

**Red Wing City Council Meeting  
City Hall Council Chambers  
April 25, 2016**

**Members present:** Council President Dean Hove, Council Members Ralph Rauterkus, Peggy Rehder, Lisa Bayley, Dan Munson, Dustin Schulenberg

**Members absent:** All members were present.

**Others present:** Dan Bender, Mayor; Kay Kuhlmann, Council Administrator; Teri Swanson, Assistant to the Council Administrator; Amy Mace, City Attorney; Marshall Hallock, Finance Director; Roger Pohlman, Police Chief; Andy Speltz, Interim Fire Chief; Brian Peterson, Planning Director; Ron Rosenthal, Engineering Director; Rick Moskwa, Public Works Director; Jeff Schneider, Deputy Director Public Works – Solid Waste; Bob Stark, Deputy Director Public Works – Utilities; Lynn Nardinger, Deputy Director Public Works – Buildings and Grounds

**Agenda Item 1**

**Call to Order**

Council President Dean Hove called the meeting to order at 7:00 p.m.

**Agenda Item 2**

**Pledge of Allegiance**

**Agenda Item 3**

**Excusal of Members**

All members were present.

**Agenda Item 4**

**Approval of the Agenda**

Council President Dean Hove requested that discussion of Item 9C take place prior to discussion of Item 9A. A motion was made by Council Member Peggy Rehder, seconded by Council Member Dustin Schulenberg and unanimously carried, to approve the Agenda as amended.

**Agenda Item 5**

**Proclamations and Recognitions**

There were no proclamations or recognitions.

**Agenda Item 6**

**Public Comment Period**

Joe Gibart, 1519 Phelps Street, Red Wing, expressed concerns with regard to the Prince tribute on Barn Bluff being painted over. He stated that graffiti on Barn Bluff has been a tradition in Red Wing for many years and requested that this be allowed to continue.



Council Administrator Kuhlmann addressed this concern, stating that there have been increasing complaints over the past couple of years related to the some of the subject matter depicted on Barn Bluff. This has led to a policy to paint over this if complaints are received. Mr. Gibart inquired as to the nature of the complaints related to the Prince tribute. Administrator Kuhlmann indicated that there were people who were offended by this, adding that there have been complaints with regard to several other subjects. She again discussed the current policy, noting that a public discussion of what should be seen on Barn Bluff has been recommended. Council Member Dean Hove reported that a public discussion about this policy will be held. Mayor Dan Bender provided examples of the challenges associated with this tradition, such as not allowing any kind of campaign material on public property. Administrator Kuhlmann commented with regard to the subjective nature of this issue. Council Member Ralph Rauterkus recommended deferring further comment on this matter until the public discussion is held.

Planning Director Peterson discussed the Barn Bluff Master Plan project and reported that the topic of graffiti has been raised. A meeting is scheduled at the Library on May 12 for review of the draft plan. He stated that this meeting will provide an opportunity for public comment on this issue along with the plan itself. He added that the Planning Commission will conduct a public meeting specific to the graffiti issue later this summer.

#### **A. Noontime Kiwanis to Present on Memorial Park Overlook.**

Bob Behrens and Anne Jacobson from the Noontime Kiwanis Club presented a plan to upgrade the Memorial Park overlook. Mr. Behrens reported that the Noontime Kiwanis Club is celebrating its 95th year of public service to Red Wing. He discussed some of the assets that contribute to the quality of life in Red Wing, one of these being its geographic location. He commented that Sorin's Bluff, originally dedicated in 1929 as Soldiers Memorial Park, provides an unparalleled view of the City. Concerns have been expressed with regard to the main observation point of the park, which faces north toward Barn Bluff and toward the City. Mr. Behrens stated that this area has great potential as a destination for visitors and residents. He added that improving this observation point would augment other improvements that have already taken place in the park over the last few years and would help contribute to Red Wing's reputation as a unique community. The Noontime Kiwanis Club would like to propose a joint public-private partnership that would fund the construction of a new national park quality observation overlook. The Noontime Kiwanis Club would manage and promote a funding campaign through its current foundation in conjunction with other potential partners. A veterans group has expressed interest in helping to bring the spirit of the original park back into existence in terms of memorializing veterans. Preliminary sketches were reviewed.

Council Member Peggy Rehder expressed support for the project and recommended scheduling a workshop to allow for more in-depth discussion. Council Member Lisa Bayley inquired with regard to the City's involvement in the project. Mr. Behrens discussed the need for City resources, such as the expertise of the Planning Department. He commented regarding promotion and fundraising efforts that could be



provided by the Noontime Kiwanis Club and other partners. Council Member Ralph Rauterkus inquired with regard to the status of the Memorial Park Master Plan. Director Peterson reported that, although Memorial Park does not currently have a master plan, the overlook area has been evaluated. He recommended that a plan be developed for this element of the park. Council Member Peggy Rehder expressed agreement with including a tribute to veterans in this plan. Mr. Behrens described this as bringing back the historical spirit of the park. He added that other organizations and service clubs would want to be involved in the project. Council Member Dan Munson inquired with regard to a potential financial contribution from the City. Mr. Behrens stated that specific information would be difficult to determine at this preliminary point in the process but suggested a potential 50/50 partnership for the project. Council Member Ralph Rauterkus inquired with regard to Planning Commission involvement in the project. Director Peterson provided an example of a similar project. Council Member Lisa Bayley stated that she would have no problem expressing support for the project concept.

A motion was made by Council Member Lisa Bayley, seconded by Council Member Peggy Rehder, in support of the Memorial Park overlook project. Council President Dean Hove recommended budgeting any financial contribution toward the project from the City, stating that this project could be included in the budget discussions for next year. Mr. Behrens commented regarding the Noontime Kiwanis Club's vision for the overlook improvements. A vote was taken, and the motion carried unanimously.

#### **Agenda Item 7**

##### **Board and Commission Communication**

##### **A. Mayor Bender to Recommend the Following Appointments to the Sustainability Commission:**

- 1. Joan Halgren to the Sustainability Commission to a first term expiring on December 31, 2017.**
- 2. Nicholas Abney to the Sustainability Commission to a partial term expiring on December 31, 2016.**

A motion was made by Council Member Peggy Rehder, seconded by Council Member Dan Munson and unanimously carried, to approve the recommended appointments.

##### **B. Council Liaison Commission Reports.**

Council Member Peggy Rehder reported that the Airport Board will be discussing drones during their upcoming workshop.

#### **Agenda Item 8**

##### **Consent Agenda (Roll Call Required ♦)**

##### **A. Motion to Approve Bills (Warrant #70790-70906, totaling \$574,504.70).**

Approval of the Consent Agenda constitutes approval of the bills.

##### **B. Motion to Approve Financial Report.**

Approval of the Consent Agenda constitutes approval of the financial report.



**C. Motion to Approve April 11, 2016, Minutes.**

Approval of the Consent Agenda constitutes approval of the minutes.

**D. Motion to Approve Application and Permit for a Temporary On-Sale Liquor License for the Elks - 2016 Challenge Games.**

The Clerk's office has received an application for a temporary liquor license from the Elks to allow for a public event - the Challenge Games - at the Elks. The date of the event will be May 5, 2016. Staff recommends approval. Approval of the Consent Agenda constitutes approval of the Elks Temporary Liquor License for May 5, 2016.

**E. Motion to Accept Advisory Planning Commission Findings Relating to Property**

Located at Outlot A of Cannon River Bluffs Sixth Addition, 2.23 Acre, PIN 558670020. City Council approved the purchase of property located at Outlot A of Cannon River Bluffs Sixth Addition, 2.23 Acre, PIN 558670020 on April 11 contingent upon review of the Advisory Planning Commission. The Advisory Planning Commission has determined the property is consistent with the Comprehensive Plan. Approval of the Consent Agenda constitutes acceptance of the Advisory Planning Commission Findings.

**F. Motion to Approve Joint Response "Intercept" Billing Contract with Ellsworth Ambulance Service.**

Council is asked to approve a contract between the Red Wing Fire Department and Ellsworth Area Ambulance to provide revenue sharing for Medicare patients requiring ALS intercept services. Approval of the Consent Agenda constitutes approval of the Joint Response "Intercept" Billing Contract with Ellsworth Ambulance Service.

**G. Motion to Accept the Bid from Red Wing Construction for Window Replacement at City Hall for the Amount of \$127,322.**

Bids were opened for the City Hall Window replacement project on April 12. Staff is recommending acceptance of the bid received from Red Wing Construction in the amount of \$127,322. Approval of the Consent Agenda constitutes acceptance of the window replacement bids and approves a contract with Red Wing Construction.

**H. Motion to Approve Quarterly Fire Department Report.**

The Fire Department has provided its report of activities for the first quarter of 2016 and recommends Council acceptance. Approval of the consent agenda constitutes acceptance of the Fire Department Quarterly Report.

**I. Motion to Approve Contract Amendment No. 3 with Innovative Masonry Restoration (IMR) in the Amount of \$12,662.95.**

Since May 2015, the City has engaged in a contract with IMR for masonry restoration work at City Hall and the Sheldon Theater for a current contract value of \$844,022.20. As the projects are nearing their end, Staff is recommending approval of Amendment No. 3 with final change orders required increasing the total contract by \$12,662.95 to a sum of \$856,685.15. Work performed is as follows: 1) City Hall change



orders totaling \$1,701.90 for additional testing of the bearing soils, replacement of an additional beam, and credit for landscaping, and 2) the Sheldon Theater required additional unforeseen roofing repair for the amount of \$10,961.05. After this amendment request, there is a remaining balance of \$281,267 of CIP funds left over as set aside for these restoration projects.

1. **City Hall Masonry Restoration Project in the Amount of \$1,701.90.**
2. **Sheldon Theatre Masonry Restoration Project in the Amount of \$10,961.05.**

**J. Motion to Adopt ♦ Resolution No. 6947 Receiving Report and Calling for Hearing on the 2016 Improvement of 11th Street and Adjacent Alley west of East Avenue by Reconstruction.**

This street and alley reconstruction project is in the 2016 CIP for construction by the Public Works Department. Approval of the Consent Agenda constitutes adoption of Resolution No.6947, which sets the project hearing date for May 23, 2016.

**~~K. Spring Creek Road/TH 61 Intersection Realignment Project.~~**

~~The City's consultant for right-of-way (ROW) acquisition has been working with property owners and conducting appraisals. They are at a point where offers can be made for the necessary ROW. Approval of these two actions will allow the consultant to begin making offers based on the appraisals. All property purchases will be brought back to Council for final approval. Staff is proposing to schedule the project hearing for June 27, 2016 where the project will be recommended to be ordered in for construction. Construction is scheduled for 2018. Approval of the Consent Agenda constitutes approval of Resolution No. 6948 and the project layout.~~

- ~~1. **Motion to Adopt ♦ Resolution No. 6948 Authorizing Land Acquisition Team to Make Offers on Spring Creek Road / TH 61 Intersection Realignment Project.**~~
- ~~2. **Motion to Approve Project Layout.** Pulled by Council Member Lisa Bayley~~

**L. Motion to Approve Contract Amendment No. 1 with W. Gohman Construction Co., DBA Artistic Stone and Concrete to construct screening walls on three bathroom shelters in Memorial Park in the amount of a decrease of \$19,629.**

Council approved a contract with W. Gohman Construction Company for the amount of \$96,780 for the construction of three additional shelters at Memorial Park. Because the City is exempt from having to pay sales tax directly, Staff and the contractor agreed it was more cost effective for the City to purchase the stone which would decrease the contract award by \$19,629, reducing the original amount of the contract from \$96,780 to \$77,151. The City will save \$1,300 by purchasing the stone directly.

**M. Motion to Approve Amendment No. 3 to the Original Contract with Claybaugh Preservation (CPal) for Design and Engineering Services for the Interior Renovation of the Sheldon Theatre in the amount of \$1,500.**

The proposal from CPal is for the design services to replace the current ADA doors with doors that resemble the doors from original construction and also for the electrical engineering to design the power operator to be installed during construction. Amendment No. 3 is requesting an additional \$1,500 for the work of



designing the doors bringing the total contract value to \$108,591. Approval of the Consent Agenda constitutes approval of Amendment No. 3.

**N. Motion to Approve Private Use of Public Property (PUPP) Application for the 2016 Summer Reading Program at the Red Wing Public Library.**

The Red Wing Public Library is again hosting a kick-off event for the summer reading program. This year's event will take place on the sidewalks and parking stalls on Third Street and East Avenue adjacent to the Library as well as in John Rich Park. Approval of the Consent Agenda constitutes approval of the 2016 Summer Reading Program PUPP.

**O. Motion to Approve Private Use of Public Property (PUPP) Application for the Fourth of July Road Race.**

Jesse Nelson & USA Track and Field are sponsoring this race event. Racers will begin and end their races at Bay Point Park. While the applicant has not requested street closure or parking restrictions, portions of their race will be on city streets. Approval of the Consent Agenda constitutes approval of the Fourth of July Road Race PUPP.

**P. Motion to Adopt ♦ Resolution No. 6949 Conditional Use Permit request by Bruce A. Bauer, 16520 230th Street East, Hastings, MN 55033, to move a new home built by the Chaska High School under the supervision of Gary Dohse, to a single family home site located at 898 Aspen Avenue.**

The house move route through Red Wing is as follows: Southeasterly on Highway 61 to the Aspen Avenue intersection, thence southerly on Aspen Avenue to the 898 Aspen Avenue vacant lot site. Home is a one story, 1344 SF two bedroom on main floor, walkout and full basement. Attached two-car garage to be constructed on the site once the home is moved. The Advisory Planning Commission conducted a public hearing on the matter at their April 19, 2016 meeting and adopted a motion 6:0 to recommend approval. Approval of the Consent Agenda constitutes approval of Resolution No. 6949.

~~**Q. Motion to Adopt ♦ Resolution No. 6950 Conditional Use Permit request by Innovative Power Systems, 1413 N. Hunting Valley Road #1, Saint Paul, MN 55108, to build a 5 MW community solar garden on Agriculture Residential-zoned property owned by the Red Wing School District.**~~

~~The project will be built on a 78.53-acre parcel located north of the Red Wing High School with access off of Goodhue Street North. The Advisory Planning Commission conducted a public hearing on the matter at their April 19, 2016 meeting and adopted a motion 6:0 to recommend approval. Approval of the Consent Agenda constitutes approval of Resolution No. 6950. Pulled by Council Member Dan Munson~~

**R. Motion to Adopt ♦ Resolution No. 6951 Variance request by Lee Hestnas, on behalf of Wes and Lillian Converse, 1164 Hawthorn Street, to allow the construction of a new deck with a 1-foot 10-inch corner side yard setback.**

The Red Wing Zoning Code provides that the required setback in the R-1 Residential Zoning District for a corner side yard setback is 20 feet. The Advisory Planning Commission conducted a public hearing on the matter at their April 19, 2016 meeting



and adopted a motion 6:0 to recommend approval. Approval of the Consent Agenda constitutes approval of Resolution No. 6951.

**S. Motion to Approve the Contract with Rachel Contracting for the Decommissioning and Decontamination at the Solid Waste Campus in the amount of \$791,325.**

The contract with Rachel Contracting is for the decontamination and deconstruction of the City's Solid Waste Boiler Operations. This was necessitated by the City's decision to discontinue operations related to the City's Solid Waste Boiler facility necessitating the closure of the City's Air Permit. Approval of the Consent Agenda constitutes approval of the contract with Rachel Contracting.

**T. Motion to Approve a Service Agreement with OnSite Sanitation, Inc. for Portable Toilet Service to provide portables throughout city owned public areas.**

Quotes were received for portable toilet services for one year. OnSite Sanitation, Inc. submitted the lowest quote for services and staff is requesting to enter into a 12 month service agreement. Approval of the Consent Agenda constitutes approval of the service agreement with OnSite Sanitation Inc. for Portable Toilet Service.

**U. Motion to Adopt ♦ Resolution No. 6952 Accepting Bid for the 2016 Bituminous Reclamation, Mill and Overlay Project on Various City Streets.**

This is the annual City street milling and overlaying project. Two bids were received, with Monarch Paving Company of Amery, Wisconsin, being the lowest responsible bidder at \$606,360.90, which is \$215,226.10 (26.2 percent) below the engineer's estimate. Staff recommends approval. Approval of the Consent Agenda constitutes approval of Resolution No. 6952.

**V. Levee Road Reconstruction Project.**

Council is asked to consider action related to providing electrical service to the Red Wing Yacht Club docks. Council provided direction to staff to get a local quote in addition to the Levee Road contractor on 12/14/2015. Staff received quotes from Tom Parker Electric and Nietz Electric (electrical contractor for Levee Road project). Parker's quote is over \$9,000 lower than Nietz. Staff recommends approval of the Tom Parker Electric proposal and for Council approval of funds from the 2016 General Fund Contingency to cover this cost. Approval of the Consent Agenda constitutes approval of the proposal from Tom Parker Electric and for funding from the 2016 General Fund Contingency.

- 1. Motion to Approve Tom Parker Electric Proposal for Electrical Service Installation and Connection to the Seven Red Wing Yacht Club (RWYC) Docks in the Vogel Harbor in the amount of \$57,921.00.**
- 2. Motion to Approve Funding for the Electrical Services to the RWYC Docks to be paid from the 2016 General Fund Contingency.**

A motion was made by Council Member Ralph Rauterkus, seconded by Council Member Dustin Schulenberg, to approve the Consent Agenda, minus Items K and Q.



Upon call of the roll, Council Members Hove, Rehder, Rauterkus, Bayley, Munson, and Schulenberg voted aye; no nay. Six ayes; no nay; motion carried.

**8K. Spring Creek Road / TH 61 Intersection Realignment Project.**

Council Member Lisa Bayley requested background information with regard to this project for the benefit of the public. She also inquired why action is requested from the Council at this time, prior to receipt of the archeological survey results. Council Member Dustin Schulenberg commented with regard to the need to involve all major stakeholders. Engineering Director Rosenthal stated that he has offered to discuss the project with affected property owners. He provided background information, referencing a 2004 study by MnDOT and a 2008 study by the City, at which point the recommended alignment was proposed. Director Rosenthal added that Federal funding toward the project has been approved along with State and Goodhue County support and funding. Director Rosenthal detailed the project area and discussed the benefits of the project. Council Member Dustin Schulenberg commented with regard to the Council's direction to work with affected property owners. Director Rosenthal discussed a plan to meet with affected business owners in early to mid May. Director Rosenthal clarified that the requested Council action relates to initiating the property appraisal and negotiation process. Council Member Lisa Bayley inquired whether MnDOT will take action if the City does not move forward with the project. Director Rosenthal commented with regard to safety issues, stating that MnDOT has the ability to disallow left turns and potentially right turns if safety concerns continue. Council Member Lisa Bayley requested clarification of the requested Council action. Director Rosenthal clarified that offers will be made based on the appraisals, but the City will not enter into any purchase agreements without further Council action. Council Member Bayley inquired with regard to the public comment period. Director Rosenthal reported, following discussion with City Attorney Jay Squires, that the plan is to schedule a Public Hearing regarding the project during the June 20 City Council meeting. Following this Public Hearing, if the project is ordered the purchase agreements will be forwarded for Council approval. Council Member Dan Munson asked whether the Council is being asked to approve the project layout. Director Rosenthal indicated that the property acquisition process will be based on the proposed project design.

**1. Motion to Adopt ♦ Resolution No. 6948 Authorizing Land Acquisition Team to Make Offers on Spring Creek Road / TH 61 Intersection Realignment Project.**

A motion was made by Council Member Lisa Bayley, seconded by Council Member Dan Munson, to adopt Resolution No. 6948 authorizing the land acquisition team to make offers on the Spring Creek Road / TH 61 intersection realignment project. Upon call of the roll, Council Members Rehder, Rauterkus, Bayley, Munson, and Hove voted aye; Council Member Schulenberg voted nay. Five ayes; one nay; motion carried.

**2. Motion to Approve Project Layout.**

A motion was made by Council Member Ralph Rauterkus, seconded by Council Member Dan Munson, to approve the project layout. Council Member Dustin



Schulenberg indicated his intention to vote against the motion due to his concern that the City did not work with property owners as discussed during a workshop. He indicated that City staff should have visited with each individual property owner prior to moving the project forward. A vote was taken, and the motion carried by a vote of 5:1, with Council Member Dustin Schulenberg voting nay.

**8Q. Motion to Adopt ♦ Resolution No. 6950 Conditional Use Permit request by Innovative Power Systems, 1413 N. Hunting Valley Road #1, Saint Paul, MN 55108, to build a 5 MW community solar garden on Agriculture Residential zoned property owned by the Red Wing School District.**

Council Member Dan Munson indicated his support for the project but stated that he had some questions. He inquired whether Innovative Power Systems has an interconnect agreement with Xcel Energy. Evan Carlson, representing Innovative Power Systems, stated that there is an interconnect agreement with Xcel Energy. Council Member Dan Munson inquired with regard to the construction timeline. Mr. Carlson described the project as shovel-ready. Council Member Dan Munson asked whether the City will be a solar garden subscriber. Mr. Carlson indicated that the City will participate as a subscriber to this garden and commented with regard to projected cost savings of approximately \$2.1 million over the life of the solar garden. Finance Director Hallock clarified the 40 percent maximum for any one subscriber. He reported that this subscription, which will represent approximately 2 megawatts, will be augmented with other solar garden subscriptions to meet the City's energy needs, totaling approximately 7 to 9 megawatts. He added that the City is in discussions with regard to other solar garden subscriptions. Mr. Carlson reported that work on the project is anticipated to begin soon.

A motion was made by Council Member Dan Munson, seconded by Council Member Dustin Schulenberg, to adopt Resolution No. 6950, Conditional Use Permit request by Innovative Power Systems, 1413 N. Hunting Valley Road #1, Saint Paul, MN 55108, to build a 5 MW community solar garden on Agriculture Residential zoned property owned by the Red Wing School District. Upon call of the roll, Council Members Rauterkus, Bayley, Munson, Schulenberg, Hove, and Rehder voted aye; no nay. Six ayes; no nay; motion carried.

**Agenda Item 9**

**Motions and General Business (Roll Call Required ♦)**

**A. Public Hearing on the Wellhead Protection Plan.**

The meeting was recessed at 8:42 p.m. for a brief break. Council President Dean Hove reconvened the meeting at 8:48 p.m. Discussion of this item took place following discussion of Item 9C.

Council President Dean Hove detailed the Public Hearing procedure. Public Works Deputy Director Stark provided background information with regard to the proposal. He indicated that a draft plan has been completed and that a Public Hearing is required as part of the process. Copies of the draft plan have been submitted to more than 25 local government agencies and entities for comment. Deputy Director Stark reported that



during the comment period comments were received from the Health Department and from the Minnesota Rural Water Association. Deputy Director Stark reviewed Phase I and Phase II of the plan. He also discussed the process, stating that comments will be incorporated into the plan and a final draft plan completed. The final plan, once adopted by resolution of the City Council, will be submitted to the State and then implemented.

Deputy Director Stark reported that computer modeling was used to delineate drinking water supply management areas. All five wells and both well fields were deemed to be non-vulnerable to contamination. These areas were depicted on maps. Identification and assessment of data was discussed. Potential sources of contamination were reviewed. Council Member Ralph Rauterkus inquired regarding well depth. Deputy Director Stark reported well depths between 630 and 650 feet. Council President Dean Hove inquired with regard to wells for which no data was available. Deputy Director Stark stated that there is no reason to suspect contamination from these wells.

Deputy Director Stark reviewed goals and objectives of the management plan. Council Member Ralph Rauterkus asked Deputy Director Stark whether he is notified by the Townships when new wells are authorized. Deputy Director Stark indicated that this does not typically happen, adding that permits are obtained through Goodhue County.

Deputy Director Stark reviewed the Phase I and Phase II action plans. He stated that information will be posted on the City's website.

Council President Dean Hove opened the Public Hearing at 9:02 p.m. No one came forward to speak. A motion was made by Council Member Dustin Schulenberg, seconded by Council Member Dan Munson and unanimously carried, to close the Public Hearing. The Public Hearing was closed at 9:03 p.m. No further Council action was required at this time.

**B. Consider Motion to Introduce Ordinance No. 97, Fourth Series, Modifying Section 3.08 of Chapter 3 to Implement a Fats, Oils and Grease (FOG) Program and obtain Council direction on an implementation strategy.**

Deputy Director Stark provided background information and rationale for the proposed ordinance. He clarified that restaurants are not inspected by the County and that monitoring and compliance with grease trap maintenance is a task that is assigned to the City. He added that these requirements are already in place through the Plumbing Code. Proposed ordinance language was reviewed. The inspection process and enforcement procedures were discussed. Deputy Director Stark discussed a proposed communication and implementation process with regard to the new ordinance. It is recommended that monitoring and database management services be provided by Backflow Solutions, Inc., and a proposed agreement will be forwarded for Council approval.

Council Member Lisa Bayley requested clarification of the need for the proposed ordinance. Deputy Director Stark commented that the proposed ordinance would assure compliance with Plumbing Code requirements. Council Member Lisa Bayley



inquired regarding additional costs to business owners. It was clarified that businesses are already mandated to comply with this program.

Council Member Ralph Rauterkus inquired with regard to recordkeeping requirements and how records are maintained in the event of a change in ownership. Deputy Director Stark stated that the new owner would be subject to the requirements. Director Moskwa commented that contact would be made with the new owner. It was clarified that inspection records would be maintained by the City. Council Member Ralph Rauterkus recommended adding language to accommodate an ownership change related to recordkeeping requirements. Council Member Peggy Rehder commented regarding the important environmental protection steps that the City is taking. Council President Dean Hove spoke in support of the proposed ordinance.

A motion was made by Council Member Lisa Bayley, seconded by Council Member Dustin Schulenberg and unanimously carried, to introduce Ordinance No. 97, Fourth Series, Modifying Section 3.08 of Chapter 3 to Implement a Fats, Oils and Grease (FOG) Program and obtain Council direction on an implementation strategy.

### **C. Public Works Maintenance Shop and Yard Project.**

Discussion of this item took place following discussion of Item 8Q.

Mayor Dan Bender recused himself from participating in discussion of this item, citing a conflict of interest as he is a resident of one of the potentially affected neighborhoods. Public Works Director Moskwa provided an overview of the proposed Public Works maintenance shop and yard project and referenced documents that were included in the Agenda packet. He discussed a Council directive to relocate existing Public Works facilities as a result of adoption of the Red Wing Riverfront Redevelopment Plan initiative in 2005 and the Upper Harbor Master Plan in 2007 and amended in 2008. He discussed criteria that were used to evaluate potential sites and provided rationale for selection of the proposed site. Actions to date by the City Council, the Planning Commission, and the Sustainability Commission related to the project were reviewed. Recommended conditions of approval of the CUP were discussed. He requested that the Council consider removing a condition of approval related to tree planting, as the existing natural buffer of trees and underbrush will provide the needed screening from the Cougar Court residential area. Site visits that were conducted were discussed. The results of noise and dust studies were summarized. Director Moskwa pointed out that all studies have shown the proposed site to be well within the established limits. Study methods were described. Deputy Director Stark has performed a ground water analysis. Benefits of the proposed location to the City in terms of cost and staff time savings were discussed.

Director Moskwa indicated that the Council is being asked to approve a lease agreement with Xcel Energy for the proposed site. The lease terms were reviewed, and sublease options were discussed.



Council President Dean Hove commented that three Public Hearings have been conducted related to the project. He referenced Council policy and stated that he would not allow public comment during discussion of this item.

Council Member Dustin Schulenberg requested clarification of the Public Works operations that will be conducted. He also requested information with regard to anticipated truck traffic. Director Moskwa commented that the proposed site would be used for a number of Public Works operations and detailed those operations along with anticipated hours of operation. He commented that request has been made for a small storage shed to be erected for storage of equipment. Council Member Dustin Schulenberg asked what types of noise would be generated, in addition to the crushing operation. Director Moskwa commented regarding noise generated by the loader during the loading and unloading process. He commented that noise levels would be within the established limits, based on the sound study done by the consultant.

Council Member Lisa Bayley requested clarification of truck traffic and inquired with regard to Receptor #4 referenced on the noise study. Director Moskwa commented with regard to anticipated truck traffic, stating that this will vary with the daily workload. Council Member Ralph Rauterkus asked what types of trucks will be used. Director Moskwa indicated that these will be mostly dump trucks. Council Member Lisa Bayley inquired with regard to locating the crushing operation as far away as possible from the residential area. Director Moskwa stated that at times the crusher would be able to be located behind the pile of material for a natural buffer. Council Member Lisa Bayley asked if this is a condition of approval of the CUP. Director Peterson referenced a condition of approval relating to the applicant making every effort to maintain a large mound of material between the crushing site and the south property line.

Council Member Dan Munson inquired with regard to best practices for maintaining the moisture content of the material during the crushing operation. Director Moskwa discussed ways to manage the moisture content of the material.

Council Member Lisa Bayley requested more information related to the sound study, asking about the location of Receptor #4. Darryl Heaps with SEH indicated that this receptor was on the property line directly south of the where the crushing operation would be located. He pointed out the locations of the receptors on an aerial photo, adding that Receptor #4 was not applicable to the study. Council Member Dan Munson asked why this receptor was excluded. Mr. Heaps stated that State of Minnesota sound requirements are based on the location of residences and not property lines. Director Moskwa stated that the City Attorney provided guidance with regard to the rules and definitions that were used for the sound study. Mr. Heaps discussed the sound study that was performed by David Braslau, criteria that were used, and how the results compare with the MPCA standards. Council Member Lisa Bayley requested clarification of sound studies that were conducted. Director Moskwa indicated that it became apparent that a formal sound study was needed following preliminary discussions of the proposal by the City Council and the Planning Commission.



Council Member Ralph Rauterkus inquired with regard to concrete and asphalt crushing, asking if those materials are ever mixed together and crushed at the same time. Director Moskwa stated that these materials are kept in separate piles, adding that the concrete is used for the lower part of the road base and the bituminous is used for the upper part of the road base. Council Member Ralph Rauterkus asked when the material is used. Director Moskwa stated that typically this material is used during the next construction season.

Council Member Ralph Rauterkus inquired regarding stormwater ponds. Director Moskwa provided additional information regarding the stormwater management plan for the proposed site.

Council Member Lisa Bayley commented regarding the impact of foliage on noise levels. She recommended that the crushing operation take place when there is foliage and to include this as a condition of approval of the CUP. Director Moskwa indicated that the crushing contractor is only available once the construction season has been concluded. Council Member Ralph Rauterkus asked how much a crusher would cost. Director Moskwa indicated that this would be cost prohibitive. Council Member Lisa Bayley inquired regarding the typical time frame for the crushing operation and the latest time of the year that this has taken place. Director Moskwa reported that this operation typically takes place between November and January. Council Member Peggy Rehder commented that this is a time of the year when residents are not likely to spend much time outdoors. Director Moskwa added that windows are typically not open during this time of the year. Director Moskwa commented that the current crushing operation has been performed for 12 to 15 years with no complaints. He added that this is a sustainable practice.

Council Member Lisa Bayley asked why the property where the incinerator is going to be taken down cannot be used for the crushing operation. Director Moskwa indicated that this property would not be large enough for the Public Works shop and yard and discussed other challenges related to this site.

Council Member Lisa Bayley discussed the thorough process that has been followed. She expressed concerns about the proposed site in terms of the crushing operation but commented that at least this operation takes place for only about six weeks.

Council Member Ralph Rauterkus asked about a condition of approval of the CUP related to limiting the duration of the crushing operation. Director Peterson indicated that this condition of approval could be added to the CUP. Director Moskwa commented with regard to maintaining piles of uncrushed material over time. Council Member Ralph Rauterkus recommended adding a condition of approval limiting the crushing operation to no more than six weeks annually. Director Moskwa asked for clarification of this condition of approval, stating that the crushing operation is performed by an outside company. Council Member Lisa Bayley asked whether this company could be required to perform the crushing operation continuously. Director Moskwa indicated that this company has historically been allowed to establish their own process and time frame.



Council Member Ralph Rauterkus requested that Director Peterson review the recommended conditions of approval of the CUP. Director Peterson reviewed the CUP request and the recommended conditions of approval to this point:

- a. Approval of a lease with Xcel Energy will be required.
- b. The Tyler Hills Fourth Addition will not be recorded until the lease agreement is executed.
- c. Prior to commencement of the project the applicant will submit final grading, erosion, stormwater management, road, and utility plans.
- d. Outlot A will be considered an unbuildable lot unless it is platted in the future.
- e. If there is discontinuance of use as a Public Works maintenance shop and yard for more than one year, any future use would require a new Conditional Use Permit.
- f. An approved Conditional Use Permit will be required prior to use of Lot 2.
- g. The approval final project footprint will not exceed a total of 150,000 square feet of gravel storage area and building.
- h. Best management practices will be used to ensure that the material crushed in the crushing operation has a moisture content that meets State and local air quality standards. In addition, the applicant will make every effort to maintain a mound of material between the crushing site and the south property line, intended to help reduce noise impacts.
- i. Prior to commencement of the project the applicant will submit a final landscape plan, including a vegetative buffer planting immediately south of the crushing operation, intended to further reduce sound impacts.

Director Peterson indicated that a condition of approval could be added related to the maximum number of days of the crushing operation. Council Member Ralph Rauterkus commented that a 30-day maximum would represent six 5-day weeks.

Council Member Ralph Rauterkus requested clarification of lots involved. Director Peterson indicated that the request includes approval of the plat. Director Moskwa indicated that initially proposals for Lot 1 and Lot 2 were being discussed at the same time. Council Member Ralph Rauterkus asked whether the Conditional Use Permit pertains specifically to Lot 1. Director Peterson agreed that reference should be made only to Lot 1. Council Member Lisa Bayley recommended that the condition of approval relating to the vegetative buffer remain in place. Director Peterson recommended evaluating various types of plantings, such as evergreen trees.

Council Member Ralph Rauterkus recommended adding a condition of approval limiting the crushing operation to a maximum of 30 days per year. Director Moskwa requested clarification that this would not be 30 consecutive days. The recommendation was clarified to include 30 days in total. Council Members expressed agreement with this recommendation.

Council Member Lisa Bayley recommended a condition of approval that would state that every effort would be made to complete the crushing operation as early in the fall as



possible, to increase the likelihood of foliage being present in order to reduce sound impacts. Director Moskwa commented that this could be expressed as a best management practice. Council Member Dustin Schulenberg agreed with this recommendation.

Council Member Dan Munson inquired with regard to handling complaints. Director Moskwa discussed the current process of handling Public Works complaints. Council Member Lisa Bayley indicated that she recalled language contained in an existing CUP request related to handling complaints. It was clarified that if complaints involve potential violations of any of the conditions of approval of the CUP, Planning Department staff would investigate and respond to these concerns.

The additional recommended conditions of approval were clarified:

- Condition (e) would specify only Lot 1, Block 1. City Attorney Amy Mace recommended amending the language to state “any future use of this lot ...”
- Condition (h) would contain an additional sentence: The applicant will make every effort to complete the crushing operation as early in the season as possible.
- Condition (j) will be added: Crushing operations will be allowed for a maximum of 30 days per year.

**1. Consider Motion to Approve Xcel Land Lease Agreement for Public Works Storage and Material Area on Xcel Land.**

A motion was made by Council Member Peggy Rehder, seconded by Council Member Ralph Rauterkus and unanimously carried to approve the Xcel land lease agreement for Public Works storage and material area on Xcel land.

**2. Consider Motion to Adopt ♦ Resolution No. 6922 Approving a Conditional Use Permit and Minor Subdivision / Final Plat Approval request by the City of Red Wing Public Works Department, 229 Tyler Road, Red Wing, MN and Xcel Energy, 801 East Fifth Street, Red Wing, MN, to operate a Public Works Maintenance Shop and Yard - Material Storage and Concrete / Asphalt Crushing Operation on the easterly portion of Outlot A of Tyler Hills Second Addition.**

A motion was made by Council Member Ralph Rauterkus, seconded by Council Member Peggy Rehder, to adopt Resolution No. 6922 with the conditions of approval as discussed. Upon call of the roll, Council Members Bayley, Munson, Schulenberg, Hove, Rehder, and Rauterkus voted aye; no nay. Six ayes; no nay; motion carried.

**D. Consider Motion to Introduce Ordinance No. 98, Fourth Series, Consider a request by Edward Robinson, 1350 High Point Court, Hastings, MN, and Carol Warfel, 714 McSorley Street, Red Wing, MN, to rezone a parcel located at 714 McSorley Street, Red Wing, MN, from R-2 Two Family Residential to B-2 General Business.**

Discussion of this item took place following discussion of Item 9B. Director Peterson provided background information related to the request. He pointed out the area under



discussion on a zoning map. He reported that the applicant wishes to build a small addition to the liquor store for storage purposes, which would require rezoning of the parcel. Planning Commission discussions were reviewed. Parking considerations were discussed. The applicant has agreed to work with the City on striping of the parking area. A conceptual landscaping plan has been submitted. The Planning Commission unanimously recommended approval of the rezoning request.

Council President Dean Hove commented with regard to parking. Council Member Peggy Rehder inquired with regard to truck traffic. Director Peterson commented with regard to existing truck traffic patterns. Council Member Lisa Bayley requested clarification of the rezoning request. Director Peterson provided additional information. Council Member Ralph Rauterkus commented that the home will now be located in a B-2 district. Director Peterson clarified that the home would not be considered part of the general business development and would be allowed to continue its historic residential use.

A motion was made by Council Member Peggy Rehder, seconded by Council Member Dan Munson and unanimously carried, to introduce Ordinance No. 98, Fourth Series, Consider a request by Edward Robinson, 1350 High Point Court, Hastings, MN, and Carol Warfel, 714 McSorley Street, Red Wing, MN, to rezone a parcel located at 714 McSorley Street, Red Wing, MN, from R-2 Two Family Residential to B-2 General Business.

#### **E. Consider Motion to Approve a Request to Place Signage on City Owned Property.**

The request was clarified. A motion was made by Council Member Lisa Bayley, seconded by Council Member Dustin Schulenberg, to place signage on City-owned property near the Red Wing Regional Airport and to authorize staff to enter into a lease agreement with the applicant. Council Member Ralph Rauterkus expressed opposition to the request, stating that this would not be allowed within City limits. He commented with regard to other options for signage. A vote was taken, and the motion carried by a vote of 5:1, with Council Member Ralph Rauterkus voting nay.

### **Agenda Item 10**

#### **Council Concerns**

Council Member Lisa Bayley commented regarding a request to monitor the Public Works facility to ensure compliance with noise and dust standards, stating that this seems to be a reasonable request. She recommended further discussion of this request during a future Council meeting. Council Member Peggy Rehder asked how monitoring would be undertaken. Director Moskwa requested clarification of the Public Works site, and Council Member Lisa Bayley indicated that this request refers to the crushing operation. Director Moskwa commented regarding the cost of monitoring equipment. Administrator Kuhlmann suggested that staff discuss this request and provide recommendations in this regard.



Council Member Ralph Rauterkus commented regarding recent Council discussion of the Red Wing Firearms and Gun Range proposal and the process followed by the Port Authority. He recommended further discussion with regard to Council procedures related to allowing public comment, stating that citizens had signed up to speak but were not provided an opportunity to do so. Council Member Lisa Bayley agreed with this recommendation to further define procedures for public comment on a topic, especially when no Public Hearing is being conducted. Council President Dean Hove offered rationale for the lack of public input, commenting that the matter was referred back to the Port Authority for further review.

Council Member Dustin Schulenberg reported that he was contacted by a reporter asking for comment with regard to the Barn Bluff graffiti issue. He inquired with regard to the communication process to include Council Members when issues arise. Administrator Kuhlmann commented that she attempts to keep Council Members informed of major events but was surprised by the emotional reaction related to this issue.

Council Member Dan Munson commented with regard to the upcoming election and encouraged interested candidates to submit candidate packets. Administrator Kuhlmann reviewed the filing period.

### **Agenda Item 11**

#### **Council Administrator's Status Report**

Administrator Kuhlmann highlighted the following topics from her report:

- A reminder was provided regarding the Strategic Plan workshop on April 27. A notice was sent to boards and commissions through staff liaisons regarding this workshop. Council Member Dustin Schulenberg indicated that he may not be able to attend the workshop.
- The City Council workshop schedule was discussed.
- Public meetings with regard to Barn Bluff graffiti recommendations will be scheduled, as discussed earlier in the meeting. Administrator Kuhlmann requested Council guidance with regard to responding to graffiti complaints in the interim. Council President Dean Hove commented that political messages will not be allowed, per City Code. He stated his understanding of both sides of this issue, along with the need to be consistent. He recommended adhering to the current policy. Council Members agreed with this recommendation. Council Member Peggy Rehder cautioned against an over-reaction to this issue and commented regarding allocation of City resources and the longstanding tradition of graffiti on Barn Bluff. Council Member Lisa Bayley discussed challenges related to making decisions regarding content. Council Members agreed with the need for public input and further discussion. Administrator Kuhlmann reported that a meeting was held with City staff and a representative from the City Attorney's office, commenting that there will be many considerations involved in this discussion.
- A request from the Seventh-day Adventist Church with regard to posting temporary signs on City property advertising an upcoming event was discussed. Council Member Lisa Bayley asked whether this is allowed by City Code. Administrator



Kuhlmann commented that this could be allowed under a PUPP. Director Peterson provided additional information, indicating that the sign code does allow signs in the public right-of-way for nonprofit purposes after review by the City Engineer. Council President Dean Hove commented that signs have already been posted, some of which are on City property. Council Members expressed concerns related to this request.

- Administrator Kuhlmann referenced a letter from MnDOT with regard to a negative declaration on the need for an Environmental Impact Statement related to the Highway 63 River Bridge. Director Rosenthal provided additional comments.

## **Agenda Item 12**

### **Closed Session**

Council President Dean Hove reviewed the process for going into closed session. He stated that the purpose of the closed session is for staff to provide an update with regard to a MnDOT proposal to purchase land from the City and request direction from the Council with regard to how to proceed.

#### **A. Consider motion to go into closed session to discuss offer on City-owned property by MnDOT located at 321 Bluff Street, PIN: 55-020-0190.**

A motion was made by Council Member Lisa Bayley, seconded by Council Member Dan Munson and unanimously carried, to enter into closed session for this purpose. The Council entered into closed session at 9:51 p.m.

## **Agenda Item 13**

### **Open Session**

A motion was made by Council Member Dustin Schulenberg, seconded by Council Member Dan Munson and unanimously carried, to return to open session. Council President Dean Hove reconvened the meeting at 10:13 p.m. He reported that direction was provided to City staff with regard to this property.

## **Agenda Item 14**

### **Closed Session**

Council President Dean Hove reviewed the process for going into closed session. He stated that the purpose of the closed session is to discuss the purchase of land located at Bluff Street and Potter Street and for the Council to provide direction regarding how to proceed.

#### **A. Motion to go into closed session to discuss purchase of land located at Bluff Street and Potter Street, parcel numbers 55.005.2430, 55.005.2440, 55.005.2420, 55.005.2410, 55.005.2400, 55.005.2450, and 55.005.2370.**

A motion was made by Council Member Dan Munson seconded by Council Member Dustin Schulenberg and unanimously carried, to enter into closed session for this purpose. The Council entered into closed session at 10:15 p.m.



### **Agenda Item 15**

#### **Open Session**

A motion was made by Council Member Dustin Schulenberg, seconded by Council Member Dan Munson and unanimously carried, to return to open session. Council President Dean Hove reconvened the meeting at 11:05 p.m. Council President Dean Hove reported that staff was given direction with regard to how to proceed.

### **Agenda Item 16**

#### **Adjournment**

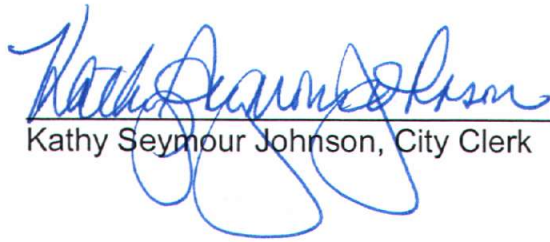
The meeting adjourned at 11:05 p.m.



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Dean Hove, Council President

ATTEST:



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Kathy Seymour Johnson, City Clerk