

**SAUK CENTRE CITY COUNCIL
REGULAR MEETING
WEDNESDAY, MARCH 21, 2007 – 6:30 P.M.**

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

The Sauk Centre City Council met in a Regular Meeting on Wednesday, March 21, 2007 at 6:30 p.m. at the City Hall Council Chambers pursuant to due notice being given thereof. Present were Mayor Brad Kirckof, Council Members Al Coenen, David Thomas, Keith Johnson and Warren Stone. Also present were City Administrator/Clerk Vicki Willer, City Engineer Keith Yapp of Bonestroo Williamson Kotsmith (BWK), Police Chief Jim Metcalf and Office Assistant Nicki Vogt. Mayor Kirckof presided thereat.

2. APPROVAL OF AGENDA

The agenda was approved with changes.

3. APPROVAL OF MINUTES

The Council's February 12, 2007 Special Meeting, February 28, 2007 Special Meeting and March 7, 2007 Regular Meeting minutes were approved by general consent.

4. PUBLIC OPEN FORUM

None.

5. PUBLIC HEARINGS

- a. Mayor Kirckof opened the Public Hearing at 6:33 p.m. and stated that the hearing was regarding the proposed vacation of the public utility easement in the plat of Wal-Mart Addition to Sauk Centre. He then read the public hearing procedure and opened the floor to City Administrator/Clerk Willer.

In 2006 the plat of the Wal-Mart Addition was approved, in addition, a lot split of the larger lot was also completed to accommodate the construction of a gas station (Murphy Oil). This resulted in two lots of dissimilar size along the front of the property with a common lot line. A utility easement along each side of that line currently exists and was required as part of the prior approvals.

The proposal of Murphy Oil Co. to construct a filling station has since been withdrawn so Wal-Mart is now re-platting the two adjoining parcels to make them equal in size. The effect of the new plat would be to move the dividing line to the West. As part of the new proposal, a new utility easement will be dedicated along the new common line.

The existing utility easement along the "old" line will require vacation prior to the approval of the final plat. City Administrator/Clerk Willer noted that this is the proposal before the Council.

She also noted that the vacation should be contingent upon approval of the Final Plat of Wal-Mart First Addition which will come later in the meeting. She then noted that the Council shall approve the easement vacation only if it finds that such use at the time of the proposed location no longer meets the requirements of the zoning ordinance or meets the needs of the City.

1. Utilities. Easements at least ten feet wide, centered on rear and front lot lines, easements as requested by utility companies unless the side lot line abuts a public right of way or is used for storm or sanitary sewer in which it shall be 20 feet wide for all utilities.

The Findings of Fact were noted as follows:

1. The proposal will not impact existing storm water, water main and sanitary sewer as none of these services currently exist within the easement.
2. Easements over all other existing lines are being maintained.
3. The property where the easements is currently located is being replatted and the lot line along which it currently exists is being deleted, therefore the existing utility easement no longer meets the needs of the City.

Mr. Chet Harrison of Transystems Corporation was present and stated that he was there on behalf of Wal-Mart.

Mayor Kirckof called 3 times for any persons to speak in favor or opposition.

Mayor Kirckof closed the Public Hearing at 6:38 p.m.

6. REPORTS/PRESENTATIONS

- a. Chief Metcalf presented the February 2007 monthly police report. The total calls in February 2007 were 277 which was up from February 2006 total calls of 183.
- b. City Administrator/Clerk Willer stated that at the Planning Commission's March 13, 2007 meeting a Public Hearing was held for the Preliminary and Final Plat for the Wal-Mart Addition to Sauk Centre. The Planning Commission gave approval for the Preliminary and Final Plat.

The Planning Commission also reviewed and gave approval for a Minor Subdivision Review of Paul Hughes, which is Council Agenda Item #7e.

7. ACTION ITEMS

- a. Council Member Thomas introduced Resolution No. 2007-17, Resolution Approving Easement Vacation in the Wal-Mart Addition to Sauk Centre, contingent upon approval of the Final Plat and including the Findings of Fact. The motion was seconded by Council Member Stone. A vote being recorded as

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

- b. City Administrator/Clerk Willer noted that in June of 2006 Wal-Mart sought and obtained subdivision authorization to create the existing smaller lot to the East to allow for the development of a filling station, Murphy Oil. Since that time, it was decided the lot will not be developed for a filling station; therefore, Wal-Mart would now like to re-plat the two parcels to make them equal in size

City Administrator/Clerk Willer stated that the Planning Commission held a public hearing on March 13, 2007 and the Notice of Public Hearing was published as required by law. One comment was received from PUC Superintendent Marty Sunderman stating that the two water services would both be located on the new lot 2 which would require one be dug up and disconnected from the main. Lot 1 will then have to bring in new water and sewer services from the mains. Another comment was received from Stearns County requesting that there be no additional access to County Road 186.

The Planning Commission recommended Council approval of the preliminary and final plat with the following conditions:

1. Approval of the vacation of the existing utility easement along the prior common lot line to be completed.
2. The name of the plat be changed from Second Addition to First Addition.
3. No additional access to County Road 186 be allowed.
4. One utility service line be disconnected on Lot 2 and a new line be installed to serve Lot 1 upon development.

A motion was made by Council Member Johnson and seconded by Council Member Thomas to adopt Resolution No. 2007-18, Resolution Approving Preliminary and Final Plat of Wal-Mart First Addition to Sauk Centre, including the conditions recommended by the Planning Commission. A vote being recorded as follows: For: Council Members Johnson, Thomas, Coenen, Stone and Mayor Kirckof. Against: None. The motion passed.

- c. City Administrator/Clerk Willer presented Ordinance No. 651, An Ordinance of the City of Sauk Centre Amending the Sauk Centre City Code by Adding Section 609 Regarding the Regulation of Pawnbrokers Including the Implementation and Required Use of the Automated Pawn System within the City of Sauk Centre. She noted that City Attorney Mayer and the Policy Committee have reviewed the Ordinance and recommend its adoption.

The City is anticipating receiving a request for a Pawn shop license and Minnesota Statute requires that prior to issuing a license, a City must have an Ordinance in place regulating pawn shops. The City's land use Ordinance does allow this use.

This Ordinance requires that the license be renewed annually at a fee set by the Council, possibly \$1,000.00 with a \$2.00 transaction fee. A one time surety bond would also be required.

Mayor Kirckof asked Chief Metcalf what his past experience is with the Automated Pawn System. Chief Metcalf stated that he feels this is a good system which is run by the Minneapolis Police department. Each time a person pawns an item their photo is taken and put into the system. This system gives the Police Department an opportunity to see what is brought in and who brings it in.

It was noted that the Police Department currently has to call another Police Department to search the system. It was also noted that the Ordinance can be amended annually.

A motion was made by Council Member Stone and seconded by Council Member Johnson to adopt Ordinance No. 651, An Ordinance of the City of Sauk Centre Amending the Sauk Centre City Code by Adding Section 609 Regarding the Regulation of Pawnbrokers Including the Implementation and Required Use of the Automated Pawn System within the City of Sauk Centre, setting the fee at \$1,000 annually and the transaction fee at \$2.00. A vote being recorded as follows: For: Council Members Stone, Johnson, Coenen, Stone and Mayor Kirckof. Against: None. The motion passed.

- d. The Ladies Night Out Committee is requesting to have Gerard's Dining and Banquet utilize their On-Sale Liquor License at Ladies Night Out which is being held at the Civic Arena on April 19, 2007. City Administrator/Clerk Willer stated that this is something that the Committee requests annually and Gerard's also provided their license for last year's event.

A motion was made by Council Member Thomas and seconded by Council Member Stone to approve the Temporary Off Premise One Day On Sale Intoxicating Liquor License to Gerard's Dining and Banquet for Ladies Night Out. A vote being recorded as follows: For: Council Members Thomas, Stone, Johnson, Coenen and Mayor Kirckof. Against: None. The motion passed.

- e. Paul Hughes is requesting a lot split on Parcel No. 94.57965.000 (114 Pine Street North, property formerly owned by Jody Olson) to split the mobile home park into two parcels. Mr. Hughes plan is to build up the undeveloped parcel for future mobile homes.

The Findings of Fact are as follows:

1. The proposal meets the City's access requirement that all tracts abut upon a public street.

2. The proposal meets the City's minimum lot size standards for its intended use with area of 42,433 square feet and 27,706 square feet.
3. The property, when developed, will meet the requirements regarding first floor elevations through the use of imported fill and will therefore not be considered unsuitable for development due to flooding.
4. Development of the property is not part of this application; therefore, no change to existing drainage patterns are proposed.
5. Development of the property is not part of this application; therefore, utility requirements are not an issue at this time.

The Planning Commission recommended approval of the lot split based on the Findings of Fact above with the conditions noted below and with the understanding that the approval of the lot split does not guarantee approval of future development of the parcel. It was noted that the property's location within the flood plain will present unique development issues in the future

1. An instrument of conveyance be recorded with Stearns County within one year to facilitate the split and the assignment of an individual Parcel I.D.
2. The storage shed be moved to meet minimum setbacks.
3. Iron monuments be placed at the lot corners of the resulting tracks.

City Administrator/Clerk Willer noted that Mr. Hughes will be required to comply with the Ordinance in place at the time of development.

A motion was made by Council Member Thomas and seconded by Council Member Stone to adopt Resolution No. 2007-19, Resolution Approving a Minor Subdivision (Lot Split) from Paul Hughes, including the Findings of Fact and Conditions. A vote being recorded as follows: For: Council Members Thomas, Stone, Johnson, Coenen and Mayor Kirckof. Against: None. The motion passed.

8. UNFINISHED BUSINESS

- a. The deadline for the City Planner position was Friday, March 9, 2007 at 4:30 p.m. Staff sent out 19 applications and received 9 in return. City Administrator/Clerk Willer rated the applications and stated that most of the applicants were new students. She is recommending that the City extend the deadline for submittal and re-advertise the position to include the newly adopted pay range. Also, those not returning their applications will be notified of the salary range and new deadline and new applicants may come forth with the new advertisement. It was recommended that advertisement be accomplished through the LMC website, which is free.

A motion was made by Council Member Stone and seconded by Council Member Thomas to re-advertise the position of City Planner on the LMC website for two weeks to include the salary range. A vote being recorded as follows: For: Council Members Stone, Thomas, Johnson, Coenen and Mayor Kirckof. Against: None. The motion passed.

- b. City Administrator/Clerk Willer stated that four interviews were conducted today for the Campground Manager position. Ten applications were received back. Staff will make a hiring recommendation to the Park Board at their April 3, 2007 meeting and the City Council at their April 4, 2007 meeting.

9. NEW BUSINESS

None.

10. CONSENT AGENDA

The Council then considered the following consent agenda:

- a. Total of unpaid claims \$46,515.23 and paid claims of \$18,301.35 for a total of \$64,816.58.

A motion was made by Council Member Johnson and seconded by Council Member Thomas to approve the Schedule of Claims. A vote being recorded as follows: For: Council Members Johnson, Thomas, Coenen, Stone and Mayor Kirckof. Against: None. The motion passed.

11. INFORMATIONAL ITEMS

- a. Mayor Kirckof and City Administrator/Clerk Willer have executed a Lease Agreement for the use of the Civic Arena for March 30 – April 1, 2007 with James Neigel Firearms for a three day event and with the Sauk Centre Herald for a one day event being held on April 19, 2007.
- b. The City has contacted a Wal-Mart representative regarding the Wal-Mart monument sign which was placed on City property. The sign will either be moved to Wal-Mart property or Wal-Mart has the option to purchase the property.

12. COUNCIL COMMENTS

None.

13. ADJOURNMENT

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

With no further business to come before the Council, Mayor Kirckof adjourned the meeting at 7:10 p.m.

Respectfully Submitted,

Mayor Brad A Kirckof

City Administrator/Clerk Vicki M. Willer