

**SAUK CENTRE CITY COUNCIL  
REGULAR MEETING  
WEDNESDAY, AUGUST 6, 2014**

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

The Sauk Centre City Council met in a Regular Meeting on Wednesday, July 16, 2014 at 6:30 p.m. in the City Hall Council Chambers pursuant to due notice being given thereof. Present were Council Members Keith Johnson, Dave Thomas, Warren Stone and Mayor Kirckof. Also present were City Administrator Vicki Willer, City Planner Sarah Morton, City Engineer Keith Yapp, Police Chief Friedrichs, Ambulance Director Kathy Struffert and Administrative Assistant Nicki Vogt. Mayor Kirckof presided thereat. Council Member Olson was absent.

**2. APPROVAL OF AGENDA**

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

**3. APPROVAL OF MINUTES**

A motion was made by Council Member Stone and was seconded by Council Member Thomas to approve the July 2, 2014 Regular Meeting Minutes as presented. A vote being recorded as follows: For: Council Members Stone, Thomas, Johnson and Mayor Kirckof. Against: None. Absent: Council Member Olson. The motion passed.

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

Diane Kelly – 418 2<sup>nd</sup> St. S., Sauk Centre. Kelly asked that the Council consider the general public and neighborhoods when they approve Outdoor Liquor licenses. She requested that for future events, the volume be turned down at 10 p.m.

**5. PUBLIC HEARINGS – Vacation of RROW (State Road)**

Mayor Kirckof opened the Public Hearing and read the Public Hearing Procedure.

City Attorney Mayer stated that MN State Legislature gives cities the authority to manage hazardous homes within City limits. He noted that after homeowner consent was given, the Police Chief, Fire Chief, Building Inspector and himself inspected the homes.

Once a Resolution is approved, it will be served to the property owners at which time it gives them a time frame to repair or demolish. It was noted that if the City does any of the required work, the costs will be assessed to the property taxes. The property owner has 20 days to contest the Council's decision.

He presented the properties and the recommendations separately, as follows:

- a. 1. 508 2<sup>nd</sup> St. S. - Stein:
  - Report shows that the property is in very poor condition and is considered a health and safety hazard

- The land value is \$11,900, building value is \$7,200 for a total value of \$21,100
- Recommendation is to demolish the property
- Attorney Mayer provided a complete copy of the file to City Administrator Willer

Mayor Kirckof called for persons to speak in favor or against.

Becky Stein, Daughter of property owner Kathleen Stein, stated that her mother is in poor health and that she is not able to care for this property. The real estate taxes are delinquent and her mother is willing and interested in signing the Consent Order and/or deeding the property to the City.

Mayor Kirckof called three times for additional persons to speak in favor or against. None spoke.

2. 200 2<sup>nd</sup> St. S. – Doubrava:

- This property is recommended to be demolished or repaired as it is considered a health and safety hazard. If repaired, all of the work must be completed within 45 days.
- The land value is \$16,400, building value is \$9,900 for a total value of \$26,300
- Estimated cost to complete suggested repairs is \$120,000
- The report does not discuss the garage so that will be allowed to remain on the property
- Attorney Mayer provided and complete copy of the file to City Administrator Willer

Mayor Kirckof called for persons to speak in favor or against:

Michael Doubrava, property owner. Mr. Doubrava stated that he lives in Apple Valley. He agrees that the house is not worth the cost of repairs (\$120,000). He noted that Central MN Credit Union will not let him tear down the house due to a mortgage. He felt that he can demolish the property, but due to his location, will not be able to complete it within 45 days. His plan is to eventually build a new home on this property.

Mayor Kirckof called three times for additional persons to speak in favor or against. None spoke.

3. 322 Birch St. N. – Hoppe

- This property is recommended to be demolished as it is considered a health and safety hazard
- The land value is \$22,000, building value is \$9,200 for a total value of \$31,200
- Attorney Mayer provided a complete copy of the file to City Administrator Willer

Mayor Kirckof called three times for persons to speak in favor or against. None spoke.

4. 625 Getty Street – Ahrens (EMA Enterprises, Inc.)

- This property is recommended to be demolished as it is considered a health and safety hazard
- The land value is \$20,500, building value is \$19,600 for a total value of \$39,600
- Attorney Mayer provided a complete copy of the file to City Administrator Willer

Mayor Kirckof called three times for persons to speak in favor or against. None spoke.

5. 331 Maple Street – Boyer

- This was previously a rental property
- Property owner gutted the inside and all that is left is stud walls
- This property is recommended to be demolished as it is considered a health, safety and fire hazard
- The land value is \$21,300, building value is \$18,300 for a total value of \$39,600
- Attorney Mayer provided a complete copy of the file to City Administrator Willer

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

Rick Boyer, property owner. Mr. Boyer agreed to demolition of the property but noted that he was concerned about completing demolition within the timeline provided.

Mayor Kirckof called for additional persons to speak in favor or opposition. None additional spoke.

Mayor Kirckof closed the Public Hearing.

## **6. REPORTS/PRESENTATIONS**

- a. Police Chief Friedrichs stated that in June 2014 there were 347 ICRs and 250 Verbal Warnings for a total of 597.
- b. The Planning Commission met on Tuesday, July 8<sup>th</sup> and discussed the following:
  - A Public Hearing was held regarding Ordinance No. 747, Chapter 95-Nuisances. See 7g.
  - Review of May-June 2014 Building Permit Reports.
  - GTS Educational Events.
- c. The Airport Commission met on Wednesday, July 9<sup>th</sup> and discussed the following:
  - Confirmed final transfer of expiring Entitlement Funds to the City of Montevideo.
  - Discussed 2015 pavement design project.
  - Confirmed Fly-In events for Sinclair Lewis Days.
  - Discussed 2014 pavement inspection.
  - Reviewed alternatives for drainage near AD Building.
  - Discussed credit card reader and pump grant options (60/40 State).
  - Discussed Beacon grant option (80/20 State).
  - Learned that MNDOT may have a new pole for windsock.

## **7. ACTION ITEMS**

a. See 5a-1.

Council Member Thomas introduced Resolution No. 2014-56, Resolution Ordering the Repair and/or Razing of a Hazardous Building Located at 508 2<sup>nd</sup> Street South, Sauk Centre, MN. The motion was seconded by Council Member Stone. A vote being recorded as follows: For: Council Members Thomas, Stone, Johnson and Mayor Kirckof. Against: None. Absent: Council Member Olson. The motion passed.

This approved Resolution is the official action ordering the repair or razing of the building located at 508 2<sup>nd</sup> St. S. If the owner does not repair or remove the building, or if the owner does not answer the complaint, the City will seek a motion for summary enforcement from the District Court authorizing the City to take corrective action and certify costs to the property.

b. See 5a-2.

Council Member Johnson introduced Resolution No. 2014-57, Resolution Ordering the Repair and/or Razing of a Hazardous Building Located at 200 2<sup>nd</sup> St. S., Sauk Centre, MN 56378. The motion was seconded by Council Member Thomas. A vote being recorded as follows: For: Council Members Johnson, Thomas, Stone and Mayor Kirckof. Against: None. Absent: Council Member Olson. The motion passed.

This approved Resolution is the official action ordering the repair or razing of the building located at 200 2<sup>nd</sup> St. S. If the owner does not repair or remove the building or if the owner does not answer this Complaint, the City will seek a motion for summary enforcement from the District Court authorizing the City to take corrective action and certify the costs to the property.

c. See 5a-3.

Council Member Stone introduced Resolution No. 2014-58, Resolution Ordering the Repair and/or Razing of a Hazardous Building Located at 322 Birch St., Sauk Centre, MN 56378. The motion was seconded by Council Member Thomas. A vote being recorded as follows: For: Council Members Stone, Thomas, Johnson and Mayor Kirckof. Against: None. Absent: Council Member Olson. The motion passed.

This approved Resolution is the official action ordering the repair or razing of the building located at 322 Birch St. If the owner does not repair or remove the building, or if the owner does not answer this Complaint, the City will seek a motion for summary enforcement from the District Court authorizing the City to take corrective action and certify the costs to the property.

d. See 5a-4

Council Member Stone introduced Resolution No. 2014-59, Resolution Ordering the Repair and/or Razing of a Hazardous Building Located at 625 Getty Street, Sauk Centre, MN 56378. The motion was seconded by Council Member Johnson. A vote being recorded as follows: For: Council Members Stone, Johnson, Thomas and Mayor Kirckof. Against: None. Absent: Council Member Olson. The motion passed.

This approved Resolution is the official action ordering the repair or razing of the building located at 625 Getty Street. If the owner does not repair or remove the building or if the owner does not answer the complaint, the City will seek a motion for summary enforcement from the District Court authorizing the City to take corrective action and certify costs to the property.

e. See 5a-5

Council Member Thomas introduced Resolution No. 2014-60, Resolution Ordering the Repair and/or Razing of a Hazardous Building Located at 331 Maple Street, Sauk Centre, MN 56378. The motion was seconded by Council Member Stone. A vote being recorded as follows: For: Council Members Thomas, Stone, Johnson and Mayor Kirckof. Against: None. Absent: Council Member Olson. The motion passed.

This approved Resolution is the official action ordering the repair or razing of the building located at 331 Maple Street. If the owner does not repair or remove the building or if the owner does not answer the complaint, the City will seek a motion for summary enforcement from the District Court authorizing the City to take corrective action and certify costs to the property.

f. The Police Department advertised various vehicles for public sale through the State of Minnesota Surplus Service online website as follows:

<b>Vehicle</b>	<b>Bidder</b>	<b>Amount</b>
2002 Ford Escape	Keith Orchard	\$3,075.00
1998 Jeep Cherokee	Bill Dropik	\$285.00

Council Member Johnson introduced Resolution No. 2014-61, Resolution Accepting Bids and Authorizing Sale of Various Excess Vehicles. The motion was seconded by Council Member Thomas. A vote being recorded as follows: For: Council Members Johnson, Thomas, Stone and Mayor Kirckof. Against: None. Absent: Council Member Olson. The motion passed.

g. The Planning Commission, at its July 8, 2014 regular meeting, conducted a Public Hearing to consider amendments to City Code Chapter 95 (Nuisances). Enactment of the proposed Ordinance will amend certain sections of Chapter 95 by clarifying intent and adding nuisance definitions.

The following changes were recommended:

**95.018 Public Nuisances Affecting Peace and Safety:**

Add: U. Any unsound, dead, damaged, diseased and insect infested tree or tree stump.

(The intent of this amendment is to add the above definition as a Public Nuisance. This would allow staff to pursue removal of dead trees of any variety. The current Tree Ordinance regulates trees infected with Dutch Elm, Oak Wilt, or Emerald Ash Bore but does not address dead trees of other species.)

**95.019 Nuisance Parking and Storage**

Remove stricken part: (2) A person must not store, place or allow the placement or storage of pipe, lumber, forms, steel, machinery or similar materials, including all materials used in connection with a business, outside on a residential property, unless shielded from public view by an opaque cover or fence.

(The intent of this change is to manage piling of the above materials on residential property. Prior Ordinance would allow it under a tarp or behind a fence; however, neither a tarp or a fence prevents weeds, vermin, rats, mosquito infestations etc. which is what the Ordinance is trying to manage in this section in addition to the unsightliness.)

**95.020 Inoperable Motor Vehicles**

Remove stricken parts:

(A) It shall be unlawful to keep, park, store or abandon any motor vehicle which is not in operating condition, partially dismantled, used for repairs or parts or as a source of repair or replacement parts for other vehicles, kept for scrapping or dismantling or salvage of any kind or which is not properly licensed for operation with the state, pursuant to M.S. §168B.011 subdivision 3, as it may be amended from time to time.

(B) This section does not apply to motor vehicles enclosed in a building and/or kept out of view from a street, road or alley and which does not foster a complaint from a resident of the city. A privacy fence is permissible.

(The intent of this change is to manage storage of junk cars or vehicles outside that are inoperable and/or not licensed. These vehicles pose a hazard to the City due to harboring weeds, diseases, vermin, and danger to public safety due to access by children, and also may contain fluids that can pose a health risk if released into the environment. This section applies to residentially zoned property.)

**95.024 Recovery of Cost**

Add: B (1) Assessment. .... dead, damaged or insect-infested trees.

(The intent of this change is to allow for the recovery of costs by the City for the enforcement or removal of dead or damaged trees. These were added as a nuisance in the previous amendment.)

### **95.087 Nuisance**

Remove: junkyard from (B) (2).

(B) A motor vehicle shall not be deemed to be an abandoned motor vehicle, an appliance shall not be deemed an abandoned appliance, discarded furniture shall not be deemed to be discarded and equipment shall not be deemed junk equipment, as defined in this section when kept

(1) In an enclosed garage or storage building;

(2). On the premise of a ~~junkyard or~~ a motor vehicle or appliance repair business when the ~~junkyard or~~ business is maintained and/or licensed in accordance with Minnesota Statutes or with local zoning ordinances or zoning regulations and, in the case of a repair business, each motor vehicle, appliance or equipment is being actively and consistently worked on and is being maintained or stored in an area screened from public view by an appropriate fence;

(The context of this existing subsection is that motor vehicles, appliances, and furniture are not considered abandoned, junked or discarded if they meet the above regulations. The proposed change would remove any reference to junkyards as junkyards are not a permissible use in the City.)

### **95.094 Variance and Appeals.**

Remove and Replace: Remove the word hardship and inserts a practical difficulty. This is a Minnesota Statute change of wording.

(c) The City Council may grant variances in instances where the strict enforcement or an ordinance would cause ~~a practical difficulty under hardship~~ because of circumstances unique to the individual property under consideration and when it is demonstrated that the action will be in keeping with the spirit and intent of this subchapter.

The Ordinance removes and replaces the entire sections that the above changes are in. This is due to Ordinance Codification cost savings when Ordinances are updated into the City Code. The codifiers simply remove and replace a section at a time.

Council Member Stone introduced Ordinance No. 747, An Ordinance Amending Section 95 Regulating Nuisances. The motion was seconded by Council Member Thomas. A vote being recorded as follows: For: Council Members Stone, Thomas, Johnson and Mayor Kirckof. Against: None. Absent: Council Member Olson. The motion passed.

- h. Matt Winter is the owner of the property described as Outlot A, Morning View Drive located on Morning View Road.

The City owns the property west of Winters. Winters has requested to purchase a strip of land from the City adjacent to his property to be used for driveway construction. The strip would be a 44' wide x the depth of the property.

Winters has stated that he would be willing to sell a portion of his property to the City that could then be a connection between Morning View Road and the City owner property in the East City Plat.

The Planning Commission reviewed the proposal and are recommending that the City Council enter into a contract for the proposed property swap with a survey of the property with resulting legal descriptions be prepared by a licensed surveyor and that those costs as well as transfer costs be the responsibility of the Buyer.

Council Member Thomas introduced Resolution No. 2014-49, Resolution Authorizing Sale and Purchase of Real Estate. The motion was seconded by Council Member Stone. A vote being recorded as follows: For: Council Members Thomas, Stone, Johnson and Mayor Kirckof. Against: None. Absent: Council Member Olson. The motion passed.

- i. At the June 18<sup>th</sup> City Council meeting, the Council directed the Operations Committee to review and make a recommendation on potentially establishing a K9 Unit in the City. The Committee met with Chief Friedrichs and Officer Jensen and reviewed the proposal.

Establishing a K9 Unit will give the Department an additional tool to use for narcotics control. The dog is proposed to be a passive narcotics dog. A number of breed are utilized for this purpose and could potentially be a lab, retriever or spaniel. Officer Jensen would be the trained handler.

The initial startup costs, including the dog, equipment and training would be approximately \$7,000 and is proposed to be funded with drug forfeiture funds currently on hand. Ongoing costs will include the recertification costs, vet bills, etc. An annual budget will be set for those expenses.

The proposed vehicle is the City's 2011 Crown Victoria. The City of Elk River has agreed to donate the cage and equipment from their retired vehicle. Wal-mart/Coborn's will donate dog food. Vet bills will be at cost for immunizations.

Officer time will be during on-duty hours. Thirty minutes of comp time per day would be allocated for care of the dog on off-duty days.

A motion was made by Council Member Stone and was seconded by Council Member Thomas to approve the implementation of a K9 Unit and the development of a final K0 Policy. A vote being recorded as follows: For: Council Members Stone, Thomas, Johnson and Mayor Kirckof. Against: None. Absent: Council Member Olson. The motion passed.



## **8. UNFINISHED BUSINESS**

- a. At the July 2, 2014 Council Meeting, the Council asked City Engineer Keith Yapp to present a Scope of Services proposal for a Hydrology Study to determine what avenues the Council has available to it in dealing with the storm water in the vicinity of Getty, Beltline and 12<sup>th</sup> Street.

Yapp has provided the proposal.

The cost is higher than he anticipated at the Council Meeting due to the complexity of the three project proposals. (Was initially thought to be in the vicinity of \$15,000)

A motion was made by Council Member Thomas and was seconded by Council Member Stone to approve the Hydrology and Hydraulic Study Proposal at a cost not to exceed \$19,900. A vote being recorded as follows: For: Council Members Thomas, Stone, Johnson and Mayor Kirckof. Against: None. Absent: Council Member Olson. The motion passed.

This study could be potentially funded through the Storm Water Utility (this project was one of three trunk lines proposed to be funded by the Utility) or with dollars intended to fund the City's share of the Beltline project for 2014.

## **9. NEW BUSINESS**

- a. The Special Budget Workshop Meeting was scheduled for August 25<sup>th</sup> at 5:30 p.m.
- b. Union Contract negotiations are underway.
- c. Police Chief Friedrichs has been in contact with Chief Maus from Melrose regarding an opportunity to hire a shared part-time officer as we have done in the past. Currently the two cities share two part time officers; however, there are scheduling conflicts with their regular employment positions.

The City of Melrose Council has authorized its Chief to begin the process.

Chief Friedrichs recommends the two cities hire a part time officer together to give both more flexibility in filling shifts. Currently, many of Sauk Centre's shifts that are open due to vacation time off etc. are filled with full time officers, sometimes at the OT rate because of the unavailability of the part timers. The Dept. prefers to utilize the OT budget for overtime earned due to extended shifts (due to reports or DUI transfers etc.) and for court and utilize the part time budget for filling vacant shifts due to vacations etc.

The cost to the City would be uniforms (some of which can be shared), training, and licensing. The savings to the City would be the hourly rate paid. The costs to be funded with the existing budget.

Chief Friedrichs recommended approval.

A motion was made by Council Member Stone and was seconded by Council Member Thomas to approve hiring a shared part-time Officer with the City of Melrose. A vote being recorded as follows: For: Council Members Stone, Thomas, Johnson and Mayor Kirckof. Against: None. Absent: Council Member Olson. The motion passed.

**10. CONSENT AGENDA**

The Council considered the following Consent Agenda items:

- a. Schedule of Claims - Unpaid Claims                   \$216,418.97  
   Paid Claims                                   \$557.83  
   Total   \$216,976.80
  
- b. June Checks                   #2232E-#2256E                   \$359,810.97  
   #035224-#035315  
   3 Payroll ACH Transfers
  
- c. Resolution No. 2014-62, Resolution Accepting Contributions

Men’s Card Playing Group	\$227.91	Senior Center
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A motion was made by Council Member Thomas and was seconded by Council Member Johnson to approve the Consent Agenda as presented. A vote being recorded as follows: For: Council Members Thomas, Johnson, Stone and Mayor Kirckof. Against: None. Absent: Council Member Olson. The motion passed.

**11. INFORMATIONAL ITEMS**

- a.        Sauk Centre Jehova’s Witnesses Correspondence

**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 and Mayor Kirckof. Against: None. Absent: Council Member Olson. The motion passed.

With no further business to come before the Council, Mayor Kirckof adjourned the meeting.

Respectfully submitted,

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 Mayor Brad Kirckof

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 City Administrator Vicki Willer