

CITY COUNCIL MINUTES – June 21, 2016

A CALL TO ORDER: The Regular City Council meeting was held on June 21, 2016 in the city council room of the New Germany City Hall. Mayor Van Lith called the meeting to order at 7:00 p.m., those present were: Mayor Van Lith, Councilpersons Ty Turnquist, Shirley Jaeger, Nick Hartwig, and Cathy Ruschmeier. Others present were: City Clerk – Twyla Menth. Audience members present were: Herald Journal, Heidi Hoks, Penny Van Lith, Annie Roepke, Carolyn Effertz, Lois Jopp, Annette Steinborn, Renee & Kevin Horstman, Mitch & Julie Aarsvold, Patty Holloman, Donna & Lyle Lehrke, and Debbie Pawelk.

B. CITIZEN COMMENT: Julie Aarsvold turned in petition that opposed solar ordinance and rezoning. Julie continued explaining reasons why she does not want to see in the middle of the city.

Patty Holloman explained that when she went around the city getting signatures adults were chasing her down requesting to sign as they were not in favor of the solar project. She also stated there are no benefits to residents and would lose beautiful land and wildlife within the city. Patty was impressed with the people in town getting involved, most residents were not notified early when this first came up in January, people strongly opposed.

Kevin Horstman informed Council that his property would devalue around \$80,000, and questioned if his property taxes would decrease as well. Kevin will be discontinuing his time and equipment he donates to the city if approved and questioned what Montgomery has donated. Renee Horstman stated the Sam Montgomery land was purchased as an Ag land preserve, he passes away and Clay receives land and now he wants solar. Questioned what Clay Montgomery has done for this city and why is Council bending over backwards for Clay. Clay does not live here and why is Council catering to someone who does not live here.

Lois Jopp noted that she has contacted the BBB and informed Lois that the company is out of Toronto Canada and City should not do business with a company located in Canada.

Renee Horstman noted that the company is not registered with the state of MN, also that 16 poles will be placed and will be 40 feet high. She also informed Council the Xcel rates would go up to cover the subsidize fees.

Lyle Lehrke commented that he agreed with Patty Holloman and this city has a beautiful trail system, gorgeous parks, and it would decrease property value. Xcel can put up anywhere, no one wants it in the middle of the city, and substations located everywhere, keep it on roof tops in Mpls, poles will be in someone's backyard.

Lois Jopp commented to go to their website.

Lyle Lehrke encouraged Council to think long and hard, wait it is so new, not in city limits. Escrow is not a for sure thing, small town like New is a needle in a haystack, went through all sub stations and locations in the area.

Mitch Aarsvold questioned what New Germany will benefit R1 to commercial, no brainer to vote down, and not enough money.

Renee Horstman stated that the companies Gerardo has been with have all gone bankrupt.

Carolyn Effertz questioned the Comp Plan grant and black mail.

C. APPROVAL OF AGENDA: Turnquist moved and Jaeger seconded agenda with the addition of J4 Resolution 2016-09. The motion carried, all in favor

D. APPROVAL OF MINUTES: Jaeger moved and Ruschmeier seconded approval of the June 7, 2016 Public Hearing minutes. The motion carried, all in favor.

Turnquist moved and Ruschmeier seconded approval of the June 7, 2016 Council meeting minutes. The motion carried, all in favor.

E. SHERIFFS REPORT: Nothing at this time.

F. FIRE DEPARTMENT REPORT: Mayor Van Lith reported the issue with Camden Township fire contract has been resolved.

G. TREASURE REPORT: The Treasury report noted that the General fund balance was \$863,131.48. The bond account was closed on 6/17/2016 and the CD's total \$47,600.67, the total for all accounts is \$910,789.25. Turnquist moved and Ruschmeier seconded treasure report as printed. The motion carried, all in favor.

H. APPROVAL OF CLAIMS: table and come back. After J4 came back to approve the claims. Turnquist moved and Ruschmeier moved to accept the claims in the amount of \$15,420.46. The motion carried, all in favor.

I. WATER SEWER REPORT: Working on pond permits restrictions, wrote letter to MDH requesting the restrictions be lifted.

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J. 1. Heidi Hoks with the Carver County Library was present to inform Council on local libraries. Hoks asked everyone present to fill out survey and return to Clerk. Hoks informed everyone there is an express library at Mayer, located at City Hall with the locker access 24/7. Hoks gave everyone a hand out and included was the annual report. Hoks went through the hand out literature, e books and technology, 2015 they built a library in Victoria and also are on SW transit and offer story time on buses. The virtual library can be accessed at www.carverlib.com catalog to any of the sites, books come to you, all available with just a few clicks, 1 million items distributed throughout Carver County. The biggest rival for the Waconia library is Eden Prairie, great program and wonderful classes on technology. Just out of Mayer library 13,000 items have circulated. Question was asked on how the locker system works; they process request, goes to Waconia hub and then comes to Mayer and they put in the locker for you to pick up, e mail is sent to you with locker code and information.. Council thanked Hoks for coming and for the information.

2. Mayor Van Lith noted to residents that Council has not made any decisions and they will be discussing tonight, under the state law they are not allowed to discuss among each other unless it is at a Council meeting. Mayor Van Lith noted to the residents he does not like the threats to him, Clerk, and Planning Commission, needs more of a reason other than the residents do not like it. Mayor Van Lith does not like it in the middle of the city either, not the correct way to promote this city. Mayor Van Lith listed his findings: wetland issue and there is tile running through this area, drainage issue, with vehicles going in and out of the low land, concerns about the roadways and additional debris being distributed on road/street, R1 & R2 land located within the city has been planned for residential development not solar.

Turnquist response to the ordinance based on representation of City, purposed modifications to prepare ordinance is to protect the City. Turnquist recommends to bring back to the PC and address the R2 district as he does not think this is the appropriate area for solar. However, the ordinance does need to be addressed, including no fire plan for a solar garden/field, would like to see a plan addressing these issues included. Turnquist also felt wholesale solar would be more appropriate in an Agriculture district. Carolyn Effertz stated Ag land is still next to her property. Turnquist stated would not be any Ag, would all be R2, no ordinance being passed. Turnquist recommendation is not to pass anything and readdress the changes to be consistent with the comp plan, which needs to be completed by 2018. Turnquist noted the zoning map and the comp plan are mismatched at this time and we need to get everything consistent.

Jaeger noted it has shown what the residents' concerns are and as a Council member it is her job to serve and listen to the residents and decide what is best for the residents and the city. Jaeger has not heard anything positive of this solar proposal, also does not think in the middle of the city is the prime location for wholesale solar.

Ruschmeier has concerns of the possibility of decreasing property values. Ruschmeier also stated this Council has been very sensitive as Cathy's property borders the proposed solar. Ruschmeier informed residents that Council has not discussed anything and no decisions have been made. Ruschmeier has the same concerns as the residents, the process is not always well communicated and apologizes for this but the Council also has a vested interest.

Hartwig agreed with all the findings that the rest have stated and does not have anything additional to add.

Mayor Van Lith stated everything will move forward with the comp plan and Planning Commission. Turnquist stated the solar proposal is a dead deal and will continue addressing the ordinance, solar and the comp plan, possible address all at the same time.

Ruschmeier noted that they are well aware of the financial liabilities of the solar business, they have also asked many questions, part of the process is the soil boring tests, but in the end they may not have the financial means, Council has a process they need to follow.

Lyle Lehrke also cautioned Council when updating things to keep in mind the hazards that can accompany roof top units, danger with voltage and fires.

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After lengthy discussions Council based their finding on the following:

1. It is too close to downtown and is surrounded by existing homes and a park. Solar should be in a more rural area.
2. It is a planned residential area with access to public utilities. The city does not want to lose the residential land inventory.
3. The loss of residential land reduces growth opportunities, taxable property and more residents to support local businesses.
4. If it is located in the city, it should be in the Agricultural District with appropriate setbacks from existing homes.
5. There are a lot of wetlands on the property and existing drainage issues.

Turnquist moved and Jaeger seconded to deny the ordinance amendment proposed; R2 not appropriate area for wholesale solar. The motion carried, all in favor.

Turnquist moved and Jaeger seconded to deny the rezoned proposed; address in the 2018 Comp Plan update. The motion carried, all in favor.

3. Fire Department annual softball tournament will be August 5, 6, 7. Jaeger moved and Turnquist seconded approving the temporary liquor license. The motion carried.

4. Resolution 2016-09 CDA Resolution provisions – Clerk is applying for grant to help with tennis courts, grandstands in the amount of \$7500, resolution needs to accompany grant application due by July 1. Jaeger moved and Turnquist seconded Resolution 2016-09. The motion carried, all in favor.

Went back to H. Claims

K. BUILDING PERMIT UPDATE: Fence, remodel and re-roof permits.

L. COMPLAINT LOG: Calls on Solar.

M. PW REPORT: Mayor Van Lith reported new employee Rick Todd is working out well and a good worker.

N. PARKS REPORT: Mark Strehlke thanked Council for the use of the softball park; Mark is a Mayer Lutheran coach. Strehlke and Council had discussions on tennis court area; it is in need of repairs. Strehlke suggested they would put up a batting cage and if part of the cement could be left would be ideal. Commercial Club meeting is Monday night at 7 PM and Jaeger invited Strehlke to attend and continue discussion/plans. Council had no issues with leaving part of the cement. Strehlke did not think there would be much cost involved. Mayor Van Lith stressed to keep cost low and thanked Eric for the great job he does at the parks.

Mayor Van Lith explained the cost for the press box and grandstand; grandstand is \$6925, press box is under review at this time. Council had discussion of cost sharing with Fire Department and Baseball club, at this time no commitment from either. There would need to be commitment of funds before proceeding with the Press Box. Grandstand needs to be repaired on account of safety issues; Horstman stated if you kicked the poles they could fall over. Horstman explained the pole replacement method he would use. Grandstand was built in the 70's. Originally they were planning to put the press box on top of the grandstand but with the bathrooms and commercial codes it was not possible. They have now received the plans to put it on top of the concession stand. Council continued discussion on the money and Effertz suggested a fund raiser. Turnquist mentioned to get back to the agenda and who is involved with the funding. Grandstand has to be fixed; Fire Department or other clubs have not been approached or committed any Press Box funding as of this time. Ruschmeier moved and Jaeger seconded approving the grandstand renovations in the amount of \$6525.00. The motion carried, all in favor. Will table the press box until July 5 meeting, also check with Steve Mielke, Fire Department meets July 11. Horstman

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noted that the engineer fees for press box were \$525; City will pay for engineer fees. Eric Roepke informed Council the Kromer axle broke and a new one has been ordered.

O. MAYORS REPORT: Thanked everyone for attending meeting.

P. CLERKS REPORT: Clerk attended first Election meeting June 16th, County informed us shortest ballot that they can remember. Election judges need to be ½ and ½ on account of two parties running. 2018 looking at all new election equipment

Clerk has completed her certification schooling and has submitted her application for a Minnesota Certified Municipal Clerk (MCMC) credentials.

Q. OLD BUSINESS:

1. Turnquist will train Public Works in sump pump inspections; Turnquist will put together information
2. Resident sent solar information.

R. NEW BUSINESS:

1. Turnquist brought up if hard to get election judges possible talk with Plato and see how they do all absentee ballots.
2. Council reviewed the information from Ehlers.

Ruschmeier had a quick question on the fence by PW; Van Lith and Todd will disassemble on Monday or Friday, if help is needed they will make arrangements.

Lyle Lehrke informed Council he took poles out of the way for mowing at Trophy Lakes and the bull thistles need to be cut.

Effertz asked the status on Trophy Lakes; Bank has a purchase agreement till August and is trying to get things worked out.

S. ADJOURNMENT: Turnquist moved and Ruschmeier seconded to adjourn meeting at 8:22 PM. The motion carried, all in favor.

Respectfully Submitted, _____ Twyla Menth, City Clerk