

**SAUK CENTRE CITY COUNCIL  
REGULAR MEETING  
WEDNESDAY, MARCH 7, 2018**

**1. CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE**

The Sauk Centre City Council met in a Regular Meeting on Wednesday, March 7, 2018 at 6:30 p.m. in the City Hall Council Chambers pursuant to due notice being given thereof. Present were Council Members Diane Kelly, Heidi Leach, Dave Thomas, Keith Johnson and Mayor Warren Stone. Also present was City Administrator Vicki Willer, Police Chief Bryon Friedrichs, Public Works Director Matt Zinniel, Administrative Assistant Nicki Vogt, City Engineer Chuck Boser and City Planner Sarah Morton. Mayor Stone presided thereat.

**2. APPROVAL OF AGENDA**

A motion was made by Council Member Thomas and was seconded by Council Member Kelly to approve the agenda, as presented. A vote being recorded as follows: For: Council Members Thomas, Kelly, Johnson, Leach and Mayor Stone. Against: None. The motion passed.

**3. APPROVAL OF MINUTES**

A motion was made by Council Member Leach and was seconded by Council Member Kelly to approve the February 21, 2018 Regular Meeting Minutes, as presented. A vote being recorded as follows: For: Council Members Leach, Kelly and Mayor Stone. Against: None. Abstain: Council Members Thomas and Johnson. The motion passed.

**4. PUBLIC OPEN FORUM (Comments Limited to 3 Minutes)**

None.

**5. PUBLIC HEARINGS – Request for Release of Dog Considered Dangerous**

- a. This hearing is being conducted at the request of Juana Sarmiento regarding the declaration of her dog “Rocky” as a “dangerous dog” and his impoundment. Rocky was impounded by the Police Dept. due to reports of him engaging with another dog in an aggressive manner. A previous report indicated he had nipped at a passerby on a bicycle which caused a scrape and some bleeding. There have also been calls regarding running at large and barking, as well as concerns for his care including being tied to a tree with little or no food or water.

The hearing was conducted in the following manner:

1. Police Chief Friedrichs presented further details and relevant evidence for the Council’s consideration. The timeline was presented to the Council for their review.
2. The Council asked questions of the Chief for clarification or for further information.
3. The owner had the opportunity to provide additional information or ask questions.
4. The Council deliberated based on the information received.

The City Code specifically defines what is considered a “Dangerous Animal”, a “Potentially Dangerous Animal” and what is considered “Unprovoked” and what a “Proper Enclosure” is.

It was up to the City Council to determine, based upon the evidence, if the issues leading up to the declaration that the dog is a “dangerous dog” are justified.

Has the dog:

- (a) Caused bodily injury or disfigurement to any person on public or private property;
- (b) Engaged in any attack on any person under circumstances which would indicate danger to personal safety;
- (c) Exhibited unusually aggressive behavior, such as an attack on another animal;
- (d) Bitten 1 or more persons on 2 or more occasions; or
- (e) Been found to be potentially dangerous and/or the owner has personal knowledge of the same, the animal aggressively bites, attacks or endangers the safety of humans or domestic animals.

An excerpt of the City Code regarding the Dangerous Dog Ordinance was presented to the Council.

The Council was presented with the following options to decide from when taking action:

1. Release the animal to the owners if it is found that the animal does not meet the definition of “dangerous dog” or the information provided was not credible.
2. Uphold the determination that the animal meets the definition of “dangerous dog” and order it destroyed.
3. Uphold the determination that the animal meets the definition of “dangerous dog” and release him to the owner to be kept, kenneled, and cared for in a proper enclosure as defined by City Code.
4. Determine the dog to be “potentially dangerous” and release the dog for rehoming outside the City to be kept, kenneled and cared for properly.
5. Determine the dog to be “potentially dangerous” and release to the owner with the condition that a future infraction of the Code results in forfeiture of the animal.

Mayor Stone called for persons to speak. Juana Sarmiento, owner, stated that they have had Rocky since he was little and she does not feel he is dangerous. She would like him returned to her.

Mayor Stone called for additional persons to speak. None spoke. Mayor Stone closed the Public Hearing. See 7a.

## **6. REPORTS/PRESENTATIONS**

- a. The EDA met on Wednesday, March 7, 2018 and discussed the following:

- A discussion was held regarding TIF District 1-12. A draft will be sent to the City and school district for their review.
- Received updates from Sauk Centre Chamber and Sauk Centre Opportunities.

b. The Park Board met on Tuesday, March 6, 2018 and discussed the following:

- A bonfire event was held on February 21<sup>st</sup> at the Outdoor Rink. 150 people were in attendance.
- Recommended appointment of Harold Read as campground attendant for the 2018 season.
- The baseball association requested full use of the concessions.
- Looking at options to upgrade the sound system at the arena.
- Board resignation. See 7g.

## **7. ACTION ITEMS**

a. See 6a.

A motion was made by Council Member Johnson and was seconded by Council Member Kelly to choose Option No. 2, uphold the determination that the animal meets the definitions of “dangerous dog” and order it destroyed. A vote being recorded as follows: For: Council Members Johnson and Kelly. Against: Council Members Leach, Thomas and Mayor Stone. The motion failed due to lack of majority vote.

A motion was made by Council Member Leach to choose Option No. 5, determine the dog to be “potentially dangerous” and release to the owner with the condition that a future infraction of the Code will result in forfeiture of the animal. The motion failed due to lack of a second.

A motion was made by Council Member Thomas and was seconded by Mayor Stone to choose Option No. 4, determine the dog to be “potentially dangerous” and release the dog for rehoming outside the City where it will be kept, kenneled and cared for. A vote being recorded as follows: For: Council Members Thomas, Mayor Stone and Council Member Leach. Against: Council Members Johnson and Kelly. The motion passed.

A motion was made by Council Member Thomas and was seconded by Council Member Kelly to determine the timeline of re-homing to 3 weeks. A vote being recorded as follows: For: Council Members Thomas, Kelly, Leach and Mayor Stone. Against: Council Member Johnson. The motion passed.

b. The Council received the following nomination for the HRA Board opening for a 5 year term as the term of Donivan Leonard expired on March 31, 2018:

### **Donivan Leonard**

A motion was made by Council Member Johnson and was seconded by Council Member Thomas to appoint Donivan Leonard to the position on the HRA Board for a five year term, effective April 1, 2018 and ending March 31, 2023. A vote being recorded as follows:

For: Council Members Johnson, Thomas, Leach, Kelly and Mayor Stone. Against: None.  
The motion passed.

- c. With the appointment of Officer Dean Jungles to Full Time, a part time position is now open. At the City Council meeting on January 17, 2018, the City Council gave general consent that the Police Chief reach out to the finalists from the prior application pool to determine if an eligible candidate was interested in the position.

Chief Friedrichs has spoken to finalist Brian Thorstad who has requested to be considered for the position. He has completed all documentation necessary and would be eligible for hire based upon successful final background check and necessary psychological exams.

A motion was made by Council Member Kelly and was seconded by Council Member Leach to appoint Brian Thorstad as a Part-Time Police Officer, contingent upon successful background check and physical and psychological exams. A vote being recorded as follows: For: Council Members Kelly, Leach, Thomas, Johnson and Mayor Stone.

- d. The City Council previously approved moving forward with negotiation of a Master Lease Agreement with Verizon Wireless for the placement of small cell wireless facilities on city light poles. This Master Lease Agreement outlines all the parameters of how the lease agreement will work. Supplements will be executed specific to each location.

The Master Lease has been approved by Verizon after several amendments from the League of Minnesota Cities and City Attorney Tom Mayer.

1. Verizon will pay a lease payment of \$250 per year for each location.
2. Verizon will become a customer of the Public Utility for electricity usage.
3. Verizon will remove and replace each pole it locates on with a new pole at no cost to the City. (Required poles are structurally stronger than existing).
4. All Insurance Requirements of the City will be met.
5. Language for damages is included including indemnification.

In summary, the City will benefit from new poles and an annual lease payment. The Public Utility will gain a customer. Verizon will have new locations. The public will receive stronger faster signal inside buildings in the small cell areas.

At the present time, five supplements are proposed for various locations in the City.

1. Corner of 6<sup>th</sup> and Main.
2. Corner of 9 ½ and Main.
3. On Main in front of Snap Fitness
4. At the entrance to the truck stop.
5. At the end of Ash at the Wal-Mart Parking Lot.

A motion was made by Council Member Johnson and was seconded by Council Member Thomas to authorize the execution of a Master Lease Agreement and subsequent supplemental agreements. A vote being recorded as follows: For: Council Members Johnson, Thomas, Leach, Kelly and Mayor Stone. Against: None. The motion passed.

- e. City Staff, City Engineer, and the Finance Committee have been working to come to an Agreement with Centre Graphics for the usage of golf course property for the disposal of storm water from the 2018 CIP Project.

The easements includes the following parameters:

1. Two ponds will be located on the golf course. One on Main St. N. and one on Lakeshore Drive.
2. The City will install the infrastructure to the ponds.
3. Centre Graphics will construct the ponds to City Specifications.
4. Centre Graphics will receive a credit on their assessments for savings the City incurs as the result of the reduced amount of storm pipe and storm structures that would otherwise be needed.
5. The net assessment after credits for Centre Graphics would be \$65,000.

The Finance Committee has met and recommends this would be the best option from City cost savings perspective and from an environmental perspective.

Brady Click, Centre Graphics was present and stated that he is in favor.

It was the general consent of the Council to proceed with the Easement Agreement with Centre Graphics.

- f. City Engineer, Chuck Boser, presented the final plans and specs to the City Council for review and approval. City and PUC Staff met with Boser to review and make recommendations to the plans.

The following items were discussed.

1. Due to unknown future driveway locations, should Main Street N be constructed with surmountable curb? (Same as Lakeshore Drive and Cates Estates Drive). General consent not to go with surmountable curb.
2. Confirmation on bidding as a two-year project or a one-year project. General consent two year plan.
3. Approval to obtain easements needed for alley between 5<sup>th</sup> and Country Club and Elm and Lakeshore
4. Confirm that the water/sewer services previously installed for future golf course use at the mouth of Cates Estates Drive will not be extended across Main.
5. Plans to include design of golf course ponds.
6. Future Eagles Nest sanitary connection at 5<sup>th</sup> & Main at manhole.

Staff recommends that a Public Information Meeting be held after bid. At that point we will know the contractor and the construction schedule. Potential meeting for early May.

Council Member Kelly introduced Resolution No. 2018-11, Resolution Approving Plans and Specifications and Ordering Advertisement for Bids for 2018 Public Improvement Project. The motion was seconded by Council Member Leach. A vote being recorded as

follows: For: Council Members Kelly, Leach, Thomas, Johnson and Mayor Stone.  
Against: None. The motion passed.

- g. Continued absence from an appointed City Board position can result in removal from those positions. The City considers three or more absences as a resignation.

Mark Magnuson, Park Board Member, last attended a meeting on September 5, 2018. The Park Board is requesting that a member be appointed that has a schedule that would allow him/her to attend the meetings.

A motion was made by Council Member Kelly and was seconded by Council Member Thomas to accept the resignation of Mark Magnuson from the Park Board. A vote being recorded as follows: For: Council Members Kelly, Thomas, Johnson, Leach and Mayor Stone. Against: None. The motion passed.

- h. Stearns County has presented two properties in the City that have forfeited due to non-payment of taxes that they propose to sell.

Both of the properties have homes on them. However, one home is slated for demolition or removal via a controlled burn with the Fire Department.

The County is requesting that the City approve that the properties be offered for sale. If the City wishes to retain the property, it may do so by paying to the County the minimum amount indicated.

<b>Address</b>	<b>Appraised Price</b>	<b>O/S Assessments</b>
200 N. Ash Street -	\$20,000.00	\$2,657.87
700 Grove Lake Street	\$30,000.00	0

A motion was made by Council Member Thomas and was seconded by Council Member Leach to approve offering properties for sale. A vote being recorded as follows: For: Council Members Thomas, Leach, Johnson, Kelly and Mayor Stone. Against: None. The motion passed.

**8. UNFINISHED BUSINESS**

- a. The Policy Committee has been assigned to meet on creating a Storm Water Utility Credit Policy. Staff has been gathering samples and will be holding the committee meeting in the next few weeks.

**9. NEW BUSINESS**

None.

**10. CONSENT AGENDA**

The Council considered the following Consent Agenda Items:

- a. Schedule of Claims                      Unpaid Claims                      \$175,467.79

Paid Claims	<u>\$768.03</u>
Total	<u>\$176,235.82</u>

b. Resolution No. 2018-12, Resolution Accepting Contribution. The contributions are as follows:

Men’s Card Playing Group	\$197.00	Senior Center
MN National Bank	\$170.00	Ambulance

A motion was made by Council Member Leach and was seconded by Council Member Kelly to approve the Consent Agenda as presented. A vote being recorded as follows: For: Council Members Leach, Kelly, Thomas, Johnson and Mayor Stone. Against: None. The motion passed.

The Council thanked the Men’s Card Playing Group and MN National Bank for their donations.

**11. INFORMATIONAL ITEMS**

a. The City’s annual financial audit and federal audit will be held March 12-16, 2018.

**12. ADJOURNMENT**

A motion was made by Council Member Thomas and was seconded by Council Member Johnson to adjourn the meeting. A vote being recorded as follows: For: Council Members Thomas, Johnson, Leach, Kelly and Mayor Stone. Against: None. The motion passed.

With no further business to come before the Council, Mayor Stone adjourned the meeting at 7:45 p.m.

Respectfully submitted,

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Mayor Warren Stone

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City Administrator Vicki Willer