

**SAUK CENTRE CITY COUNCIL
REGULAR MEETING
WEDNESDAY, JUNE 17, 2009 – 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, June 17, 2009 at 6:30 p.m. in the City Hall Council Chambers pursuant to due notice being given thereof. Present were Council Members David Thomas, Keith Johnson, Warren Stone, Al Coenen and Mayor Kirckof. Also present were City Administrator Vicki Willer, Police Chief Bryon Friedrichs, City Planner Sarah Morton, Engineer Yapp with Bonestroo and Administrative Assistant Nicki Vogt. Mayor Kirckof presided thereat.

2. APPROVAL OF AGENDA

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

3. APPROVAL OF MINUTES

The Council's June 3, 2009 meeting minutes were approved with changes.

4. PUBLIC OPEN FORUM

None.

5. PUBLIC HEARINGS

None.

6. REPORTS/PRESENTATIONS

- a. Police Chief Friedrichs stated that there were a total of 576 calls in May.

The Police Department completed 16 hours of the Safe & Sober campaign on May 18-31. Also, patrol has been increased in the areas where vandalism is occurring. Chief Friedrichs encouraged citizens to report any violations.

- b. City Planner Morton reported on the June 9, 2009 Planning Commission meeting as follows:

- Public Hearing for a variance request submitted by Susan Nielson. See 7h.
- In May 20 building permits were issued as follows: 17 residential, 1 demolition and 2 commercial.
- Lot split request submitted by Robert Boyer. See 7i.
- Update on development of Shady Lane property.
- City wide clean-up was a success with five trailers of junk being removed.

7. ACTION ITEMS

- a. A request was received from the downtown bars for a temporary outdoor liquor license permit and road closure for the Sinclair Lewis Days street dance on July 18, 2009. The road closure request is a one block area from Main Street (stop-lights) to Oak Street. The bars plan to close the road at 5:30 p.m. for set up and will re-open at 2:00 a.m. following clean up. The fenced area will be from the east side of the Red Carpet across to Main Street Drug and at the intersection of Oak Street. The following items have been provided: Outdoor liquor application, application for utility permit on a county highway right of way (sent to Jodi Teich of Stearns County), proof of liability insurance coverage that extends on to the street (Sinclair Lewis Avenue) and the \$50.00 fee has been paid.

Staff recommended the following conditions:

1. Street dance is limited to ages 18 and above.
2. No glass will be allowed on the street.
3. Four security personnel will be provided (one at each end at street entrance points and two roving).

A motion was made by Council Member Stone and was seconded by Council Member Thomas to approve the temporary outdoor liquor permit and road closure from 5:30 p.m. to 2:00 a.m. on July 18, 2009 with the above conditions. A vote being recorded as follows: For: Council Members Stone, Thomas, Johnson and Coenen. Against: None. Abstain: Mayor Kirckof (reason: personal). The motion passed.

- b. Rick Kleinschmidt, representative from the Men's Softball Association, made a request for a temporary 3.2 on sale beer license for a one day softball tournament to be held on August 22nd at Towerview Ball Field. Mr. Kleinschmidt completed the 3.2 on sale beer license application, hosting a tournament application, provided liquor liability insurance and has paid the fee.

A motion was made by Council Member Johnson and was seconded by Council Member Thomas to approve the temporary 3.2 on sale beer license for a one day softball tournament to be held on August 22nd. A vote being recorded as follows: For: Council Members Johnson, Thomas, Stone and Coenen. Against: None. Abstain: Mayor Kirckof (reason: personal). The motion passed.

- c. Joe Heinen, representative from American Legion Post 67, made a request for a temporary beer license for the term of 5 days (July 29 through August 2, 2009) for the Stearns County Fair. Mr. Heinen has completed the 3.2 on sale beer license application, provided the liquor liability and has paid the appropriate fee.

A motion was made by Council Member Thomas and was seconded by Council Member Stone to approve the temporary 3.2 on sale beer license for the term of 5

days from July 29 through August 2, 2009 for the Stearns County Fair for the American Legion Post 67. A vote being recorded as follows: For: Council Members Thomas, Stone, Johnson and Coenen. Against: None. Abstain: Mayor Kirckof (reason: personal). The motion passed.

- d. The City has received an application for a temporary extension of outdoor liquor permit on August 22, 2009 from Gerard's Restaurant and Banquet for a volleyball tournament and live concert from noon until midnight. Gerard's is proposing to fence an area approximately 200 x 250 in the back parking area south of the building to provide a secure area for the event. They will have 20-40 security personnel on hand to insure that liquor does not leave the fenced area. They have provided the following items: temporary extension of outdoor liquor permit application, site map and they have paid the \$50.00 fee. Proof of liquor liability coverage that extends to the parking lot south of the restaurant will be provided upon approval.

Staff recommends that the following conditions be considered:

1. \$50.00 application fee – Paid.
2. Certificate of insurance be provided indicating liquor liability insurance for event.
3. Alcohol to be dispensed in non-glass containers.
4. All ID's will be checked and only 21 and older will be allowed unless they are the designated driver.
5. Area to be fenced with no alcohol permitted outside of fenced area.
6. Notify neighboring properties about the event.

Gerard's representative Darren stated that they will put in place a 4 foot wood/metal fence to secure the event area. The security personnel will be wearing blaze orange shirts that say security on them. Some neighboring businesses have agreed to allow Gerard's the use of their parking lots for this event. Persons 21 and above will have wristbands and anyone under 21 will have a mark on their hand.

Police Chief Friedrichs felt that it is a good idea to have an opening to the fence to allow people to enter the event. He feels that 20-40 security personnel should be sufficient.

It was the general consent of the Council to table action on this request until further information regarding off-premise liquor liability (Westside Liquor property), etc. be provided.

- e. A request was received from Tina Rohde (d/b/a Mustang Bar) and the Next Door Bar & Lounge for a temporary outdoor liquor permit for a fundraising benefit for Ken Stepan on July 19, 2009. They propose to fence an area approximately 50' behind the Mustang Bar and 20' behind the Next Door Bar & Lounge (to the edge

of the alley) to provide a secure area for the event. They will have three security personnel on hand to insure liquor does not leave the area. Neighboring business owners Gary Winters and Jackie Mead have been informed of the event with no objection. They have provided the following: outdoor liquor permit application, proof of liquor liability coverage that extends outside to the parking lot behind the bar and they have paid the \$50 fee.

All drinks must be provided in non-glass containers and only persons 18+ will be allowed in the fenced in area.

A motion was made by Council Member Stone and was seconded by Council Member Thomas to approve the temporary outdoor liquor permit for Mustang Bar and the Next Door Bar & Lounge for a fund raising event for Ken Stepan on July 19, 2009. A vote being recorded as follows: For: Council Members Stone, Thomas, Johnson and Coenen. Against: None. Abstain: Mayor Kirckof (reason: personal). The motion passed.

- f. The Sauk Centre Police Department is proposing to enter into an agreement with the MN Department of Public Safety for the Safe and Sober Communities project which runs from October 1, 2009 through September 30, 2010.

Council Member Johnson introduced Resolution No. 2009-33, A Resolution Authorizing a Grant Agreement with the Department of Public Safety for the Safe and Sober Communities Project. The motion was seconded by Council Member Thomas. A vote being recorded as follows: For: Council Members Johnson, Thomas, Stone, Coenen and Mayor Kirckof. Against: None. The motion passed.

- g. The Sauk Centre Police Department is proposing to enter into an agreement with the Department of Public Safety for the C.R.A.S.H. (Central MN Reduction of Accidents for Safe Highways) project which runs from October 1, 2009 through September 30, 2010.

Council Member Johnson introduced Resolution No. 2009-34, Authorizing Execution of Agreement. The motion was seconded by Council Member Stone. A vote being recorded as follows: For: Council Members Johnson, Stone, Thomas, Coenen and Mayor Kirckof. Against: None. The motion passed.

This will be the first year that the Sauk Centre Police Department is participating in this program.

- h. Susan M. Nielson has requested to construct a single stall garage with a side yard setback of less than the prescribed 5'. At the Planning Commission's June 9, 2009 meeting they approved making a recommendation to the City Council to adopt Resolution No. 2009-34 approving Ms. Nielson's variance request to construct a single stall garage with a setback of less than the prescribed 5' based on the Findings of Fact and conditions listed below:

Findings of Fact:

1. There are practical difficulties or particular hardships in the strict application of the provisions of the ordinance.
2. There are exceptional or extraordinary circumstances or conditions applying to the property in question as to the intended use of the property that do not apply generally to other properties in the same zoning district.
3. Such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same district and in the same vicinity.
4. The condition of the situation of the specific piece of property and the intended use of said property, for which the variance is sought, is not of so general or recurrent nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.
5. Other variances have been granted in similar situations.
6. The request keeps within the spirit of the Comprehensive Land Use Plan and Ordinance to improve the existing housing stock in the city.
7. The granting of this variance will not be a detriment to adjacent property owners.
8. The variance will not cause an unreasonable strain upon city facilities and services.
9. The variance as granted will not alter the essential character of the locality.
10. The variance as granted will not result in a material adverse effect on the environment.

Conditions:

1. The overhang of the new garage will not extend beyond the property line
2. The new garage must meet the 30 foot front yard setback.
3. Install and direct gutters & down spouts to the rear of property.
4. Obtain a temporary construction easement from neighbor to allow access during construction of garage.

Council Member Thomas introduced Resolution No. 2009-35, Resolution Approving Variance Request for Susan M. Nielson. The motion was seconded by Council Member Johnson. A vote being recorded as follows: For: Council Members Thomas, Johnson, Stone and Mayor Kirckof. Against: Council Member Coenen. The motion passed.

- i. Robert and Patricia Boyer are requesting a lot split on parcel no. 94.57925.0000 (2nd Street South). At the Planning Commission's June 9, 2009 meeting they approved making a recommendation to the City Council to adopt Resolution 2009-36, approving the lot split.

Council Member Johnson introduced Resolution No. 2009-36, Resolution Approving a Minor Subdivision (Lot Split) for Robert N. Boyer & Patricia M. Boyer. The motion was seconded by Council Member Thomas. A vote being

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

- j. Charter Communications is reorganizing and have requested that the City approve the restructuring as it relates to the City's Franchise Agreement. All existing contracts will remain in effect and the Franchise Agreement will continue with no modifications.

Council Member Stone introduced Resolution No. 2009-37, Consenting to Charter Restructuring. The motion was seconded by Council Member Thomas. A vote being recorded as follows: For: Council Members Stone, Thomas, Johnson and Coenen. Against: None. Abstain: Mayor Kirckof (reason: personal). The motion passed.

8. UNFINISHED BUSINESS

- a. City Engineer Yapp stated that the Ash and Pine Street projects are nearing completion. Re-sodding, re-seeding and striping along with replacing lot irons will be completed in the near future.

All property owners were asked to contact City Engineer Yapp if they are unsatisfied with their grass.

- b. Public Works Director Wessel along with the SCPUC have met with MNDOT to finalize a punch list of items to be completed by the contractor on the Highway #71 2008 mill and overlay project.

Items to be completed include repairing some driveway entrances, adjustment to shut off valves and drainage alterations.

- c. City Engineer Yapp stated that the installation of the permanent stoplight at Main and 12th is still going forward and it is currently in both Stearns County and MNDOT's budget. It is slated for construction in 2010. The project cost is estimated to be \$180,000 with a 50/50 cost split between the two entities.

It was the general consent of the Council to have City Engineer Yapp notify the County and MNDOT that the City is very interested in getting this project completed and that the City would like a time frame in doing so.

9. NEW BUSINESS

- a. The City has been copied on correspondence that was sent to County Commissioner Don Otte from Lloyd Schreiner regarding the speed limit on County Road 17 on the east side of town. Staff has also previously had conversations with Mr. Schreiner regarding what could be done.

The City has the option of requesting a formal speed study.

City Engineer Yapp stated that the odds of the speed being lowered are low. He also noted that crosswalks on a 40+ mph roadway are discouraged due to safety reasons. If the City is still interested in installing crosswalks, he suggests doing crosswalk enhancements such as a button activated walk.

It was the general consent of the Council to request Stearns County to conduct a speed study on this section of road taking pedestrians into account and also to complete a gap analyses.

10. CONSENT AGENDA

The Council then considered the following consent agenda:

- a. Schedule of Claims – Total of unpaid claims \$2,596,832.03 and paid claims \$8,251.38 for a total of \$2,605,083.41. Note that \$2,510,471.77 is to pay off the existing bonds with bond proceeds from the new bond issue.
- b. List of May checks totaling \$238,602.55
- c. Resolution No. 2009-38, Resolution Accepting Contribution from the Adopt A Pole Program. The contribution totaled \$500.00 from the VFW.
- d. Gambling application for exempt permit request from the St. Paul Catholic Aid Council #108 for a raffle to be held on September 20, 2009 at Holy Family School.

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

Mayor Kirckof thanked the VFW for their contribution to the Adopt A Pole program.

11. INFORMATION ITEMS

- a. A request for the transfer of an existing on sale, off sale and Sunday on sale liquor license has been received. A public hearing will be held on July 1st to consider the request.
- b. Notice has been received from the MPCA that preliminary approval has been granted for the Facility Plan for the Wastewater Treatment Plant upgrades.

12. ADJOURNMENT

A motion was made by Council Member Stone and was 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 7:55 p.m.

Respectfully submitted,

Mayor Brad A. Kirckof

City Administrator Vicki M. Willer