

**Minutes
Avon City Council
July 10, 2023**

THE FOLLOWING MEMBERS WERE PRESENT

Jeff Manthe – Mayor, Katie Reiling, Aaron Goebel, Doug Schaefer, Mark Schulzetenberge - City Councilors
Justin Kurtz – Water Wastewater Foreman, Chuck Pelkey – Public Works Foreman, Corey Nellis – Chief of Police
Jodi Austing-Traut, City Clerk-Administrator

The Pledge of Allegiance was recited and the meeting was opened at 6:30 pm.

PUBLIC HEARING

Public hearing was opened to consider Resolution 2023-20 Adopting Interim Ordinance 231 An Interim Ordinance Prohibiting the Establishment of New Uses or The Expansion of Existing Uses Related to The Retail Sale of Edible Cannabis Products, Lower Potency Hemp Edibles, and Other Cannabis Products, Concentrates, and Flower and Prohibiting the Operation of a Cannabis Business Within the City of Avon

There was discussion around the state’s licensing which will not be active until January of 2025. While the state will handle the licensing, it appears that the legislation allows local municipalities to zone for the use. Additionally, it is likely that in a city the size of Avon only one license would be granted by the state for cannabis sales within the city. This issue will go to planning commission in the future for zoning regulations to be considered.

Motion Reiling to close the public hearing second Schulzetenberge. Public hearing closed at 6:32 by unanimous vote.

Motion Goebel to adopt Resolution 2023-20 Adopting Interim Ordinance 231 An Interim Ordinance Prohibiting the Establishment of New Uses or The Expansion of Existing Uses Related to The Retail Sale of Edible Cannabis Products, Lower Potency Hemp Edibles, and Other Cannabis Products, Concentrates, and Flower and Prohibiting the Operation of a Cannabis Business Within the City of Avon second Schulzetenberge and carried unanimously.

Public hearing was opened to consider Resolution 2023-22 Adopting an Ordinance Amending Chapter 170 Miscellaneous Policies and Adding Section §171.01 Prohibiting Smoking, Vaping, and the Use of Cannabis Products (Including THC or Hemp Infused Products) on Public Property in the City of Avon

Council discussed provisions prohibiting smoking on public property. Chief Nellis noted that with the sharp rise in the use of vaping and the use of electronic smoking devices, it has become very difficult to determine what types of substances are being vaped.

Motion Reiling to close the public hearing second Schaefer. Public hearing closed at 7:03 by unanimous vote.

Motion Goebel to adopt Resolution 2023-22 Adopting an Ordinance Amending Chapter 170 Miscellaneous Policies and Adding Section §171.01 Prohibiting Smoking, Vaping, and the Use of Cannabis Products (Including THC or Hemp Infused Products) on Public Property in the City of Avon second Schulzetenberge and carried unanimously.

PUBLIC FORUM

Lanae Braegelmann Hydrant Damage at 16243 Linneman Lake Road. Braegelmann stated that she is of the opinion that she did not hit the hydrant hard enough to break it and she believes that the trucks at Columbia Gear have hit it several times. At the last meeting, council discussed the possibility of removing the hydrant from this location. Avon Assistant Fire Chief stated that while removing the hydrant might be possible, it is a very important hydrant for the fire department in terms of access, in particular, for any fire that might occur at the auto shops nearby. Goebel asked about the possibility of placing concrete bollards to mark and protect the hydrant. Mayor Manthe will follow up with Columbia Gear and see if they would be willing to participate in the cost. The invoice for the repair of the hydrant is currently \$796.53. Staff will look into the placement of three bollards, possibly two to the north and one to the south of the hydrant.

Motion Goebel to reduce the invoice to \$220.00 (Braegelmann to pay labor, city to cover parts) second Reiling and carried unanimously.

Jon Habben was present to offer to plant wildflower seeds in the boulevard area between the fence and the parking lot at the Middle Spunk boat landing. Jeremy Mathiasen and Chuck Pelkey will work with Habben's to get turf established in this boulevard area.

CONSENT AGENDA

1. Council Minutes of June 5th, 2023
2. Receive Fire Department Minutes
3. Paid Check Register, Manual Claims, Capital Expenditures, Payroll Deposits
4. Legal Fees, Engineering Fees, Auditor/Acct. Fees
5. Resolution 2023-19 Approving Half Cent Sales Tax Legislation
6. Resolution 2023-23 Accepting Donation for Speed Signs
7. Freshwater Invoice for Milfoil Delineation \$2,900
8. MN Department of Health Grant Agreement \$2,684 for Stormwater Protection Program Implementation Grant
9. Stearns County Attorney Prosecution Contract for 2024/2025 \$15,300
10. Amend Personnel Policy to Include Police Department Pay for Additional Holiday (Juneteenth)

Motion Schaefer to approve consent agenda second Schulzetenberge and carried unanimously.

COUNCIL BUSINESS

Jeremy Mathiasen, City Engineer – Project Updates

2023 CIP Street Project (1st St SW, Dorado, Stratford St W, Boat Landing)

Mathiasen requested approval for Pay Application No. 2 to Kuechle Underground for the 2023 CIP Street Project in the amount of \$258,856.65. Discussion about cul-de-sac “dead end” signs. Council consensus not to place the “dead end” sign on 1st Street. Staff is in process of changing addresses for PJ's, Fisher's, and the City Beach to accurately reflect the fact that those properties are accessed via CSAH 54. The inconsistent addressing has also caused concern for emergency responders and ambulance.

Motion Schaefer to authorize payment of \$258,856.65 to Kuechle Underground, second Goebel and carried unanimously.

Sixth Street Reconstruction Project 2023

Mathiasen presented Resolution 2023-24 Receiving Bids/Awarding Contract for 6th Street. Low bidder was MN Paving and Materials in the amount of \$86,200.

Motion Schulzetenberge to adopt Resolution 2023-24 Receiving Bids and Awarding Contract for 6th Street Reconstruction Project to MN Paving and Materials for \$86,200 second Goebel and carried unanimously.

Council considered Resolution 2023-25 Declaring Assessment, Ordering Assessment Roll Preparation, and Calling the Public Hearing for 6th Street Project surface improvements.

Motion Reiling to adopt Resolution 2023-25 Declaring Cost to be Assessed; Ordering Preparation of Proposed Assessments; and Calling for Public Hearing on Assessments for 6th Street Surface Improvements second Schaefer and carried unanimously.

The city has received written comment from a representative of Ramona Hanauer, property owner at 400 6th Street contesting the assessment. Staff also spoke with Mrs. Hanauer on the phone and she indicated that the property has no access to 6th Street and is primarily a wetland area and is likely unbuildable. A letter will still be sent to her indicating the assessment amount, but council will consider this at the assessment hearing on August 7th. Council was receptive to the idea of the property owner donating the property and eliminating the potential assessment.

ISSUES BY STAFF

Administration

Rodney Wolf had contacted city staff to share his opinion that the Spunktacular Days band music seemed to be too loud once again. Several other residents had indicated that they felt that the volume was considerably less. Chief Nellis stated that in the future, whatever *ending* time for the band is approved by city council in the outdoor event permit should be advertised on the posters and be adhered to.

Public Works

Chuck Pelkey, Public Works Foreman presented his written report and updated the council on the electrical wire that was cut when the county resurfaced CSAH 54. City staff was unaware that the lines were city owned and Gopher State did not issue a locate ticket for them. The lines were cut so there is currently no power to the streets on the north and west side of main street. Staff has attempted to get three quotes. Only one company responded to the request for quotes and has the ability to complete the project; Design Electric. The cost for the repair will be under \$5,000.

Motion Manthe to authorize up to \$5,000 to Design Electric for the repair of the electrical line second Reiling and carried unanimously.

Council discussed streets and parks priorities throughout the city. Discussion about the importance of cutting out poor and eroded areas and maintaining streets to keep their integrity intact for as long as possible while other priority street projects are attended to. Priority areas to be considered for repair include small sections of the following: Hamlet Dr, Barracuda Ave SE. Mathiasen suggested that for the streets that have been identified recently as needing repairs of this nature, it would cost approximately \$30,000.

Motion Goebel to authorize up to \$40,000 for street repairs second Schaefer and carried unanimously.

Written report was presented by Justin Kurtz, Water Wastewater Foreman. Kurtz also updated council on a mixer failure at the wastewater plant. Quote to repair is \$16,943. Quote for a new one is \$18,337.

Motion Goebel to authorize \$18,337 (plus any freight) for a new pump for the mixer second Reiling and carried unanimously.

Consider Setting a Public Hearing Amendment to Parks Ordinance to prohibit grilling at the beach.

Motion Reiling to set a public hearing to consider an Amendment to Chapter 90 of the Avon City Code: Parks and Recreation to include considering prohibiting grilling at the Avon Public Beach second Schulzettenberge and carried unanimously.

Justin Kurtz has recently received his Class A Wastewater Licensures. Staff has sent notice to Jon Forsell that his last day will be July 30th. Upon hire, Kurtz was promised a minimum of \$1.00 / hour increase upon receiving his Class A licensure. Council discussed the pay scale and wage adjustments.

Motion Schaefer to authorize a pay adjustment for Justin Kurtz to \$35.67 per hour (approximately Step 6 Water/Wastewater Foreman) effective immediately for receipt of his Class A licensure, second motion carried unanimously.

Fire Department

Chuck Swenson, Assistant Chief of the AFD and Bill Trout of W. Gohman presented preliminary plans and a schematic budget for the fire hall expansion project. Preliminary budget is at approximately \$1.9 Million for the core project. There are a couple of alternates which would add additional including:

- \$238,174 for a remodel of an existing apparatus bay to include a new training room, office, kitchen, bathroom addition
- \$135,110 for a 12'x30' vestibule and dispatch room addition.

If both of these alternates are completed at the same time there is a deduct of \$30,000. The building committee was in favor of completed them both at the same time.

Soil boring and test digging have been completed. Some poor soil conditions were found which will add an additional \$75,000 - \$100,000 in costs for soil correction. Council consensus to engage City Attorney to draft agreements with

Townships to indicate their commitment to remain in contract with the city for fire services throughout the life of the bond. Council will discuss bonding further at their budget workshop.

W. Gohman Invoice \$26,941 for Phase 1 Design

Motion Goebel to authorize payment of \$26,941 to W. Gohman Construction for Phase I design of fire hall expansion, second Reiling and carried unanimously.

Police Department

Written report was presented. Chief Nellis updated council on speed signs (\$14,720) and necessary squad car repairs (up to \$5,000). Donations received for the speed signs, along with council authorization of \$5,000 toward their purchase had originally left the PD \$2,200 short. The Lions Club has since offered to fund the remaining \$2,200. The higher quote on the speed signs from Radar Sign includes additional service and features that the lower quoting company is unable to provide. Chief Nellis suggested that speed signs be implemented as follows: two new signs at the beach, two new signs at the school, and one (used sign) on northbound CSAH 9.

Motion Schaefer to authorize the purchase of four speed signs for \$14,720 from Radar Sign second Manthe and carried unanimously.

Chief Nellis brought up concerns about the budgetary process at the city. While recognizing the importance of keeping taxes at bay, council must consider that tight budgets are not always realistic. Chief Nellis stated that the line item for squad car repairs and maintenance has been at \$4,000 for a number of years. As prices go up and vehicles age, this budget is not enough to make need repairs. In a single week more than \$4,000 was required for necessary vehicle repairs. One of the repairs will require the removal of all police equipment attached to the dash and the dash itself in order for the evaporator to be accessed to make the repair.

Chief Nellis updated the council on several pursuits and arrests that have occurred lately.

ISSUES BY COUNCIL

Adjourn

Adjourned at 9:55 pm.

Respectfully Submitted,
Jodi Austing-Traut
City Clerk/Administrator