

**REGULAR CITY COUNCIL MEETING ~ OCTOBER 16, 2017**

1. **CALL TO ORDER**

The regular City Council meeting of the City of Little Falls was called to order by Council President Hanfler on Monday, October 16, 2017, at 7:30 p.m. Councilmembers Hircock, Gosiak, Lundberg, Knafla, Hanson, Council President Hanfler, and Mayor Zylka. Councilmember Liljegren was absent. It was determined there was a quorum.

2. **APPROVAL OF AGENDA**

Council President Hanfler amended the agenda by adding item 9.n. Motion was made by Mayor Zylka, seconded by Councilmember Knafla to approve the agenda of October 16, 2017, as amended. Ayes: Hircock, Gosiak, Lundberg, Zylka, Hanfler, Knafla, Hanson. Nays: none. Motion carried.

3. **APPROVAL OF MINUTES**

Motion was made by Councilmember Lundberg, seconded by Councilmember Hanson to approve the City Council minutes of the special work session meeting of October 2, 2017, and the regular meeting of October 2, 2017, as presented. Ayes: Hircock, Gosiak, Lundberg, Zylka, Hanfler, Knafla, and Hanson. Nays: none. Motion carried.

4. **APPROVAL OF BILLS**

Motion was made by Mayor Zylka, seconded by Councilmember Hanson to approve the bills totaling \$348,161.39 for check numbers 97296 through 97390. Ayes: Hircock, Gosiak, Lundberg, Zylka, Hanfler, Knafla, and Hanson. Nays: none. Motion carried.

5. **AWARDS, DONATIONS, PRESENTATIONS, AND PROCLAMATIONS**

a. **Donations**

1. **Resolution 2017-69, Donations [Third Quarter]** – Councilmember Gosiak introduced and moved for the adoption of Resolution 2017-69, a Resolution Accepting Donations [third quarter 2017]. Councilmember Knafla seconded the motion for adoption. On a roll call vote; Ayes: Hircock, Gosiak, Lundberg, Zylka, Hanfler, Knafla, and Hanson. Nays: Liljegren [absent]. Council President Hanfler then declared said Resolution 2017-69 to have received the majority vote of the City Council and the same to have been duly passed, approved and adopted.

6. **CONSENT AGENDA**

Motion was made by Mayor Zylka, seconded by Councilmember Hircock to take the following action on Consent Agenda items a. through p.:

- a. Received and placed on file the Animal Control report for September 2017; and
- b. Received and placed on file the Building report for September 2017; and
- c. Approved the Deferral of Special Assessment 2017-D for Public Improvement 376; and
- d. Received and placed on file the Fire Department report for September 2017; and
- e. Received and placed on file the Heritage Preservation Commission's Certified Local Government Report for Fiscal Year 2016/2017; and
- f. Received and placed on file the Heritage Preservation Commission minutes of October 2017; and
- g. Received and placed on file the Housing and Redevelopment Authority minutes of August and September 2017; and
- h. Received and placed on file the Investment Recap dated September 30, 2017; and
- i. Received and placed on file the Planning Commission minutes of September 2017; and
- j. Received and placed on file the Public Works Department report for September 2017; and
- k. Received and placed on file the Recycling reports for January through September, 2017; and
- l. Approved a Show License as requested by Starry Eyed Brewing Co. to allow shows on October 27, 28 and 29, 2017, at their business located at 16757 Northeast Eleventh Street, contingent upon the appropriate paperwork being provided; and
- m. Approved to the Minnesota Department of Public Safety, Alcohol and Gambling Enforcement Division, an Application for Optional 2:00 a.m. On Sale Liquor License as requested by CMC Holdings LLC, dba Beer Belly's Bar and Grill, 118 Southeast First Street, contingent upon the appropriate paperwork being provided and approval is granted by the Alcohol and Gambling Enforcement Division; and

n. Approved to the Minnesota Department of Public Safety, Alcohol and Gambling Enforcement Division, an Application for Optional 2:00 a.m. On Sale Liquor License as requested by One Fifteen Properties, dba West Side Bar, 115 West Broadway, contingent upon the appropriate paperwork being provided and approval is granted by the Alcohol and Gambling Enforcement Division; and

o. Received and placed on file the Wastewater Treatment facility report for September 2017; and

p. Received and placed on file the Water Treatment facility report for September 2017.

Ayes: Hircock, Gosiak, Lundberg, Zylka, Hanfler, Knafla, and Hanson. Nays: none. Motion carried.

## 7. **PUBLIC HEARINGS AND LETTINGS**

### a. **Lettings**

1. **Surplus Audio and Video Equipment** – Motion was made by Councilmember Knafla, seconded by Councilmember Gosiak to award the bid for the surplus audio and video equipment to Jerry Abraham, Little Falls, for items 2, 4, 6, 7, 8, 9, 10, 12, 13, 14, 24, 26, 31, 32, and 35 totaling \$461, with all equipment sold as is, where is and no warranty as to its condition, with the funds to be deposited to the Cable TV Equipment Fund. Ayes: Hircock, Gosiak, Lundberg, Zylka, Hanfler, Knafla, and Hanson. Nays: none. Motion carried.

2. **Surplus Vehicles/Equipment, MN Bid** – Motion was made by Councilmember Hanson, seconded by Mayor Zylka to award the high bids as follows, with all equipment sold as is, where is, and no warranty as to its condition: 1] 1999 Chevrolet S10 Pickup, VIN 1GCS1945X8168697 to Richard Minotte, Duluth, at \$1,035; 2] 1994 Ford F250 Pickup, VIN 1FTEF25Y5RLB26459 to Kelly Consenius, Braham, at \$710; and 3] 2000 Ford F250, VIN 1FTNX21LXYEB78860, Linda LeMieur, Little Falls at \$2,350; and 4] playground equipment to Ron Grams, St. Cloud, at \$1,475; with all proceeds, minus the State of Minnesota fee for listing surplus items, to be deposited to the Equipment Fund. Ayes: Hircock, Gosiak, Lundberg, Zylka, Hanfler, Knafla, and Hanson. Nays: none. Motion carried.

3. **Service Line Repair, Thirteenth Avenue Northeast, MP Nexlevel** – Motion was made by Councilmember Gosiak, seconded by Councilmember Hircock to award the low quotation of \$4,900 from MP Nexlevel, Maple Lake, for the service line repair at 1108 Northeast Thirteenth Avenue, to be charged to be charged to the Wastewater Maintenance Fund. Ayes: Hircock, Gosiak, Lundberg, Zylka, Hanfler, Knafla, and Hanson. Nays: none. Motion carried.

## 8. **OLD BUSINESS**

## 9. **NEW BUSINESS**

a. **Assistant Wastewater Superintendent, Post/Advertise** – Motion was made by Mayor Zylka, seconded by Councilmember Knafla to authorize the posting of an Assistant Wastewater Superintendent within the American Federation of State, County and Municipal Employees Union as required by the Labor Agreement; and should no one apply or be qualified, further authorize the advertisement to the rest of the fulltime City staff. Ayes: Hircock, Gosiak, Lundberg, Zylka, and Knafla. Nays: Hanfler and Hanson. Motion carried.

b. **Personnel Policy 13, Holidays, Leaves and Vacations** – Motion was made by Mayor Zylka, seconded by Councilmember Lundberg to approve Personnel Policy 13, Holidays, Leaves and Vacations, as amended. Ayes: Hircock, Gosiak, Lundberg, Zylka, Hanfler, Knafla, and Hanson. Nays: none. Motion carried.

### c. **Planning Commission Recommendations**

1. **Amendment to Zoning Map** – Motion was made by Councilmember Gosiak, seconded by Councilmember Lundberg to accept the recommendation of the Planning Commission, and approved the amendment to the City's Zoning Map as presented, based on the findings of fact as submitted in the Planning Commission report dated October 10, 2017. Ayes: Hircock, Gosiak, Lundberg, Zylka, Hanfler, Knafla, and Hanson. Nays: none. Motion carried.

2. **Amendment to City Code Chapter 11, Land Use Regulations, Temporary Family Healthcare Dwellings; Portable Storage Units; and Off Street Parking** – Motion was made by Councilmember Hircock, seconded by Councilmember Knafla to accept the recommendation of the Planning Commission, and approved the amendments to the City Code, Chapter 11, regarding Temporary Family Healthcare Dwellings; Portable Storage Units; and Off Street Parking, based on the findings of fact as submitted in the Planning Commission report dated October 10, 2017. Ayes: Hircock, Gosiak, Lundberg, Zylka, Hanfler, Knafla, and Hanson. Nays: none. Motion carried.

3. **Amendment to City Code Chapter 11, Land Use Regulations, Additional Food Service at Bed and Breakfast** – Motion was made by Mayor Zylka, seconded by Councilmember Hanson to accept the recommendation of the Planning Commission and approved the amendment to the City Code, Chapter 11, regarding additional food services at bed and breakfasts, based on the findings of fact as submitted in the Planning Commission report dated October 10, 2017. Ayes: Hircock, Gosiak, Zylka, Hanfler, Knafla, and Hanson. Nays: none. Abstention: Lundberg. Motion carried.

4. **Ordinance No. 2, Seventh Series, Amend City Code Chapter 11, Land Use Regulations** – Councilmember Hanson introduced Ordinance No. 2, Seventh Series, an Ordinance Amending City Code Chapter 11, entitled “Land Use Regulations, Zoning”; by Amending Sections 11.02, entitled “Definitions”; 11.05 entitled “Zoning Districts and Map; 11.07 entitled “Special Provisions”; adding 11.11 entitled “Communication Towers”; and 11.30 entitled “Wind Energy Conversion Systems”; incorporating all of the amendments from the public hearings held on October 9, 2017.

5. **Ordinance No. 2A, Seventh Series, Summary Publication of Ordinance No. 2, Seventh Series, Amending City Code Chapter 11** – Mayor Zylka introduced Ordinance No. 2A, Seventh Series, an Ordinance Authorizing the Summary Publication of Ordinance No. 2, Seventh Series, an Ordinance Amending City Code Chapter 11, entitled “Land Use Regulations, Zoning”; by Amending Sections 11.02, entitled “Definitions”; 11.05 entitled “Zoning Districts and Map; 11.07 entitled “Special Provisions”; adding 11.11 entitled “Communication Towers”; and 11.30 entitled “Wind Energy Conversion Systems”; incorporating all of the amendments from the public hearings held on October 9, 2017.

d. **Resolution 2017-61, Certify Delinquent Accounts for Collection** – Councilmember Hanson introduced and moved for the adoption of Resolution 2017-61, a Resolution Certifying Certain Delinquent Utility and Miscellaneous Accounts to Morrison County for Collection on Property Taxes. Councilmember Hircock seconded the motion for adoption. On a roll call vote; Ayes: Gosiak, Lundberg, Zylka, Hanfler, Knafla, Hanson, and Hircock. Nays: Liljegren [absent]. Council President Hanfler then declared said Resolution 2017-61 to have received the majority vote of the City Council and the same to have been duly passed, approved and adopted.

e. **Resolution 2017-62, Accept Petition and Order Feasibility Report, Surface and/or Utility Improvements, Fourteenth Street Southwest** – Councilmember Hanson introduced and moved for the adoption of Resolution 2017-62, a Resolution Accepting a Petition and Ordering a Feasibility Report on the Proposed Surface and/or Utility Improvement to Fourteenth Street Southwest between Trunk Highway 27 and Third Avenue Southwest, Public Improvement 378. Councilmember Hircock seconded the motion for adoption. On a roll call vote; Ayes: none. Nays: Lundberg, Zylka, Hanfler, Liljegren [absent], Knafla, Hanson, Hircock, and Gosiak. Council President Hanfler then declared said Resolution 2017-62 to have failed.

f. **Resolution 2017-63, Order Feasibility Report, Surface and/or Utility Improvements, Fourteenth Street Southwest** – Councilmember Knafla introduced and moved for the adoption of Resolution 2017-63, a Resolution Ordering a Feasibility Report on the Proposed Surface and/or Utility Improvement to Fourteenth Street Southwest between Trunk Highway 27 and Third Avenue Southwest, Public Improvement 378. Councilmember Hanson seconded the motion for adoption. On a roll call vote; Ayes: none. Nays: Zylka, Hanfler, Liljegren [absent], Knafla, Hanson, Hircock, Gosiak, and Lundberg. Council President Hanfler then declared said Resolution 2017-63 to have failed.

g. **Resolution 2017-64, Accept Petition and Order Feasibility Report, Surface and/or Utility Improvements, Fifth Street Northwest** – Mayor Zylka introduced and moved for the adoption of Resolution 2017-64, a Resolution Accepting a Petition and Ordering a Feasibility Report on the Proposed Surface and/or Utility Improvements on Fifth Street Northwest between Third and Fourth Avenues Northwest, Public Improvement 378. Councilmember Gosiak seconded the motion for adoption. On a roll call vote; Ayes: Hanfler, Knafla, Hircock, Gosiak, Lundberg, and Zylka. Nays: Liljegren [absent] and Hanson. Council President Hanfler then declared said Resolution 2017-64 to have received the majority vote of the City Council and the same to have been duly passed, approved and adopted.

h. **Resolution 2017-65, Order Feasibility Report, Surface and/or Utility Improvements, Fifth Street Northwest** – Mayor Zylka introduced and moved for the adoption of Resolution 2017-65, a Resolution Ordering a Feasibility Report on the Proposed Surface and/or Utility Improvements on Fifth Street Northwest between Fourth and Fifth Avenues Northwest, Public Improvement 378. Councilmember Hircock seconded the motion for adoption. On a roll call vote; Ayes: Knafla, Hircock, Gosiak, Lundberg, Zylka, and Hanfler. Nays: Liljegren

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[absent] and Hanson. Council President Hanfler then declared said Resolution 2017-65 to have received the majority vote of the City Council and the same to have been duly passed, approved and adopted.

i. **Resolution 2017-66, Order Feasibility Report, Surface and/or Utility Improvements, Eighth Street Southeast** – Councilmember Hanson introduced and moved for the adoption of Resolution 2017-66, a Resolution Ordering a Feasibility Report on the Proposed Surface and/or Utility Improvements on Eighth Street Southeast between Trunk Highway 27 and Fifth Avenue Southeast, Public Improvement 378. Councilmember Lundberg seconded the motion for adoption. On a roll call vote; Ayes: Hanson, Hircock, Lundberg, Zylka, Hanfler, and Knafla. Nays: Liljegren [absent] and Gosiak. Council President Hanfler then declared said Resolution 2017-66 to have received the majority vote of the City Council and the same to have been duly passed, approved and adopted.

j. **Resolution 2017-70, Accept Petition and Order Feasibility Report, Surface and/or Utility Improvements, Edgewood Road** – Councilmember Gosiak introduced and moved for the adoption of Resolution 2017-70, a Resolution Accepting a Petition and Ordering a Feasibility Report on the Proposed Surface and/or Utility Improvements on Edgewood Road between 183<sup>rd</sup> Avenue and a point approximately 1,000 feet southerly of 183<sup>rd</sup> Avenue, Public Improvement 378. Mayor Zylka seconded the motion for adoption. On a roll call vote; Ayes: Hircock, Gosiak, Lundberg, Zylka, Hanfler, Knafla, and Hanson. Nays: Liljegren [absent]. Council President Hanfler then declared said Resolution 2017-70 to have received the majority vote of the City Council and the same to have been duly passed, approved and adopted.

k. **Resolution 2017-67, Establish Nonunion Part-time, Seasonal and Temporary Employee Step Structures** – Mayor Zylka introduced and moved for the adoption of Resolution 2017-67, a Resolution Establishing the 2018 Nonunion Part-time, Seasonal and Temporary Employee Step Structures, effective January 1, 2018. Councilmember Hircock seconded the motion for adoption. On a roll call vote; Ayes: Gosiak, Lundberg, Zylka, Hanfler, Knafla, Hanson, and Hircock. Nays: Liljegren [absent]. Council President Hanfler then declared said Resolution 2017-67 to have received the majority vote of the City Council and the same to have been duly passed, approved and adopted.

l. **Resolution 2017-68, Support Local Decision-Making Authority** – Councilmember Hircock introduced and moved for the adoption of Resolution 2017-68, a Resolution Supporting Local Decision-Making Authority. Councilmember Hanson seconded the motion for adoption. On a roll call vote; Ayes: Lundberg, Zylka, Hanfler, Knafla, Hanson, Hircock, and Gosiak. Nays: Liljegren [absent]. Council President Hanfler then declared said Resolution 2017-68 to have received the majority vote of the City Council and the same to have been duly passed, approved and adopted.

m. **Performance Evaluation City Administrator, Closed City Council Meeting, October 30, 2017** – Motion was made by Councilmember Lundberg, seconded by Councilmember Hanson to call for a closed City Council meeting pursuant to Minnesota Statutes 13D.05, Subdivision 3[a] to discuss the City Administrators performance evaluation. Ayes: Hircock, Gosiak, Lundberg, Zylka, Hanfler, Knafla, and Hanson. Nays: none. Motion carried.

n. **Appeal, Penalty of Utility Bill** – Motion was made by Councilmember Gosiak, seconded by Councilmember Hanson to deny the appeal by a resident to waive the late payment penalty. Ayes: Gosiak. Nays: Hircock, Lundberg, Zylka, Hanfler, Knafla, and Hanson. Motion failed.

Motion was then made by Councilmember Knafla, seconded by Councilmember Lundberg to grant the appeal and waive the late payment penalty on the resident's utility bills based on the postmark on the utility bill envelope. Ayes: Hircock, Gosiak, Lundberg, Zylka, Hanfler, Knafla, and Hanson. Nays: none. Motion carried.

## **10. CITY COUNCIL REPORTS ON CITY AUTHORITIES, BOARDS, COMMITTEES, AND COMMISSIONS**

### **11. ANNOUNCEMENTS**

- a. Mayor Zylka reviewed the ribbon cutting event he attended at Wabash National.

### **12. ADJOURNMENT**

Council President Hanfler recessed the meeting at 8:29 p.m. to a scheduled closed meeting pursuant to Minnesota Statute 13D.05, Subdivision 3c[1].

13. **BUSINESS**

Motion was made by Councilmember Hircock, seconded by Councilmember Knafla to close the meeting at 8:33 p.m. pursuant to Minnesota Statute 13D.05, Subdivision 3c[1] to discuss land purchase price, Water Power Company Addition No. 1. Ayes: Hircock, Gosiak, Lundberg, Zylka, Hanfler, Knafla, and Hanson. Nays: none. Motion carried.

Motion was made by Councilmember Knafla, seconded by Councilmember Hircock to reopen the meeting at 8:44 p.m. Ayes: Hircock, Gosiak, Lundberg, Zylka, Hanfler, Knafla, and Hanson. Nays: none. Motion carried.

14. **ADJOURNMENT**

Council President Hanfler adjourned the meeting at 8:44 p.m.

Respectfully submitted,

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Wendy J. Zylka