

**SAUK CENTRE CITY COUNCIL
REGULAR MEETING
WEDNESDAY, AUGUST 19, 2009**

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

The Sauk Centre City Council met in a Regular Meeting on Wednesday, August 19, 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, Public Works Director Butch Wessel, City Planner Sarah Morton, and Engineer Yapp with Bonestroo. Mayor Kirckof presided thereat.

2. APPROVAL OF AGENDA

Administrator Willer provided an updated staff report for Action Item 7i relating to the acceptance of quotes for the 2009 Mill and Overlay Project. A motion was made by Council Member Stone and was seconded by Council Member Thomas to adopt the Agenda with the additional information. A vote being recorded as follows: For: Council Members Thomas, Stone, Johnson, Coenen and Mayor Kirckof. Against: None. The motion passed.

3. APPROVAL OF MINUTES

The Council's July 27, 2009 special meeting minutes and August 5, 2009 regular meeting minutes were approved with change noted on vote roll call for EMT appointment.

4. PUBLIC OPEN FORUM

None

5. PUBLIC HEARINGS

- a. Liquor License – Jeffrey Scott Thang DBA J.T.'s Pub and Grill LLC

Mayor Kirckof closed the meeting and opened the public hearing, then read the rules of protocol for conducting a public hearing.

Staff Presentation Administrator Willer presented an application that was received from Jeffrey Scott Thang for a new On-Sale, Off-Sale and Sunday On-Sale liquor license with the accompanying fees of \$2,050 for the license and \$100 for the public hearing fee. Liquor Liability and Workers Comp insurance will become effective on September 1, 2009. All background checks came in clear. Sales and Use Tax and Federal Tax IDs have been applied for and the business name has been approved by the Secretary of State. The business is expected to open on October 1. The request is for the license to go into effect on September 15, 2009. The location of the business is the lower level of the Palms Hotel previously occupied by Bourbon Street.

Questions of Staff None

Public Comments Wayne Kostreba, 517 Pine Street, Sauk Centre encouraged the council to approve the application and welcome the business into Sauk Centre.

With no further comments or questions Mayor Kirckof closed the public hearing and reopened the regular meeting.

6. REPORTS/PRESENTATIONS

- a. Police Chief Bryon Friedrichs presented the July month activity report for the Police Department. Highlights include 8 alarm calls, 6 assaults, 25 assists, 11 dog complaints, 10 juvenile issues, 13 matter of info, 18 medical, 14 personal assists, 4 damage to property 18 suspicious activity, 8 thefts 261 warnings 6 verbal disputes, 6 welfare checks. Total for month of 562.

Sinclair Lewis Weekend and the Stearns County Fair went well. The City had one extra car on for one shift to help with the additional people in town. They conducted walk throughs at the fair but were not hired by Stearns County for any extra patrol.

Mayor Kirckof stated that eleven dog complaints seem high. Friedrichs clarified the majority of them were for barking dogs. The department has been addressing that issue with the dog owners. Friedrichs confirmed that the seven DWIs were from Sinclair Lewis Days and the Stearns County Fair. Friedrichs further explained that of the total calls, some are duplicates because one individual may be charged with more than one offense. He also explained that the Cold Spring assist was from the Fair where they made an arrest on a warrant for Cold Spring.

The alcohol training went very well. There will be upcoming group training for bar owners. The vandalism incidents have declined. There were a couple arrests that seem to have taken care of it.

- b. Sarah Morton, City Planner, presented information on the activities of the Planning Commission. A Conditional Use Permit public hearing was conducted which will have action later along with a lot split. The building permit report was reviewed. The Commission is working on an Ordinance governing wind turbines and on survey requirements and street access openings.

Councilman Thomas asked what progress is being made on the Wind Turbine Ordinance. Morton answered they have reviewed two samples from Stearns County and from the City of Alexandria. The Commission likes the language in those Ordinances and is looking to use those as a template.

- c. City Administrator Willer informed the Council on the activities of the EDA. The EDA had one action item which is a Supplement to a Tax Increment Financing Contract currently in existence for Fitness Guru. The facility has been sold and the request is to transfer the agreement under the same terms and conditions to the new owner with the exception of one additional year of principal only payments. The effect of the request is that the tax increment generated that is being retained under the initial contract to pay the note will continue to be retained for that note. The note is set to finalize on 2014.

Current estimates show the contract should be paid in full in 2013. The new owner of the property listed as RLF Properties is Jim Flowers.

7. ACTION ITEMS

- a. Action approving the issuance of an On-Sale, Sunday On-Sale and Off-Sale Liquor License has been requested. This action is subsequent to the Public Hearing heard earlier. Action is in the form of a Resolution.

A motion was made by Council Member Johnson and was seconded by Council Member Stone to approve Resolution 2009-46 Approving the Application of Jeffrey Scott Thank DBA J.T.'s Pub and Grill for a New On-Sale, On-Sale Sunday, and Off-Sale Liquor License located at 322 12th Street, Suite 2, Sauk Centre contingent upon the three conditions listed in the Resolution. (Receipt of Certificate of Insurance for Liquor Liability, Workers Comp, and Federal and State Tax IDs. A vote being recorded as follows: For: Council Members Stone, Thomas, Johnson, Coenen and Mayor Kirckof. Against: None. The motion passed.

- b. The Park Board has recommended that the Campground Reservation Policy be modified to allow monthly campers to make reservations for the coming year on September 1 for 2010 and July 1 thereafter. This would be for the monthly sites 40-49 only that would be rented in full month increments with a half month for May and October due to campground opening and closing dates. The reservations would require a \$200.00 deposit. A Lease Agreement has been drafted laying out the terms of the rental. Priority would be given to those currently in the sites in 2009.

A motion was made by Council Member Thomas and was seconded by Council Member Stone to approve a modification to the Campground Reservation Policy allowing monthly site reservations for sites 40-49 to be taken beginning September 1, 2009 for 2010 and on each July 1 thereafter to be accompanied by a \$200 reservation deposit. A vote being recorded as follows: For: Council Members Stone, Thomas, Johnson, Coenen and Mayor Kirckof. Against: None. The motion passed.

- c.d. Administrator Willer presented Ordinance 680 for approval. This was tabled from the last meeting when Councilman Coenen had questions regarding the status of a license between the time we send notice of an alleged violation and the hearing to consider suspension and revocation of the license. Willer explained that the way the Ordinance is written the license can be immediately suspended if we become aware of an action that would have prohibited the issuance of the license initially. If we suspect a violation of the way they are conducting business they have a right to due process so the license stays in effect until the hearing. An exception is if the violation affects the health and safety of the residents of Sauk Centre, then the Council can call an emergency meeting and immediately suspend or revoke the license.

After discussion, the Council felt that the language in the Ordinance as written doesn't follow the explanation above so requested further clarification. Willer suggested that the

Ordinance be tabled and the language be reviewed by the City Attorney to be sure the language is correct. She will go over it with Councilman Coenen as well before bringing it back before the Council.

A motion was made by Council Member Coenen and was seconded by Council Member Thomas to table action on Ordinances 680 and 681. A vote being recorded as follows: For: Council Members Thomas, Johnson, Stone, Coenen and Mayor Kirckof. Against: None. The motion passed.

- e. With the resignation of Paul Kane from the Planning Commission, one seat is vacant. An advertisement for candidates to fill the position for the remainder of the term until December 31, 2011 netted two applications. Mark Magnuson and Jim Lawinger. The applications have been provided with background information in the packets. Willer recommended the Council appoint one of the applicants or another individual if they have a nomination.

Mayor Kirckof stated he has reviewed the applications and has spoken with each of them and feels they both have something to bring to the table. He said that Jim Lawinger has experience working with Conditional Use Permits and Variances at the County, State and Federal level and has experience working with setbacks etc. and therefore recommends his appointment.

A motion was made by Council Member Thomas and was seconded by Council Member Stone to appoint Jim Lawinger to fill the vacant seat until December 31, 2011. Discussion: Councilman Stone added that he feels both would be good but supports the recommendation since Magnuson already serves on the Park Board. He feels it is good to get more people involved. For: Council Members Johnson, Thomas, Coenen, Stone and Mayor Kirckof. Against: None. The motion passed.

- f. Administrator Willer presented an application submitted by Tina Rohde, DBA The Mustang Bar for a Temporary Extension of Premise Permit for Outdoor Events. This would be for two events. One on August 29, 2009 for a bean bag and dart tournament from 6:00 p.m. to midnight and one for Customer Appreciation Week on Tuesday, September 8 for bean bag tournament and September 11-12 for beer pong and tippy cup tournaments from 5:00 p.m. to midnight.

The area behind the Mustang will be fenced from the corner of the Next Door Bar to just north of the rear entrance to Meads Department Store. They plan to have two security personnel on hand. The neighboring business owners have consented with Meads providing consent in writing. All fees and insurance documentation have been provided.

Staff recommends four conditions. 1. Signed consent from Winters, 2. Alcohol to be dispensed in non-glass containers, 3. No alcohol outside the fenced area, 4. Debris to be cleaned up in the area and surrounding area following the event.

In addition, Chief Friedrichs has stated that the department has not had trouble with prior events, however, he would like to state that the Department does not endorse drinking games and suggests that a sober cab be available for those that participate in the event.

A motion was made by Council Member Thomas and was seconded by Council Member Stone approving the request for two outdoor events for August 29 and September 8, 11, 12, with the four stated conditions. A vote being recorded as follows: For: Council Members Thomas, Stone, Johnson, Coenen and Mayor Kirckof. Against: None. The motion passed.

- g. Administrator Willer requested the Council set a date for a council budget workshop following Operations and Finance Committee meetings. Recommendation is for the Operations Committee to meet on Tuesday, August 25, Finance Committee on Thursday, August 27, with the full council workshop on Thursday, September 3.

Meetings set as requested by general consent for Operations on Tuesday, August 25 at 5:00 p.m., Finance Committee on Thursday, August 27 at 1:00 p.m. with Council Workshop on Thursday, September 3 at 5:00 p.m.

- h. Administrator Willer stated that as part of the assessment process negotiations with the Stearns County Ag Society on the Ash Street Assessment appeal, an agreement was reached and approved by the City Council to assess \$14,750.00. The original assessment was removed from the tax rolls with the new amount to be re-certified over the same terms as the initial assessment. Resolution 2009-47 recertifies the new amount for collection with taxes.

A motion was made by Council Member Stone and was seconded by Council Member Thomas to Approve Resolution 2009-47 Re-Certifying Special Assessments for the Ash Street Improvement Project. A vote being recorded as follows: For: Council Members Thomas, Johnson, Stone and Mayor Kirckof. Against: Council Member Coenen. The motion passed.

- i. At the City Council's regular meeting on July 15, 2009, staff was directed to secure quotes for a full depth reclamation mill and overlay of a portion of Lakeshore Drive. The request was advertised with courtesy copies mailed to known operators in the area. Five quotes were received and opened Tuesday, August 18 at 10:00 a.m. One irregularity was noted that the low bidder did not include a bid bond but did fax it to the office shortly thereafter. This irregularity was reviewed by City Attorney Tom Mayer. His opinion is that the irregularity was not material nor did it impede others to bid competitively and did not give any one bidder an advantage. He summarized that the Council has the authority to award to the low bidder. A copy of his opinion has been provided. The bid tabulation is as follows:

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|-----------------------------------|-------------|
| Riley Brothers Construction, Inc. | \$53,277.55 |
| Knife River – North Central | \$60,681.00 |
| Central Specialties, Inc. | \$63,826.48 |

| | |
|---------------------|-------------|
| Harddrives, Inc. | \$64,803.90 |
| Monson Corporation | \$65,882.00 |
| Engineer's Estimate | \$72,000.00 |

Mayor Kirckof reiterated that the Attorney's Opinion clarifies that the Council has the authority to overlook the irregularity and award the contract to the low bidder.

A motion was made by Council Member Thomas and was seconded by Council Member Stone to approve Resolution 2009-48 Accepting Quotes and Ordering the Improvement for Lakeshore Drive for \$53,277.55. For: Council Members Thomas, Stone, Coenen, Johnson and Mayor Kirckof. Against: None. The motion passed.

- j. The Planning Commission acted upon a request submitted by Sauk Centre Opportunities to split thirty feet off the south side of Lot 7, Block, 2, Sauk Centre Industrial Park to be sold and combined with the lot to the south which is the North Half of Lot 8, Block 3. The Planning Commission recommends that the request be approved. The resulting lot will still comply with zoning regulations. The purpose would be so the overhead door on the north side of the existing building on Lot 8 is accessible. Thomas clarified that there was no request to vacate the utility easement. This is correct. There are currently utilities in that area.

A motion was made by Council Member Stone and was seconded by Council Member Thomas to approve Resolution 2009-49 Approving the Lot Split for Sauk Centre Opportunities. For: Council Members Thomas, Stone, Coenen, Johnson and Mayor Kirckof. Against: None. The motion passed.

- k. The Planning Commission met and is recommending approval of a Conditional Use Permit for a "Group Home/Non-Statutory" for property located at 725 Sinclair Lewis Avenue. The property is located in an R-1 Residential Zoning District where this use requires a Conditional Use Permit. The applicant is Ralph Dehler who has purchased the property and intends to rent rooms to elderly (fifty five and over) and provide meals. He is proposing to have resident staff on site. Stearns County visited the site and has recommended a capacity of ten residents. Because of limited parking on site, it is a recommendation of the Commission that any parking over six be obtained off site keeping in mind the city restrictions for 48 hour parking on the street and also Winter Parking Rules. In addition, the applicant must obtain and maintain a Board and Lodging License from Stearns County.

Councilman Coenen asked if there was a report on the Public Hearing. City Planner Morton added that there were two people that spoke but were neither in favor nor against. Their concern was about parking. Willer explained that for additional parking they could enter into an agreement with the Church or park in one of the City lots. Stone confirmed that the applicant is aware of the parking rules.

A motion was made by Council Member Stone and was seconded by Council Member Thomas to approve Resolution 2009-50 Approving a Conditional Use Permit for Ralph

Dehler for a Group Home/Non-Statutory including the three stated conditions of a maximum of ten residents, onsite parking is limited to six vehicles, and that a Board and Lodging License be obtained and maintained from Stearns County. For: Council Members Thomas, Stone, and Mayor Kirckof. Against: Coenen. Abstained: Johnson (personal). The motion passed.

1. Administrator Willer reported that the Fitness Guru building has been sold as referred to in the EDA report earlier in the meeting. The property was encumbered by a Tax Increment Financing Agreement where the increment generated by the payment of taxes on the property was allocated to the repayment of an internal tax increment note. A supplement to the original note was approved by the City Council in 2008 reducing to principal only payments but was not executed by the owner at that time. This request is that the prior approved supplement be transferred to the new owner except that principal only payments would be applied from 2007 forward rather than 2008.

A motion was made by Council Member Thomas and was seconded by Council Member Stone to authorize the Mayor and City Administrator to execute the Amended Supplement to the Tax Increment Financing Agreement authorizing transfer of Tax Increment Note. For: Council Members Thomas, Stone, Coenen, Johnson and Mayor Kirckof. Against: None. The motion passed.

8. UNFINISHED BUSINESS

None

9. NEW BUSINESS

None.

10. CONSENT AGENDA

The Council then considered the following consent agenda:

- a. Schedule of Claims – Total of unpaid claims \$19,851.82 and paid claims \$5,168.17, for a total of \$26,705.67.
- b. List of July Checks for \$389,765.47 (Check 29126 to 29226)
- c. Resolution No. 2009-51, Resolution Accepting Contributions. The contribution totaled \$10,000.00 from the Sauk Centre Youth Hockey Association to be used towards the Civic Arena.

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

Mayor Kirckof thanked the Youth Hockey Association for its contribution.

11. INFORMATION ITEMS

- a. Reminder that the Council meetings for September have been rescheduled for September 9 and September 23.
- b. Invitation to the City Council to attend the Lynx National Golf Course Grand Re-Opening on August 28, 2009.

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 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 7:30 p.m.

Respectfully submitted,

Mayor Brad A. Kirckof

City Administrator Vicki M. Willer