

**SAUK CENTRE CITY COUNCIL
REGULAR MEETING
WEDNESDAY, AUGUST 7, 2013**

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

The Sauk Centre City Council met in a Regular Meeting on Wednesday, August 7, 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, Mike Olson and Mayor Kirckof. Also present were City Administrator Vicki Willer, City Planner Sarah Morton, Police Chief Bryon Friedrichs, City Engineer Keith Yapp and Administrative Assistant Nicki Vogt. Mayor Kirckof presided thereat.

2. APPROVAL OF AGENDA

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

3. APPROVAL OF MINUTES

A motion was made by Council Member Thomas and was seconded by Council Member Stone to approve the July 17, 2013 Regular Meeting Minutes as presented. A vote being recorded as follows: For: Council Members Thomas, Stone, Olson, Johnson and Mayor Kirckof. Against: None. The motion passed.

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

Chuck Anderson – Sauk Centre. Mr. Anderson stated that he has been a resident of the City of Sauk Centre all of his life. His father was a member of the City Council and the Fire Department. He is speaking on behalf of his brother, Jim Anderson regarding 7a. He asked that the Council grant the Variance due to a hardship as they are trying to take responsibility of their son, who has a physical handicap. They want to improve his quality of life and they have nothing to gain from this variance being approved. See 7a.

Steve Nelson – Sauk Centre. Mr. Nelson requested that the Council grant his variance request. See 7b.

Jim Anderson – 548 N. Main St. Mr. Anderson stated that he applied for this hardship variance out of necessity because they have to be out of the house by October 1st and it is also a necessity so that they can place their son's rehabilitation equipment in the garage. Without the variance, they won't have room for the equipment.

5. PUBLIC HEARINGS

None.

6. REPORTS/PRESENTATIONS

a. City Planner Morton reported that there was a Special Planning Commission Meeting on July 30th to consider two variance applications. See 7a and 7b.

- b. The Park Board met on August 6th where a Public Input Meeting was held regarding the Multi-Purpose Park Master Plan and Splash Pad. More information will be presented to the Council at their August 21st meeting.

7. ACTION ITEMS

- a. The Planning Commission, acting as the Board of Adjustment, convened in a Special Meeting on July 30, 2013 to consider an Application for a Variance submitted by James and Barbara Anderson. The property address is 548 Main Street North. The variance request is for a front yard setback of 27' where 30' is required.

Synopsis

The City previously acted upon a lot split application for this property, which was approved. At the time a Certificate of Survey which included setback requirements and a site plan for the location of a proposed home was presented. This same site plan was later used in an application for a building permit which was also approved.

The surveyor on the project, Brad Nyberg, staked the four corners of the property and also the corners of the house and attached garage. The City acted in reliance on those stakes and the site plan submitted to issue the permit for construction.

After submittal of the site plan to both the surveyor and the City, the property owner made adjustments to the size of the garage to accommodate internal needs as indicated on his application and letter that was read into the record at the Planning Commission. These items included rehabilitation equipment for their son. This size adjustment was to extend the garage forward four additional feet. Note however that the surveyor had already staked the previous plan.

The front stakes for the home and property were disturbed during the excavation and tree removal for the property. The builder then measured forward from the back stakes which were still intact to re-stake the house prior to commencing construction. The house now being staked, however, was the new plan with the four foot deeper garage which resulted in the garage portion of the house now extending into the setback.

As construction commenced, the cement contractor called for an inspection of the footings. The City's Building Official inspected the footings to insure correct depth and width etc. and approved the footings.

The City received a call once the footings were poured and the foundation blocks were laid that the house appeared too close to the property line. City Planner Morton and Building Official Ostrowski went to the site and measured which indicated a three foot intrusion into the setback. The builder was contacted who met onsite with Willer and Morton at which time it was discovered that the plan the builder was working off was not the same plan indicated on the site plan for the permit and all agreed that the garage did extend into the setback. The Builder then said he would not do any additional work on the garage until this was resolved but would continue with the work on the house. There

was discussion with the builder on moving the front garage wall back to the setback; however, he stated that would have to be a decision of the homeowner. He was advised that any work was at risk pending a City decision.

At the Planning Commission meeting the applicant stated that the Building Official measured the setback as well during the footings inspection. It was verified later with the Official that he and the concrete contractor had pulled a tape; however, the front stakes of the property were not visible so there wasn't a property line to measure to at that time. It was believed that there would be room since the distance to the pavement appeared adequate.

The issue with the distance to the pavement is that this street has a wider right of way than a typical local street because it is the extension of Main Street (Highway 71). Having a wider right of way resulted in a wider boulevard (distance from pavement to property line). There was considerable discussion regarding the width of the right of way at the meeting, however this is not relevant as the setback is not from the pavement. The setback is from the property line.

The property owner maintains this was a series of honest mistakes, that the intrusion into the setback was not intentional and that the extra size garage is needed for the care of their disabled son.

Chuck Anderson spoke on behalf of his brother in favor of the proposal. Rob Polipnick spoke in favor. He also feels the City holds responsibility because the City Code states the Zoning Administrator does inspections and stated they felt the Building Official's measurement with the concrete contractor was approval.

Laura Hinnenkamp spoke against the proposal. Robert Stansbury called in opposition to the proposal. Both reside across the street.

During the Action portion of the meeting, Stone informed the Commission that there were some bold statements made about setbacks and expressed concern if an approval would open this up to others since this was the first house along that side of the street. Sunderman felt that the wider road right of way in this area was out of line and suggested reasonableness. Walz added it is the Commission's duty to follow the Ordinances. Morton added that there were two incidences of new construction that encroached into the setback since 1999 where the homeowner had to move back and ten front yard setback variances granted as additions or accommodations to existing homes. (1 per year).

Planning Commission Recommendation

The Planning Commission (3-1) recommended denial of the application.

A motion was made by Council Member Thomas and was seconded by Mayor Kirckof to approve the variance request. A vote being recorded as follows: For: Council Member

Thomas and Mayor Kirckof. Against: Council Members Johnson, Olson and Stone. The motion failed due to lack of majority vote.

- b. The Planning Commission, acting as the Board of Adjustment, convened in a Special Meeting on July 30, 2013 to consider an Application for a Variance submitted by H. Steven and Dianna Nelson. The property address is 917 Beltline Road. The variance request is to allow 3,932 square feet of accessory buildings and attached garages where 2,344 is allowed.

Initially, the understanding was that 3,600 square feet was allowed and the request for 3,932 appeared to be a reasonable request, however, upon further review, a calculation of 2,344 was considered the correct maximum. The City Code calculates the maximum allowed on lots larger than 90,000 square feet at two percent of the lot area up to a maximum cap of 3,600. The request was based on the 3,600 maximum cap and not the 2% of the lot area. ($117,176 \times 2\% = 2,344$)

The request for the attached garage was based on applicant's use of the home which has been continual since 1998. The home functions as a group home and the applicant is requesting to build an attached garage for two accessible vans and plow, office space for records storage, lockable office, and storage for clients 3-wheel bicycles. In addition, the attached garage would allow the clients to access vehicles safely in the winter without concerns of falls from ice and snow. All current garage space is detached from the home.

The property is located immediately adjacent to properties with large buildings including the Fleet store and others so the applicant states that the structure would not seem out of place.

There were no comments for or against the project.

The Planning Commission recommended to deny the proposal based on the calculation that the request is approximately 40% larger than is allowed by Ordinance which appeared excessive.

Council Member Olson introduced Resolution No. 2013-55, Resolution Approving Request for Variance from the Maximum Square Footage Allowed for Accessory Structures and Attached Garages. The motion was seconded by Council Member Thomas. A vote being recorded as follows: For: Council Members Olson, Thomas, Johnson and Mayor Kirckof. Against: Council Member Stone. The motion passed.

- c. The Council was presented with a Grant Agreement from the State of MN Department of Aeronautics for state aid for airport maintenance for fiscal years 2014 and 2015. The maximum amount of eligible reimbursable expenses is \$13,184 per year.

At the end of the fiscal year, the City submits documentation of maintenance costs and receives the dollars from the State of MN as reimbursement.

Council Member Johnson introduced Resolution No. 2013-56, Authorization to Execute Minnesota Department of Transportation Grant Agreement for Airport Maintenance and Operations. The motion was seconded by Council Member Olson. A vote being recorded as follows: For: Council Members Johnson, Olson, Stone, Thomas and Mayor Kirckof. Against: None. The motion passed.

- d. Payment Approval No. 8 has been submitted to RL Larson for work completed on the 4th Street Project. The payment request is for \$142,468.56.

Work completed to date totals \$2,290,487.08. Payments to date, including this payment, are \$2,175,962.73. The 5% retainage to date is \$114,524.35.

A motion was made by Council Member Stone and was seconded by Council Member Johnson to approve Payment Voucher No. 8 in the amount of \$142,468.56. A vote being recorded as follows: For: Council Members Stone, Johnson, Olson, Thomas and Mayor Kirckof. Against: None. The motion passed.

- e. Charter Communications leases a small tract of land from the City on 1st St. N. across from the Outdoor Rink. The lease dated September 1999 calls for renewals for additional five year terms upon notice to the City.

Charter has provided its Tenants Notice to exercise this option.

The annual rent for the next five years will be:	\$597.02
	\$614.93
	\$633.38
	\$652.38
	\$671.95

By general consent, the Council approved the option to renew the Lease with Charter Communications.

8. UNFINISHED BUSINESS

- a. The Council was asked to provide City Administrator Willer with their interests and availabilities as it relates to Boards and Commissions. If any changes are made, the public will be notified.
- b. The Planning Commission will be discussing the Ordinance as it relates to setbacks at their August 13, 2013 Regular Meeting.
- c. Public Works Vehicle purchase is currently being discussed at the Committee level.
- d. Potential land sale is currently being discussed at the Committee level.

9. NEW BUSINESS

None.

10. CONSENT AGENDA

The Council to consider the following Consent Agenda Items:

a. Schedule of Claims -	Unpaid Claims	\$323,374.19
	Paid Claims	<u>\$27,093.44</u>
	Total	<u>\$350,467.63</u>

b. Resolution No. 2013-57, Resolution Accepting Contributions. The contributions are as follows:

Men’s Card Playing Group	\$202.40	Senior Center
Stearns Electric Assn. – Operation Roundup	\$500.00	Senior Center
Sauk Centre Youth Hockey Assn	\$3,990.00	Arena

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

11. INFORMATIONAL ITEMS

- a. It was the general consent of the Council to change the Budget Meeting to August 28, 2013 at 5:30 p.m.
- b. City Administrator Willer reported on the project on 8th Street and Main/Highway 71, stating that there was deterioration in that location so the City obtained a permit from MNDOT. New pipe and catch basins were installed. The project moved quickly.
- c. City Engineer Yapp provided a report on the 4th Street Storm water Project as follows:
 - Top soil will be completed by August 9th.
 - Seeding and clean-up is being worked on.
 - The final lift on the second portion of the project will be completed next spring.
 - Vault work will begin on August 12th.

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, Olson and Mayor Kirckof. Against: None. The motion passed.

With no further business to come before the Council, Mayor Kirckof adjourned the meeting at 7:30 p.m.

Respectfully submitted,

Mayor Brad Kirckof

City Administrator Vicki Willer