Cambridge City Council Meeting Minutes  
Monday, November 17, 2014

A regular meeting of the Cambridge City Council was held on Monday, November 17, 2014, at Cambridge City Hall Council Chambers, 300 3rd Avenue NE, Cambridge, Minnesota, 55008.

Members Present: Mayor Marlys Palmer; Council Members Corey Bustrom, Chris Caulk, Lisa Iverson, and Howard Lewis

Members Absent: None

Staff Present: City Administrator Lynda Woulfe, City Attorney Jay Squires, Finance Director Caroline Moe, City Planner Marcia Westover,

Call to Order & Pledge of Allegiance
Palmer called the meeting to order at 6:03 pm and led the public in the Pledge of Allegiance.

Citizens Forum
No one spoke at the Citizens Forum.

Approval of the Agenda
Lewis added Election Results under Council Concerns. Iverson moved, seconded by Bustrom, to approve the agenda as amended. Motion passed unanimously.

Consent Agenda
Lewis moved, seconded by Iverson, to approve consent agenda Items A-F:

A. Warrants #97901-#98132 and ACH/Wire items totaling $2,050,629.29
B. November 3, 2014 Council minutes
C. November 3, 2014 Council meeting minute summary
D. Resolution R14-079 Application for Payment #7 from Douglas Kerr Underground, LLC for 2014 Street Improvements
E. Resolution R14-080 Application for Payment #15 from Robert L. Carr Company for Wastewater Treatment Facility Improvements
F. Cambridge Fire Department Standard Operating Guidelines, Chapter 2, 3, 5, 7, 8, and 9

Upon call of the role, Bustrom, Caulk, Palmer, Lewis, & Iverson voted aye, no nays. Motion passed unanimously.

Work Session  
Utility Billing Rates for 2015

Moe presented Council with the proposed utility billing rates for 2015. Council thanked Moe for her hard work.
Unfinished Business

Request from East Terrace Cooperative on Sidewalk Clearing

Janice LeMay of 2155 6th Lane SE, Apt. 202, Cambridge, Minnesota stated she resides at East Terrace Cooperative and was there to speak on behalf of the residents. LeMay explained in the past, they had a verbal waiver from City staff indicating they did not have to remove snow from the sidewalks abutting East Terrace Cooperative’s property. LeMay stated they were cited last year and it is very cost prohibitive to have the snow removed. LeMay stated they feel there is not enough pedestrian traffic on those sidewalks in the winter months, and the little traffic that does occur could easily use the streets since the Public Works Department does a great job at removing the snow. LeMay asked for a written waiver from the Council so East Terrace Cooperative would not have to remove snow on 8th Avenue SE and Roosevelt Street S.

Woulfe explained staff had a verbal agreement with East Terrace Cooperative that they would not have to remove snow, but this agreement was prior to the roads in this development being completed. Woulfe stated once the roads were completed, the sidewalks linked the transportation system and East Terrace was expected to remove the snow from the sidewalks.

Palmer asked if the sidewalks are used in the summer. LeMay stated in the summer, they are used heavily but not in the winter.

Woulfe asked if there would be any liability issues with the City if the Council agreed to a waiver. Squires explained if the City couldn’t enforce the codes due to timing, etc. and someone was injured, they could litigate the property owner and there could be some liability with the City because of timing for enforcement. Squires stated if the City signed a waiver, there would be liability issues. Squires noted there is not a current procedure in the City Code for a waiver process and signage should also be taken into consideration.

Caulk stated he would choose to walk in the street because the sidewalks are slippery. Lewis added the wind blows the snow and the sidewalks are very hard to clear.

Palmer stated she has heard from residents that are frustrated because they clear their sidewalks and, as soon as the sidewalks are cleared, the plow comes by and pushes the snow back on the sidewalk.

Woulfe explained with the current staff level, it will be near impossible to enforce the code until after the first of the year. Woulfe noted the City will not be negligent, but unless Council directs staff at making this a priority, there is simply not enough staff to enforce this portion of the City Code unless there are complaints made against specific areas. Bustrom stated by agreeing to a waiver, it wouldn’t resolve the overall issue for the community and stated he felt they need to find a solution for all residents. Caulk stated the sidewalks are a mode of transportation and he feels the City has a certain responsibility for clearing them because they put in the sidewalks.
Woulfe stated the City got 18 inches of snow over the course of a few days and it took the Public Works Department 72 hours to get to clear the sidewalks. Woulfe stated it is hard to expect residents to clear their sidewalks within 24 hours when Public Works is not able to get to it for 72 hours.

Council discussed options for snow clearing and enforcement and the consensus was to not agree to a waiver for snow clearing for East Terrace. It was noted if staff receives a complaint, they would notify East Terrace and East Terrace would need to clear the snow.

**New Business**

*Budget Revisions for 2014*

- Approve Resolution R14-081 Amending 2014 General Fund Budget
- Approve Resolution R14-082 Amending 2014 Debt Fund Budget
- Approve Resolution R14-083 Amending 2014 Capital Fund Budget

Moe reviewed the recommended budget revisions for the General Fund Budget, Debt Fund Budget, and Capital Fund Budget.

Council discussed the process for tax abatements.

Iverson moved, seconded by Caulk, to approve Resolution R14-081 Amending the 2014 General Fund Budget, Resolution R14-082 Amending the 2014 Debt Fund Budget, and Resolution R14-083 Amending the 2014 Capital Fund Budget. Motion passed unanimously.

- Approve Resolution R14-084 2014 Inter-fund Transfers

Moe reviewed the recommended Inter-fund Transfers.

Lewis moved, seconded by Caulk, to approve Resolution R14-084 2014 Inter-fund Transfers. Motion passed unanimously.

- Approve Resolution R14-085 Interim Use Permit for Leaf’s Towing at 791 Garfield St S

Westover explained the City Code does not have any zoning district where impound lots are an allowed use and impound lots are not defined in the code. Westover stated Section 156.041 Industrial Districts in the Zoning Code does have a provision that allows "those other uses which, in the opinion of the Planning Commission, are appropriate only on an interim basis." Westover stated staff brought this forward to the Planning Commission for discussion and the Commission finds the use appropriate and recommends Council approval.

Westover stated the Minnesota Pollution Control Agency (MPCA) does not regulate impound lots as they leave it up to individual cities to regulate. Westover explained the MPCA suggests to have Best Management Practices in place for the impound lot so staff researched other cities for their regulations on impound lots. Westover reviewed the cities that responded and reported it was found the cities that allow impound lots require the vehicles to be on an impervious surface. Westover reported every city that responded either does not allow or regulate impound lots and, if they did allow them, they would require impervious parking surface or they do require impervious surface. Westover stated it is
staff’s recommendation that Cambridge requires all towed and impounded vehicles to be parked on a paved surface.

Westover explained a paved surface provides dust control and is a more efficient storm water management practice. Westover stated the pavement reduces the potential for harmful contaminants from soaking into the ground and ultimately into the water supply system. Westover stated it allows any spill to run off and be cleaned up in our ponds.

Westover stated staff has discussed the pavement requirement with Leaf's Towing and provided certain conditions for approval of this Interim Use Permit. Leaf's Towing has agreed to park all vehicles on the existing pavement onsite. Westover stated in the spring of 2015, they plan to add more pavement to the site which will require a grading and drainage plan from an engineer. Westover stated the grading and drainage plan must include additional storm water management such as a rain garden or pond since the existing pond in that area is not sized for additional hard surface.

Westover reported outdoor storage is allowed by an Interim Use Permit in all industrial zoning districts and storage typically must be stored within an enclosed building unless an Interim Use Permit is approved. Westover stated all towed and impounded vehicles are proposed to be stored outside and behind a fence. Westover explained Leaf’s Towing intends to use the existing fence onsite and add more fencing as needed in the area shown on their site plan. Westover stated the existing and proposed chain link fence will be 6' high with barb wire added at the top with the total height of the fence reaching 7'. Westover noted the fence is allowed with a building permit.

Westover stated outdoor storage must be screened from all adjacent properties and the applicant has proposed a woven mesh wind screen material and staff is recommending a material with 95% blockage or higher. Westover stated the color has not been determined and staff recommends they choose a neutral color to blend in with the surrounding area.

Westover reported at their regular meeting on November 5, 2014, the Planning Commission, on a 7/0 vote, recommended approval of the Interim Use Permit as long as the conditions of approval are met. Westover reviewed the conditions.

Palmer confirmed Leaf’s Towing and Recovery is leasing the property and the new owners agree with the plan.

Caulk confirmed the property meets impervious surface requirements. Woulfe noted the company is currently operating without the Interim Use Permit. Lewis asked if staff was aware of any unpaid taxes. Woulfe explained the new owner has brought the taxes current.

Bustrom moved, seconded by Lewis, to approve Resolution R14-085 Approving an Interim Use Permit for Leaf's Towing and Recovery to allow an impound lot for towed vehicles and outdoor storage in the I-1 Zoning District (791 Garfield St S) as long as the following conditions are met:
1. The Interim Use Permit for an impound lot and outdoor storage is not transferrable and shall only be used by Leaf's Towing, and shall discontinue after 5 years from the date of approval.
2. Outdoor storage is limited to vehicles only. Section 156.085 Outdoor Storage of the City Code must be met at all times, where applicable.
3. All fence material must be approved by City staff. The fence material must be a neutral color and be opaque; no outdoor storage and/or vehicles can be visible from adjacent properties including over the top of the fence.
4. A building permit is required for a fence over six feet high.
5. All vehicle parking and outdoor storage must be on an impervious surface (pavement or concrete).
6. A grading and drainage plan from a professional engineer must be submitted to the City for administrative review and approval of any new impervious surface (pavement, etc.); the plan must include curb and gutter and it must meet the current City Code requirements, i.e.; property line setbacks, etc. The grading and drainage plan must include a rain garden, pond, or another approved means for additional storm water management control.
7. Floor drains shall drain into a flammable waste trap as per Minnesota Plumbing Code part 4715.1120.
8. Must provide mechanical ventilation system in conformance with Minnesota Mechanical Code part 1346.0404.
9. Fencing over six feet in height shall be designed for wind loads as per Minnesota State Building Code.

Council amended the motion to include all relevant condition items must be brought into compliance within 90 days. Motion passed unanimously.

Appoint Sean Okerlund as Fire Chief for 2015

Woulfe stated the Officers Nominating Committee and Cambridge Fire Department unanimously recommends Sean Okerlund to be appointed as Fire Chief for 2015.

Caulk moved, seconded by Lewis, to accept the Nominating Committee and Fire Department’s recommendation to appoint Sean Okerlund as Cambridge Fire Chief for 2015. Motion passed unanimously.

Iverson moved, seconded by Caulk, to break from 7:32 to 7:42 pm. Motion passed unanimously.

Discussion on Sidewalk Snow Removal Ordinance Changes

Woulfe reported staff has had several calls from citizens wondering how they are going to get their sidewalks cleared, noting the calls came from elderly or physically impaired residents. Woulfe asked if Council is interested in changing the ordinance.

Lewis stated he felt the time should be extended to 48 hours. Lewis stated he felt the City should prioritize which sidewalks need to be cleared first. Lewis stated he thought it would be a good idea to subsidize owners that cannot physically clear their sidewalks.
Woulfe explained it would be a better service to residents if the City uniformly cleared the sidewalks but that takes resources. Woulfe stated at a minimum, she feels residents need more time to clear. Bustrom suggested extending the timeline to 48 hours after the last snowfall and above a certain temperature.

Lewis asked if staff had a list of which cities clear sidewalks. Woulfe stated she did not have the information accessible but knew that the City of Shoreview clears all sidewalks and she knows of many communities that clear all sidewalks because they consider them part of their transportation system. Lewis asked for an updated list of which cities clear sidewalks.

Iverson felt residents needed more time to clear sidewalks.

Council discussed sidewalk clearing and staff suggested looking at street projects and the placement of sidewalks in the future. It was the consensus of Council to direct staff to change the ordinance extending the time for residents to clear snow to 48 hours after snowfall and place on the next consent agenda.

**Mayor's Report**
Palmer provided an update on meetings attended and upcoming meetings and events.

**Council Concerns**

**Election Results**

Lewis stated he felt the City erred in its election system since candidates elected did not have a majority vote and stated the Mayor was reelected with only one-third of the votes cast. Lewis recommended the City of Cambridge model their elections after Louisiana or Minneapolis. Squires explained the City of Cambridge is a statutory City and their guidelines are different. Woulfe noted any changes to the Ordinance for elections must be done in a non-election year and she had plans to bring the topic of a Primary Election to Council as a discussion item in 2015. Palmer noted, in the past, this had not been an issue because not many people ran for office. Palmer stated she was also going to bring this forward as a discussion item.

**City Attorney's Report**
Squires updated Council on the Arlington. Squires explained the vacation of the building will occur on Monday, November 24, 2014 unless necessary repairs are made. Bustrom confirmed the Q Mandarin is trying to relocate the restaurant within the City.

**City Administrator's Report**
Woulfe updated Council on recent tobacco compliance checks and noted Casey's General Store (Highway 95 location), Super America, and Cub Foods failed their compliance checks.

Council entered into closed session at 8:19 pm.

**Closed Session**
This meeting is being closed under Minnesota Statutes §13D.05 to discuss an offer on property located at 13th Avenue SW and Fern Street South (PIN 15.032.1005 and 15.280.0830)

Adjournment of Council Meeting
Council reconvened into open session at 8:35 pm. Lewis moved, seconded by Bustrom, to direct staff to prepare a purchase agreement for PIN 15.032.1005 and PIN 15.280.0830. The motion carried unanimously.

Being no further business before the City Council, Lewis moved, seconded by Bustrom, to adjourn the regular meeting at 8:37 pm. Motion carried unanimously.

ATTEST:

Lynda J. Woulfe, City Administrator

November 17, 2014