

**SAUK CENTRE CITY COUNCIL
REGULAR MEETING
WEDNESDAY, JULY 17, 2013**

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

The Sauk Centre City Council met in a Regular Meeting on Wednesday, July 17, 2013 at 6:30 p.m. in the City Hall Council Chambers pursuant to due notice being given thereof. Present were Council Members Keith Johnson, Warren Stone, Dave Thomas and Mayor Kirckof. Also present were City Administrator Vicki Willer, City Planner Sarah Morton, Police Chief Bryon Friedrichs, Ambulance Director Struffert and Administrative Assistant Nicki Vogt. Mayor Kirckof presided thereat.

2. APPROVAL OF AGENDA

A motion was made by Council Member Thomas and was seconded by Council Member Johnson to approve the 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.

3. APPROVAL OF MINUTES

A motion was made by Council Member Stone and was seconded by Council Member Thomas to approve the June 19, 2013 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)

Gunther Austin – 231 Maple Street. Mr. Austin stated that the sewer has backed up at the Episcopal Church and it is due to the poor condition of the infrastructure on Main Street/Highway 71. He feels the street is in immediate need of repair.

5. PUBLIC HEARINGS

None.

6. REPORTS/PRESENTATIONS

- a. Police Chief Friedrichs reported that in June there were 389 ICRs and 346 Verbal Warnings for a total of 735. He also reported that the Department completed 4 hours of Toward Zero Death (TZD) in June.
- b. Ambulance Director Struffert presented the Ambulance Department Quarterly Report stating that for the 2nd Quarter of 2013 there were 25 No Loads/Cancelled, 21 ALS Transfers, 27 BLS Transfers and 77 Scene Transports for a total of 150, in comparison to the 2012 total of 149. Total billed for the 2nd quarter was \$127,138.50

Struffert also reviewed the 2nd Quarter Cancel/No Loads, Receiving Facilities and Destination Facilities.

The Ambulance Department's goals are as follows:

1. Continue to rotate ambulance rigs through to ensure the department has properly working rigs.
 2. Continue to exhibit a positive force in the community by keeping EMT's at a high level of training.
 3. Obtain or build a larger garage which will allow for better training.
- c. City Planner Morton reported on the Tuesday, July 9th Planning Commission Meeting as follows:

- Variance Request – See 7d.
- Amend Zoning Ordinance-Definition of Setbacks – See 7e.
- Amend Zoning Ordinance-Allow Antique Stores in Residential Districts – See 7f.
- May & June 2013 Building Permit Reports
- Variance Request

- d. The EDA met for their regular meeting on July 10, 2013. The main topics on their agenda were to review and approve the Tax Increment Financing Pay As You Go Semi-Annual Payments along with the approval of the semi-annual Abatement Payments.

Other items included review of economic development projects pending an upcoming review by Sauk Centre Opportunities.

See 7a & 7b.

- e. The Airport Commission met for their regular meeting on July 10, 2013. Their main topic of conversation was the logistics of the Airport Fly-In Breakfast on July 14, 2014.

At the Fly-In Breakfast over 300 people were served and 85 plane rides were given.

- f. The Park Board met on July 9, 2013 and discussed the following:

- Campground Attendant Report.
- Splash Pad Committee presentation. The Committee plans to have a meeting open to the public at the August Park Board Meeting.
- The campground internet Hot-Spot has been installed and is operational and the Board has plans to expand the internet throughout the campground.
- The Board chose not to complete a 2013 project as they would like to reserve those monies for the Multi-Purpose Park Master Park Plan.

- g. The Operations Committee met on Wednesday, June 26, 2013. Two topics were on the Agenda:

1. **Stormwater Repairs** – Each of these areas need work to manage storm water. Staff is now working on a proposal for repairs.

- a. State Street by Trail
- b. Pacific Street by Wayne Transport
- c. 515 N Oak Street curbing
- d. Getty Street – By Wonderbread
- e. Cedar Street
- f. Airport Drain
- g. Sinclair Lewis and Beltline Intersection
- h. Private yard discharge point at 404 Country Oak Drive
- i. Private yard discharge point at 223 Morning View Lane

2. Concrete Work – Estimates are being obtained for repairs. Not all have been selected for work in 2013 but final information will be available after quotes are obtained.

- a. Alley Entrance at Alley by 717 Country Club Lane
- b. Ped Ramp at 404 First St. N.
- c. Private Driveway in back parking lot of Sr. Centre
- d. Gutter and Curbing at 133 Hickman Drive
- e. Concrete spillway at 420 Walnut
- f. Concrete spillway at 2nd St. S. and Birch St. S.
- g. Curbing at 516 Birch St. S.
- h. Curb damage at 511 Country Oak Drive
- i. Curb peeling off at 10th Street by Silvercrest Apartments
- j. Curb peeling off at 24 Anjo Drive
- k. Concrete spillways at Lilac/State intersections
- l. Concrete radius at Centre St/12th Street by substation

7. ACTION ITEMS

a. The first Half of the Pay As You Go payments are due to developers on August 1, 2013. Three contracts call for semi-annual TIF payments.

1. Riverview Townhomes (to Developers)	\$5,141.97
2. Sauk Centre Welding (to Bond Fund)	\$24,251.21

A motion was made by Council Member Stone and was seconded by Council Member Johnson to approve the 2013 PAYGO payments. A vote being recorded as follows: For: Council Members Stone, Johnson, Thomas and Mayor Kirckof. Against: None. Absent: Council Member Olson. The motion passed.

b. The 2013 Fairway Pines semi-annual Abatement Payment is due August 1, 2013. This payment refunds the Cities share of the property taxes to the Developer. The amount due is \$8,809.24

The 2013 Dunham Express (8310 Commerce Dr.) semi-annual payment is due July 15, 2013. The amount due is \$2,656.41.

The EDA recommends these payments be approved.

A motion was made by Council Member Thomas and was seconded by Council Member Stone to approve the Semi-Annual Abatement Payment to Fairway Pines in the amount of \$8,809.24 and to Dunham Express in the amount of \$2,656.41. A vote being recorded as follows: For: Council Members Thomas, Stone, Johnson and Mayor Kirckof. Against: None. Absent: Council Member Olson. The motion passed.

- c. Following the City Council meeting on June 19, 2013, additional research was done regarding securing vacant buildings. The League of Minnesota Cities has recommended that the City include within the City Code an Ordinance regarding securing vacant buildings which goes beyond what exists in State Statute to give the City and its staff additional guidance when dealing with issues relating to property rights. A League of Minnesota Cities sample Ordinance has been modified by the City and reviewed by the City Attorney that mimics State Statute to cover all regulatory issues and also adds definitions including that of a vacant building as follows:

Vacant building. A building or a portion of a building that meets one or more of the following conditions:

- (1) Unoccupied and foreclosed upon as identified by the county.
- (2) Unoccupied and windows or entrances to the premises are boarded up or closed off, or multiple window panes are broken and unrepaired.
- (3) Unoccupied and doors to the premises are smashed through, broken off, unhinged, or continuously unlocked.
- (4) Unoccupied and gas, electric, or water service to the premises has been terminated.
- (5) Unoccupied and rubbish, trash, or debris has accumulated on the mortgaged premises.
- (6) Unoccupied and the police or sheriff's office has received at least two reports of trespassers on the premises, or of vandalism or other illegal acts being committed on the premises.
- (7) Unoccupied and the premises are deteriorating and are either below or are in imminent danger of falling below minimum community standards for public safety and sanitation.

City Attorney Mayer recommends approval of Ordinance No. 739.

A motion was made by Council Member Johnson and was seconded by Council Member Stone to approve Ordinance No. 739, An Ordinance Providing for Securing Vacant Buildings. A vote being recorded as follows: For: Council Members Johnson, Stone, Thomas and Mayor Kirckof. Against: None. Absent: Council Member Olson. The motion passed.

- d. At the Planning Commission/Board of Adjustment meeting on July 9th, the Board recommended approval of a variance from the RROW to allow for the construction of a larger accessible front porch on an existing home located at 1221 Park Lane. There is an

existing 4 x 22 covered porch which will be removed and replaced by an 8 x 20 covered porch.

The home currently exists at 27' from the RROW. The porch is 23' from the RROW. The variance would allow an additional 4' or a 19' setback.

Homes constructed on this street were constructed during the time frame when surveys were not required for new construction. This resulted in varying distances from the RROW from 26' to 32' with some front porches extending further. The porch will not have closed in walls so the intrusion into the setback area is somewhat mitigated.

Council Member Johnson introduced Resolution No. 2013-50, Resolution Granting a Variance to Larry A. and Andrea M. Bick. The motion was seconded by Council Member Stone. A vote being recorded as follows: For: Council Members Johnson, Stone, Thomas and Mayor Kirckof. Against: None. Absent: Council Member Olson. The motion passed.

- e. At the Planning Commission meeting on July 9, 2013, following a Public Hearing, the Commission voted to recommend that the definition of Setbacks be amended in the Zoning Ordinance. The purpose of the Amendment is to clarify that up to three feet of roof overhang, and front steps including a front stoop can protrude into the setback. Many older homes in the City have concrete steps directly in front of the front door with no landing which is not Code. This would allow those homes to remove those steps, install a safe landing area and then have steps down to the front sidewalk.

Old Definition:

SETBACK. The minimum horizontal distance between the building or structure (excluding steps, unroofed porches or ground level decks and overhangs, provided that no like exceptions extend more than half way into the required setback area) and the lot line.

New Definition:

SETBACK. The minimum horizontal distance between the building and the property line. Three feet of roof overhang, stoops not exceeding 30 square feet and steps from stoops to ground not over four feet wide may protrude into the setback.

Action was tabled on this item for further clarification on definitions and what's included, as well as clarification on ramps. The Council also asked that the Planning Commission research to see if there is a better way of handling setback issues.

- f. At the Planning Commission meeting on July 9, 2013, the Commission, after conducting a Public Hearing, voted to recommend approval of an Ordinance regulating antique retail stores in residential districts.

Highlights of the Ordinance are as follows:

- Retail antique stores would be allowed in residential districts on community collector streets and minor arterials only (Highway 71, Sinclair Lewis Avenue, 12th Street).
- Off street parking must be provided. One stall per 500 square feet of retail area.
- Hours of operation limited to 9:00 a.m. to 6:00 p.m.
- No outdoor display on lawn areas.
- No exterior alteration of homes used as antique stores.
- Maximum size of display area is 3,000 square feet.
- One sign allowed with a maximum of 9 square feet.

Administrator Willer explained that the proposed Performance Standards in the Ordinance were developed by drawing upon the concerns that were raised by the Public, the Planning Commission and the City Council in a prior application to rezone a parcel to Commercial which does allow antique stores. That request had been denied.

Councilman Thomas asked whether the recommendation to approve the Ordinance was unanimous from the Planning Commission. There were three members present and the vote was 2-1 so it was not unanimous. Thomas added a further concern that the Council wasn't expressing an interest in this before and doesn't understand what is unique about an antique store that isn't unique to any other type of retail outlet or other boutique. In his experience antique stores have a lot more than antiques including collectibles and crafts. Willer responded that the proposed Ordinance defines what an antique is and defines what an antique store is. It is not set up to be a craft store or art gallery.

Mayor Kirckof confirmed that Community Collector Streets are unique to the community and they continue to expand upon what is happening within the community on these high traffic areas. The Planning Commission held a public hearing on this at a regular meeting. Kirckof asked if individual mailings were sent to the affected property owners. Willer explained that this is a citywide Ordinance affecting all properties on certain streets. Notification is by publication as it is not specific to any one parcel so there is not a 350' circumference to mail notices to.

Councilman Stone stated we all know the background of this proposal and changing the text of the Ordinance to allow one item is in his opinion sidestepping the zoning process. We have had a public hearing and public comment at a Council Meeting for the prior request with the neighborhood saying they don't want it. There are plenty of places to go. He believes this is overstepping.

Kirckof agreed we have addressed this before. However, when an applicant wants to make a request of the Council, they have that right and we look at all the facts and take it into consideration. It doesn't matter who it is but what it is about. This is about whether we want to allow antique stores with very specific regulations on Community Collector Streets in Sauk Centre.

Stone continued that if we do this what is to stop any other business from coming in and wanting us to change the text of the Ordinance so they can be in a residential

neighborhood. In his opinion we would be totally destroying our residential areas on Collector Streets. It would be setting a precedent.

Kirckof agreed that we all have a different opinion on how our community has been expanding and growing from our downtown including along the Collector Streets. He understands that there are vacant stores downtown; but added that our Collector Streets have been changing over the past years as well.

A motion was made by Council Member Johnson and was seconded by Council Member Stone to deny Ordinance No. 741, Providing for the Regulation of Retail Antique Stores in Residential Zoning Districts. A vote being recorded as follows: For: Council Members Johnson, Stone and Thomas. Against: Mayor Kirckof. Absent: Council Member Olson. The motion passed.

g. At the City Council meeting on June 19, 2013, the City Council directed that owners of six properties be given notice to secure their buildings. All owners were notified via First Class Mail and Certified Mail. Chief Friedrichs has conducted a second inspection for a status update.

- 625 Getty St. = junk in back yard and in shed. House is secure
- 524 Hickman Dr. = Property has been sold. City working with new owners.
- 518 Elm St. So. = Property has been sold. City working with new owners.
- 331 Maple St. So. = Big dumpster in the front yard. Windows are boarded up. Some junk in the garage yet. Pile of tree limbs on ground near garage. Owner states he may demolish the garage.
- 200 Ash St. N. = Same condition
- 332 Birch St. N. = Front door is secure. Owner states house is being removed.

The City has had contact with four of the owners.

There has been no contact with the owner of 625 Getty; however, the house has been secured. The shed in back is still open with no door.

There has been no contact with the owner of 200 N. Ash St. This house remains open.

A motion was made by Council Member Thomas and was seconded by Council Member Stone to direct staff to secure the building at 200 N. Ash St. A vote being recorded as follows: For: Council Members Thomas, Stone, Johnson and Mayor Kirckof. Against: None. Absent: Council Member Olson. The motion passed.

It was the general consent of the Council to move forward and continue this process.

h. Payment approval No. 7 has been submitted for payment by RL Larson for work completed on the 4th Street Project. The payment request is for \$10,686.79. Work completed to date totals \$2,140,520.18. Payments to date, including this payment totals \$2,033,494.17.

A motion was made by Council Member Thomas and was seconded by Council Member Stone to approve Payment Voucher No. 7 in the amount of \$10,686.79. 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. Two EMTs have been with the City for 5 years and are recommended for advancement. The Ambulance Pay Scale has pay ranges for 1-5 years, 5-10 years, 10-15 year and over 15 years.

The rate for the 5-10 year range is \$13.52 per run time hour.

The two EMTs eligible for advancement are:

Aaron Feltman – effective August 6, 2013

Mark Roberg – effective August 6, 2013

Both EMTs remain active on the crew and meet the patient contact criteria. Ambulance Director Struffert recommends the step advancements.

A motion was made by Council Member Stone and was seconded by Council Member Johnson to approve the advancement of Aaron Feltman and Mark Roberg to Step EMT-B2 at \$13.52 per hour, effective August 6, 2013. A vote being recorded as follows: For: Council Members Stone, Johnson, Thomas and Mayor Kirckof. Against: None. Absent: Council Member Olson. The motion passed.

- j. The first and largest TIF District of the City is set to wind down in 2014. In preparation for the decertification, the EDA is recommending that the City contract with Northland Strategies to assist with planning the decertification and also to identify potential options for use of the remaining funds under “Pooling”.

Funds currently existing within the TIF District are available for administrative use to cover the expenses.

A motion as made by Council Member Thomas and was seconded by Council Member Johnson to approve the Scope of Services Contract with Northland Strategies. A vote being recorded as follows: For: Council Members Thomas, Johnson, Stone and Mayor Kirckof. Against: None. Absent: Council Member Olson. The motion passed.

8. UNFINISHED BUSINESS

- a. City Administrator Willer presented a project report for the 2012-2013 Stormwater Project.
- b. At the time the Council agreed to have the Public Works staff water the downtown flower baskets during the week, staff was to report back on how well it was working with the

Council then determining if staff should continue to water or if it would be turned back to volunteers.

Parks Foreman Dave Beilke reported on the Flower Basket Watering project stating that they have watered them 26 times since they have been hung. They do not water if it rains ½ inch or more. There are an estimated 50 times remaining for Flower Basket Watering.

- c. At the time that the Council allowed the Public Works Department to utilize the gator that was no longer needed by the Fire Department, staff was directed to log the hours that the gator was being used and what type of task it was used for and how they would have completed it without the gator.

Parks Foreman Dave Beilke presented the Council with a Gator Usage Report. He then stated that the beginning hours on the gator were 134 and the current hours are 178, which is a total of 44 hours of usage since the end of April. He is recommending that the Public Works Department purchase.

It was the general consent of the Council to complete an inter-fund transfer from the Public Works Department to the Fire Department for the purchase of the Gator.

9. NEW BUSINESS

- a. Department Heads are working on budget proposals for 2014. The proposal will be submitted to the Finance Committee and then the City Council in August for consideration. The Council is expected to adopt the Preliminary Levy on September 4, 2013.

The Council generally meets in a Special Meeting to consider the Preliminary Budget mid-August.

By general consent, the Budget Meeting was scheduled for August 14, 2013 at 5:00.

- b. Steve Ahrens is the owner of the property at 200 ½ 2nd St. S. His property is the back half of a lot and has not public frontage. The front half of the lot is owned by Michael Doubrava.

Ahrens' property is currently served by private well and septic and he wishes to obtain City water and sewer service. He also needs to have some type of legal access to his property for financing purposes.

Ahrens is requesting that the City either grant him an easement or sell him a portion of adjacent City property, which is the snow disposal area at the end of 2nd St.

By general consent, this was sent to the Policy/Planning Committee for their review.

- c. The Public Works Department, including the Street and Park Departments, has been working to update the vehicle fleet. Purchases include:

- New Plow Truck
- New One Ton with Dump Box
- Old Plow Truck converted to Chipper Truck
- Old Chipper Truck Sold
- Old One Ton with Dump Box Sold
- Old Parts Runner Truck Sold

Net proceeds from the sale of the above vehicles after commission is \$10,042.00

The Department would like to apply these dollars toward the replacement of the Parts Runner Truck. There have been several DNR and State trucks running through the State Auction site at reasonable rates. Examples are:

2010 Ford F150	46,501 Miles	\$13,000
2010 Ford F150	49,222 Miles	\$12,325
2009 Ford F150	51,201 Miles	\$10,725
2008 Ford F150	62,089 Miles	\$ 8,450

By general consent, this was sent to the Operations Committee for their review.

- d. Each year the five year capital improvement plan for the City is updated for all departments. The Department Heads will be updating his/her prospective CIP and will be forwarding it for review and inclusion in the 2014 budget.

Prior to plans being forwarded directly to the Council, historically, the City has it reviewed by the Operations Committee.

By general consent, this was sent to the Operations Committee for their review.

- e. Due to changes in the personal time of Council Members, it has become difficult for some to attend their appointed meetings.

The Council asked that City Administrator Willer send a letter to each Council Member informing them of their commitments. At that point, each Council Member will provide their feedback.

- f. Due to a pending temporary vacancy in the Police Department, Chief Friedrichs is seeking approval to hire a temporary data entry person to maintain police data during the absence. Entry time is sensitive and must be done regularly.

By general consent, this was sent to the Personnel Committee.

10. CONSENT AGENDA

The Council to consider the following Consent Agenda Items:

- | | | |
|-------------------------|---------------|---------------------|
| a. Schedule of Claims - | Unpaid Claims | \$235,196.81 |
| | Paid Claims | <u>\$58,119.10</u> |
| | Total | <u>\$293,315.91</u> |
- b. June Checks #1900E-1924E \$1,211,758.38
 #034000-034116
 3 Payroll ACH
- c. Resolution No. 2013-51, Resolution Accepting Contributions. The contribution totaled \$174.40 from the Men’s Card Playing Group to be used for the Sauk Centre Senior Center.
- d. Resolution No. 2013-52, Resolution Approving an Off-Site Gambling Permit for the Sauk Centre American Legion Post 67. The permit would allow a raffle for an Annual Rubber Duckie Race to be held on July 21, 2013 at the Conservation Park.
- e. Request from William Berg and Jim Winters representing the American Legion Post 67 for a Temporary Extension of Premise Permit for the All School Reunion in their north parking lot on Friday, August 16 and Saturday, August 17.

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. The State Demographer’s estimate of the City of Sauk Centre population as of April 1, 2012 was 4,344.
- b. Safety Committee Meeting Minutes.

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, Stone 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 at 7:55 p.m.

Respectfully submitted,

Mayor Brad Kirckof

City Administrator Vicki Willer