payable
- 5.C. Resolutions and Ordinances
- 5.C.i. None

- 5.D. Reports of Officers, Boards, and Commissions
 - 5.D.i. Park Board – Minutes from April 27, 2015

 - 5.E. Other
 - 5.E.i. Approve Vehicle Impound/Release Policy/Inventory Search
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6. Public Hearings – 7:00 PM

- 6.A. RS Fiber Cable Franchise
Public Hearing was opened at 7:00 pm.

Brummer stated that RS Fiber would like to build fiber to the home network. Brummer reported that RS Fiber plans to activate 200 plus digital channels including 45 digital music channels, 36 premium channels and 7 pay-per-view channels, along with video on demand. RS Fiber will offer over 100 high definition channels. RS Fiber is also planning to enhance its video-on-demand selection by offering content from mainstream networks, such as Discovery, HGTV, ESPN etc. Brummer noted that the Council meeting channels will continue to be carried by RS Fiber.

There were no additional questions from the Council or Citizens in attendance.

Losure noted that the next Cable Commission meeting will be held next Thursday to work with the Cable Commission and their attorney on reviewing and developing a cable franchise agreement with RS Fiber in the City.

Public Hearing is closed at 7:08 pm.

7. Communications, Requests, and Petitions

- 7.A. Mediacom Notices
- 7.B. Sibley County Assessor – Open Book meeting
- 7.C. Southern Minnesota Initiative Foundation
- 7.D. Downtown TH 5/19/22 Improvement Project Update

8. Department and Committee Reports and Action Items

- 8.A. City Services Department – Ty Reimers, City Services Manager
- 8.A.i. Demo of shed by new water tower
 - Reimers reported that he had received a quote for \$1,800 for the demo and removal of the shed by the new water tower from Hjerpe. Council said that the amount of the bid is small enough that McCann can approve this decision.
 - Reimers reported that he has met with TPC to discuss communications with the new water tower will most likely be wireless.
 - Reimers reported that the old water tower is isolated and is only serving the library building right now.
 - Reimers stated that he is planning on starting to fill the pool on Tuesday.
 - Reimers reported that the City Services is busy with mowing to get the parks and the cemetery ready for Memorial Day. The street project is going good, keeping the City Services crew busy.

- 8.B. Police Department – Tony Padilla, Police chief
- 8.B.i. Approval of Officer Charlie Eichten
Padilla stated that they received 50 applications; they interviewed 10 people, and then narrowed that down to the top 4 people. Padilla reported that he would like to request approval to hire Charlie Eichten.

COUNCIL MEMBER LOSURE MOVED, COUNCIL MEMBER DEVLAEINCK SECONDED, TO APPROVE THE HIRING OF CHARLIE EICHTEN AS A NEW POLICE OFFICER. WITH ALL MEMBERS VOTING IN FAVOR, THE MOTION CARRIED.

- 8.C. Fire Department Quarterly Update – Dean Schons, Fire Chief
This item was removed from the agenda.

- 8.D. Administration Department – Kevin McCann, City Administrator
McCann stated that he apologized for locking the city hall today.
McCann reported that the new intern Katie Bobich, from the MSU Intern Program; will be starting on Tuesday.

McCann stated that he had received an email from Tony Welch, the previous intern; thanking city staff and council for helping him and that he enjoyed working for the City.
McCann reported that the Planning and Zoning Commission approved the rezoning of the Dale Kroells property at their meeting last Wednesday. Muchow stated that there was no opposition from the neighbors. Lannoye stated that he felt that it would be spot zoning and would not be following the Comprehensive Plan. Lannoye said that tonight would be the first reading of Ordinance 318.
Kroells stated that he has been maintaining the gravel road alongside of his building, not the city. Kroells stated that his closest neighbor is 100' and doesn't believe that this would be spot zoning.

COUNCIL MEMBER LOSURE MOVED, COUNCIL MEMBER LANDAAS SECONDED, TO WAIVE THE FIRST READING OF ORDINANCE NUMBER 318. WITH ALL MEMBERS VOTING IN FAVOR, THE MOTION CARRIED.

9. Unfinished Business

- 9.A. Discussion Regarding Jerry's Home Quality Foods Parking Lot – Kevin McCann, City Administrator
Lannoye explained that based on the Special Meeting last week; he prepared a Memorandum of Understanding. Lannoye reviewed the memorandum, noting that the Developer will not restrict the use of the parking lot only to patrons of the adjacent supermarket. Hahn's Family Properties acknowledges ownership of the lights and is responsible for all maintenance and repairs associated with the lights. The City, however, acknowledges that the public benefits from the lights during hours that JHQP is not open. Accordingly, the City agrees to yearly credit JHQP's electric bill an amount equal to 65% of JHQP's costs for the year.
Landaas asked for clarification on the electric bill related to the parking lot lights. Lannoye stated that he would put additional language stating that the City is only paying 65% of the costs for the parking lot lights.
Hahn stated that he would like to have his attorney review the memo.

COUNCIL MEMBER LANDAAS MOVED, COUNCIL MEMBER MUCHOW SECONDED, TO APPROVE THE MEMORANDUM OF UNDERSTANDING REGARDING JERRY'S HOME QUALITY FOODS PARKING LOT, WITH THE AMENDED LANGUAGE. WITH ALL MEMBERS VOTING IN FAVOR, THE MOTION CARRIED. COUNCIL MEMBER UECKER ABSTAINED.

- 9.B. Discussion Regarding Park Area North of Jerry's Home Quality Foods Parking Lot – Kevin McCann, City Administrator
Lannoye explained that he had prepared a memo, based on the Special Meeting last week. Lannoye stated that the prepared memo states that the length of the lease would be for 20 years, beginning immediately. The City would pay a onetime lump sum payment of \$45,600, due at the time the lease is signed. The City would be responsible for all costs associated with maintenance and repairs of the leased property and the furniture and plants purchased for the park area.
McCann stated that he had received an email from Justin Black, who stated that he wasn't sure if the City would be able to legally use the General Obligation Bond dollars for improvements on private property. In addition, he would not recommend using any contingency funds, given the size and complexity of the project yet to be constructed. Black noted that they have already run into some unknown sewer service lines and are addressing those using some of the contingency funds, but there is a lot of project ahead in the downtown area.
McCann stated that he sees this project as a way to spruce up the downtown area. McCann explained that Hahn suggested that he would put up the money up front and the City would pay the money back over four (4) years. Lannoye stated that the City would still have the lease on the park area, if the business is sold.

COUNCIL MEMBER LANDAAS MOVED, COUNCIL MEMBER LOSURE SECONDED, TO AMEND THE AGREEMENT TO HAVE HAHN PAY FOR THE PARK PROJECT UP FRONT AND FOR THE CITY TO PAY THE LEASE PAYMENT OVER FOUR (4) YEARS. COUNCIL MEMBER LANDAAS AND LOSURE VOTING IN FAVOR. COUNCIL MEMBER DEVLAEINCK AND MUCHOW AND MAYOR BOEDER VOTING OPPOSED. MOTION FAILED. COUNCIL MEMBER UECKER ABSTAINED.

- 9.C. Discussion Regarding Fire Key Boxes – Kevin McCann, City Administrator
This item was removed from the agenda.

- 9.D. Discussion Regarding New Redevelopment TIF – Kevin McCann, City Administrator
McCann reviewed prepared memo from Northland Securities, Inc. McCann stated that the fee for Northland to prepare the Development Agreement and TIF Agreement is not to exceed \$8,000. A consultant would also be needed for a building inspection for \$5,000 to \$10,000. McCann stated that after talking with Keithahn, they felt that the fall of 2015 would be a good time to start with the Public Hearings. McCann suggested tabling this item until a future council meeting, when Keithahn will be back from vacation. Lannoye stated that discussions are underway with the Sibley East Attorney and the City Attorney's office.

10. **New Business**

- 10.A. Discussion Regarding new business in the former Jimmy's Pizza location – Tim Goldsmith
Drs. Tim and Wendy Goldsmith explained that they would like to remodel the old Jimmy's Pizza and the Cowell Law Office buildings to open up the 4th Street Pizza and Pub. Goldsmith stated that they are seeking a liquor license, to allow the serving of craft beer and wine at their new business. Goldsmith explained that they are planning on creating a meeting room for private functions. Goldsmith explained that they are successful business people in Gaylord since 1993. There would be little remodeling required as the kitchen is already in place. Goldsmith provided photos of how they are planning for the restaurant to look. Goldsmith reported that their goal is to bring people to Gaylord. Lannoye stated that the Council could amend the liquor license to include food served and get rid of the distance regulations. Colonna reported that he has no desire to open a bar, but has been approached to possibly rent out to a restaurant with a bar. Colonna also suggested that the City could implement a 1% sales tax on liquor sales to increase revenue. Boeder stated that he thought because of the City's size, that it is limited to the number of liquor establishments that it can have. Council requested that Lannoye draft an amendment to the Liquor Ordinance to allow on-sale with food. Council directed McCann to gather additional information regarding liquor establishments and bring to the next meeting.

11. **Other**

- 11.A.i. None

12. **Upcoming Meetings and Events**

- 12.A. Tuesday, May 26th – 7:00 – Fire Department Meeting
12.B. Monday, June 1st – 7:00 – Ambulance Department Meeting
12.C. Wednesday, June 3rd – 6:30 – Council Meeting
12.D. Monday, June 8th – 5:30 – EDA Meeting
12.E. Wednesday, June 10th – 5:30 – P&Z Meeting

13. **Adjournment of Regular Meeting**

There being no further business to come before the City Council. COUNCIL MEMBER UECKER MOVED, COUNCIL MEMBER LOSURE SECONDED TO ADJOURN. WITH ALL MEMBERS VOTING IN FAVOR, THE MOTION CARRIED. The meeting was adjourned a 7:52 p.m.

Kevin McCann
City Administrator

Don Boeder
Mayor