

**SAUK CENTRE CITY COUNCIL
REGULAR MEETING
WEDNESDAY, SEPTEMBER 19, 2007 – 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, September 19, 2007 at 6:30 p.m. at the City Hall Council Chambers pursuant to due notice being given thereof. Present were Mayor Brad Kirckof, Council Members David Thomas, Al Coenen, Keith Johnson and Warren Stone. Also present were City Administrator Vicki Willer, Police Chief Metcalf, Public Works Director Wessel, City Engineers Keith and Justin with Bonestroo and Administrative Assistant Nicki Vogt. Mayor Kirckof presided thereat.

2. APPROVAL OF AGENDA

The agenda was approved with changes.

3. APPROVAL OF MINUTES

The Council's August 29, 2007 Neighborhood Meeting Minutes, August 30, 2007 Neighborhood Meeting Minutes, September 5, 2007 Neighborhood Meeting minutes and the September 5, 2007 Regular Meeting minutes were approved with corrections.

4. PUBLIC OPEN FORUM

None.

5. PUBLIC HEARINGS

2008 Improvements – Pine Street North

Mayor Kirckof opened the Public Hearing and recited the Public Hearing procedure. The purpose of the Public Hearing is to consider the proposed 2008 improvements on Pine Street North. The hearing notice was published in the Sauk Centre Herald and was posted and mailed as required by law.

City Administrator Vicki Willer stated that this project was initiated as a part of the City's 5 year Capital Improvement Plan (CIP). A feasibility report was completed and shows feasibility. The Council will be presented with a Resolution in which they must take action to either approve or deny moving forward with the design phase of the project. If approved, the final design will be presented to the Council at which time they must approve. She stated that when the bids are opened and the contract is awarded there is not turning back at that point. The final assessment hearing will be held in the fall of 2008 after the total costs are calculated.

City Engineer Yapp stated that a total reconstruct (sewer, water, storm sewer, 3 ½ inches bituminous) will be completed from 300 feet north of 2nd Street to 2nd Street. A 1 ½ inch mill and overlay will be completed from 2nd Street to 1st Street. The purpose of the project is due to the age and infrastructure of the area.

The total estimated cost of the project is \$94,000 and the City of Sauk Centre will pay approximately \$32,000 which is a 50/50 split.

The typical single family assessment for reconstruct is \$9,534.98 and for mill/overlay is \$1,139.88.

The project timeline is as follows:

- Project Bid – Early February 2008
- Project Award – Late February/early March 2008
- Begin Construction – Early to mid May on north end and June on south end
- Substantial Completion – End of August 2008

Mayor Kirckof called for persons to speak in favor.

Don Vedeer, 232 North Pine, Sauk Centre, MN 56378. Mr. Vedeer stated that he has lived there for 50 years. He thinks that his sewer service runs in the middle of the street. He asked that if it needs to be replaced, will he be assessed? City Engineer Yapp stated that he will check into this further, but if the sewer does need to be replaced he will be assessed.

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

Mayor Kirckof closed the Public Hearing at 6:57 p.m.

2008 Improvements – Ash Street South

Mayor Kirckof opened the Public Hearing and recited the Public Hearing procedure. The purpose of the Public Hearing is to consider the proposed 2008 improvements on Ash Street South. The hearing notice was published in the Sauk Centre Herald and was posted and mailed as required by law.

City Engineer Yapp stated that the reason for the project is because the road is beyond its useful life. The project will take place from Sinclair Lewis Avenue to 12th Street. Sinclair Lewis Avenue to 10th Street will be a total reconstruct with the removal and replacement of sewer, water main and storm sewer. 10th to 12th Street will be a mill and overlay. Existing sidewalks will be replaced in deteriorating areas only. New sidewalks will be placed in areas without. Seventeen trees are preliminarily identified for removal. The road will be surfaced with a 4 inch layer of bituminous pavement.

The total preliminary cost of the project is estimated at 1.6 million. The Public Utilities Commission will pay for the main sewer and water lines and the City will pay approximately \$427,000 which is a 50/50 split. The assessments will be for a period of 10 years at a 5% interest rate. Corner lots will be assessed by road frontage. The average single family assessment cost is \$8,370.37.

Yapp noted that lighting is not calculated into the project cost. The Council can replace all street lights or only replace the ones in need of repair and add new ones in areas where needed. The cost of lighting is .79¢ per lineal foot.

The timeline is as follows:

- Project Bid – Early February 2008
- Project Award – Late February/early March 2008
- Begin Construction – Early to mid May on north end and June on south end
- Substantial Completion – End of August 2008

Mayor Kirckof called for persons to speak in favor.

Brian Gill, 903 Ash Street South, Sauk Centre, MN 56378. Mr. Gill stated that the sidewalk issue is debatable. He understands that utilities need to be replaced as the sewer line comes in ½ foot above his basement floor. In the wintertime he must run his water overnight to prevent the lines from freezing. He stated that he would like to keep the trees, if possible. He questioned Yapp as to how many feet back the construction will go and Yapp stated that it will go back to the Right of Way (ROW) plus one foot which is approximately 17 feet. In areas where services are they will go back approximately 25 feet.

Yapp encouraged all property owners to replace their services at the time of construction if they are in bad condition. The construction workers will try to work with the homeowners hired plumbers so that they are working on the houses at the same time.

Mayor Kirckof called for persons to speak in opposition.

John Wiese of John Wiese Ford read a letter which is attached as Exhibit A.

Yapp responded to Mr. Wiese's letter stating that safety is an important issue. There is a substantial difference in speed on Ash Street in comparison to other streets. The consensus is that it is safer to have pedestrians cross the side streets rather than Ash Street due to the speed of the vehicles on Ash.

Courtney Schroeder, 814 Ash Street, Sauk Centre, MN 56378. Ms. Schroeder stated that their sidewalk is in good condition. She was wondering if her father could put in her sidewalk if City finds that certain parts of her sidewalk need to be replaced.

Yapp responded stating that maintenance of the sidewalks are the homeowner's responsibility. If services will go through her sidewalk, that sidewalk will need to be dug up and replaced. He then stated that in the past the City has completed all sidewalks.

Norma Karasch, 927 South Ash Street, Sauk Centre, MN 56378. Mrs. Karasch stated that she is against putting a sidewalk on the east side as she doesn't see the need. She observed the amount of pedestrians using the sidewalk from 7:40 – 8:40 a.m. and the

total for that hour was 13. She stated that most pedestrians use the trail and exit on State Street. She questioned why her lot shows 115' instead of 90'. Yapp responded stating that it is due to the irregular shape of their lot. It is calculated using 25' of the building plus front footage.

Ray Karasch, 927 South Ash Street, Sauk Centre, MN 56378. Mr. Karasch stated he is against putting a sidewalk on the east side as most people use the Wobegon trail. He also stated he does not want his trees tore down.

Yapp stated that these plans are not the final design plans. He stated that they are going to try and preserve as many trees as possible. Also, it is the Council's concern to make safe routes for pedestrians.

Mayor Kirckof stated that the City will be meeting with the property owners whose trees are slated to be cut down.

Henry Herickhoff, 917 Ash Street, Sauk Centre, MN 56378. Mr. Herickhoff presented the Council with two separate petitions. The first petition was signed by 5 households on the east side of the 900 block of Ash Street in opposition to the sidewalk. The second petition was signed by 2 households on the east side of the 700 & 800 block of Ash Street in opposition to the sidewalk. He suggested taking an actual count of the amount of pedestrians that use the sidewalk. He feels that one sidewalk is sufficient. He is not against improving the street. He was concerned that if the sewer/water is moved to the East, a sidewalk cannot be built on top of loose dirt. Yapp responded stating that the ground will be re-compacted before the sidewalk is built. Herickhoff also requested that it be re-assessed.

Mayor Kirckof stated that the City's Assessment Policy reads that improvements are assessed 100% to the property owners; however, for this project the City has decided to do a 50/50 split.

Steven Haeny, 301 Ash Street, Sauk Centre, MN 56378. Mr. Haeny stated he wanted lighting removed from the project. He also stated that he would like the City contribute 70% to the project instead of 50%

It was noted that lighting is not a part of the total estimated project cost.

Rob Wiener, 832 Ash Street, Sauk Centre, MN 56378. Mr. Wiener stated that if there is a sidewalk on the west side, why shouldn't there have to be one on the east side? He felt that if the Council wants to improve the City, they must do it right. He felt the lights seemed adequate.

Mick Frank, 420 Ash Street, Sauk Centre, MN 56378. Mr. Frank stated that if the Council is willing to do a 50/50 split on Pine Street, why not do a 70/30 split on Ash Street as all City residents benefit from the reconstruction of Ash Street.

Amy Bertram, 619 South Ash Street, Sauk Centre, MN 56378. Ms. Bertram stated that she is a single mom who is working 2 jobs. She will not have enough time to shovel the sidewalks. She stated she is against the sidewalks as she cannot afford them. She also questioned why there aren't sidewalks by the school.

Bill Berg, 627 Ash Street, Sauk Centre, MN 56378. Mr. Berg stated that he is against the sidewalks as he feels there isn't a great volume of pedestrians currently using the existing sidewalk. If sidewalks are installed there will be a significant loss of trees. He suggested that if sidewalks must be installed; move them closer to the road.

Lori Swedenburg, 507 Ash Street, Sauk Centre, MN 56378. Ms. Swedenburg suggested installing a stop sign at 9th and Ash to slow the traffic. She also suggested having parking on one side of Ash only.

Mayor Kirckof stated that there is a good possibility that once complete; parking will be allowed on one side of the road only.

Yapp stated that a stop sign could be installed; however, it would cause other problems such as congestion, noise, safety issues, etc. He stated that the City does need a couple of through streets such as Ash and Main Street. He is against installing a stop sign.

Bernie Conlin was present on behalf of his mother, Marian Conlin who lives at 325 Ash Street, Sauk Centre. Mr. Conlin thinks that the City's project cost could be upped as the improvement benefits all residents of the City. He feels that the improvement will cause more traffic and something needs to be done about the speed of traffic on Ash Street.

Louise Hieserich, 913 Ash Street South, Sauk Centre, MN 56378. Ms. Hieserich requested that the City contribute more than 50% of the project cost. She is not in favor of the sidewalks as there is one on the other side and she does not want to maintain the sidewalk.

Ray Karasch, 927 South Ash Street, Sauk Centre, MN 56378. Mr. Karasch felt that the State of Minnesota should pay for the improvements since Ash Street is a major bus route.

Yap stated that he is not aware of any state funds for this project. He stated that the assessment policy allows a 50/50 split and if the Council chooses to increase that amount, they must revise the Assessment Policy. He also stated that through the Safe Routes to School Program (SRTS) other sidewalks will be installed in the City.

City Administrator Vicki Willer read a letter from Hubert H. Zirbes which is attached as Exhibit B. She then read a letter from Lloyd Schreiner which is attached as Exhibit C.

Mayor Kirckof called 3 times for additional persons to speak in opposition. None spoke.

Mayor Kirckof closed the Public Hearing at 8:15 p.m.

6. REPORTS/PRESENTATIONS

- a. Police Chief Metcalf gave the August 2007 report. There were 378 incidents in August which was a significant increase from previous years.

Chief Metcalf then stated that dog issues are getting out of hand. Citizens must take responsibility to keep their dogs leashed and under control.

Mayor Kirckof stated that staff is currently reviewing the animal fees.

Chief Metcalf stated that he feels Ash Street is one of the safest streets in town as all of the intersections are controlled. He will step up law enforcement on that street in an effort to reduce the speed.

- b. At the Planning Commission's September 11 meeting they discussed the following:

- Friedrich's Tire & Oil Zoning Map Amendment – Tabled. The Commission exercised their right to take an extra 60 days to make a decision on this issue.
- Friedrich's Tire & Oil Conditional Use Permit – Tabled. The Commission exercised their right to take an extra 60 days to make a decision on this issue.
- Variance for an Off-Premise 10' x 10 1.5' sign for James Flowers/St. Michael's Hospital. See action item #7e.
- Zoning Map Amendment – John Felling. See action item #7d.
- Zoning Ordinance Amendment – Ordinance No. 661. See action item #7c.
- There were 21 building permits issued in August with two being new dwellings.
- Roger Fink on behalf of Trident Corporation presented an Assisted Living Facility concept. He will make application at a later date.
- Mr. Bradley Winter's is interested in moving storm sewer and conducting a lot split. The Commission is not in favor of the split as the lots would not meet the standard requirements.

- c. The EDA met for their regular meeting on September 14, 2007. At that meeting they met with Barry Kirchof, Director of the Central Minnesota Region of the Small Business Development Center (SBDC). The SBDC is an economic development resource available to businesses to assist with expansion or for starting new businesses. They provide counseling, information services, training, loan packaging, etc. Information is available through www.mnsbdc.com. The EDA supports their efforts and their presence in the City of Sauk Centre as a satellite office with possible office space for one day a week.

The EDA met with Roger Fink of Trident Development regarding an Assisted Living Facility proposal which the City can assist with some grant work and some other incentives.

The EDA provided their direction on the outstanding Fitness Guru TIF contract.

The EDA recommended council approval of the resignation of Loren Savoie as Chamber Representative.

The EDA briefly addressed a proposal regarding an industrial park development which is being further investigated by Sauk Centre Opportunities.

7. ACTION ITEMS

- a. City Administrator Vicki Willer presented Resolution No. 2007-71, Resolution Ordering Improvement and Preparation of Plans for a Part of Pine Street North. She noted that adoption of this Resolution will instruct City Engineer Yapp to proceed with the design phase of the project. During this phase, design questions may be brought forward for discussion. Upon completion of the design, the Council will be asked to approve the plans and order advertisement for bids, which should occur in approximately February of 2008. If the project bids are acceptable, the City Council will be asked to award the bid.

Mayor Kirckof questioned City Engineer Yapp as to what the City should do if services need to be replaced further up Pine Street. Yapp responded stating that he will research this issue and report back to the Council.

A motion was made by Council Member Johnson and was seconded by Council Member Stone to adopt Resolution No. 2007-71, Resolution Ordering Improvement and Preparation of Plans for a Part of Pine Street North. A vote being recorded as follows: For: Council Members Johnson, Stone, Thomas, Coenen and Mayor Kirckof. Against: None. The motion passed.

- b. City Administrator Vicki Willer presented Resolution No. 2007-72, Resolution Ordering Improvement and Preparation of Plans for Ash Street South. She stated that the Council should carefully consider the comments of the public in relation to the improvement. Adoption of the Resolution ordering the improvement will instruct the City Engineer to proceed with the design phase of the project. During this phase, design questions may be brought forward for discussion. Upon completion of the design the Council will then be asked to approve the plans and order advertisement for bids. This should occur in approximately February of 2008. If the project bids are acceptable, the Council will then be asked to award the bid.

Following completion of the project a final assessment hearing will be conducted where the Council will be asked to pass a resolution assessing the costs of the project.

A motion was made by Council Member Thomas and was seconded by Council Member Stone to adopt Resolution No. 2007-72, Resolution Ordering Improvement and Preparation of Plans for Ash Street South. A vote being recorded as follows: For: Council Members Thomas, Stone, Johnson, Coenen and Mayor Kirckof. Against: None. The motion passed.

After a lengthy discussion, it was the general consensus of the Council to place sidewalks on both sides.

Mayor Kirckof stated that it was extremely important that this project stay on schedule.

- c. The Planning Commission held a Public Hearing regarding a zoning ordinance amendment at their September 11 meeting. The hearing notice was published in the Sauk Centre Herald and the notice was posted as required by law. City Attorney Tom Mayer reviewed the proposed ordinance and believes it is ready for action.

The changes proposed in the ordinance will modify the City's zoning ordinance and will further regulate and clarify controls including the following:

1. Hours of operation for home occupations will be regulated by conditional use.
2. Residential driveways will be limited to a 24' access point at the curb.
3. Exterior front, rear and side yard setbacks in residential manufactured home districts will increase to 20', 10' and 10' respectively.
4. Distances between manufactured homes will increase to 20' rather than 10'.
5. Vegetation must be established within eight months of issuance of a Certificate of Occupancy on construction permits.

At the Planning Commission's September 11, 2007 meeting they recommended Council approval of Ordinance No. 661.

A motion was made by Council Member Thomas and was seconded by Council Member Johnson to adopt Ordinance No. 661, An Ordinance of the City of Sauk Centre Amending City Code Section 1001 Dealing with Zoning Regulations. A vote being recorded as follows: For: Council Members Thomas, Johnson, Stone, Coenen and Mayor Kirckof. Against: None. The motion passed.

- d. At the Planning Commission's September 11 meeting they held a Public Hearing for a zoning map amendment which would re-zone an area currently designated as an R/C district to a C/1 district. The area considered was Lots 1 & 2, Block 3 of Robbins & Mendenhall's Addition and separate Lot 3, Townsite of Sauk Centre. The Planning Commission recommended Council approval of Ordinance No. 662.

A motion was made by Council Member Johnson and was seconded by Council Member Thomas to adopt Ordinance No. 662, An Ordinance of the City of Sauk Centre Amending the Official Zoning Map of the City as Outlines in Section 5.02 of City Code 1001. A vote being recorded as follows: For: Council Members Johnson, Thomas, Stone, Coenen and Mayor Kirckof. Against: None. The motion passed.

City Administrator Vicki Willer stated that the difference between the two districts is the impervious coverage and building setbacks.

- e. At the Planning & Zoning Commission's September 11 meeting, a Public Hearing was held for a Variance Request for St. Michael's Hospital to install an off-premise 10' x 10 1.5' lighted directional sign. A variance was required to exceed the size for directional signs outlined in the City Ordinance.

St. Michaels Hospital is the Lessee of the property and therefore has a vested interest in applying for the variance on behalf of the owner.

The Planning Commission made a recommendation to approve the variance request based upon the following findings:

1. The procedural aspects of the Public Hearing have been met. The application, publication of the Hearing Notice and the mailing requirements had all been met;
2. Granting the variance will not adversely affect the public health, welfare and safety and will not be detrimental and injurious to property or improvements in the neighborhood.
3. Off premise directional signs for public and institutional uses are permitted in all districts. In comparison, off premise advertising signs are prohibited in all districts. The proposed sign is considered an institutional use as Hospitals are defined by the City Code as an institutional use and is therefore a permitted use.
4. No adverse impacts to city facilities and services will result from granting this variance. Existing utility easements will not be negatively impacted.
5. Granting of the variance will not adversely impact the environment.
6. Granting of the variance will not allow a use, which is otherwise not a permitted use in the zoning district in question.
7. The sign will be situated outside of public right-of-way and in an area that will not create a traffic hazard or obstruction.

City Administrator Vicki Willer noted that MNDOT has approved the request.

Council Member Stone introduced Resolution No. 2007-73, Resolution Approving Variance Request for Sign Variance for James H. Flowers. The motion was seconded by Council Member Thomas. A vote being recorded as follows: For: Council Members Stone, Thomas, Coenen and Mayor Kirckof. Against: None. Abstain: Council Member Johnson. The motion passed.

- f. Council Member Johnson Introduced Resolution No. 2007-74, Resolution Approving Gambling Premises Permits for the Community Connection of Sauk Centre, Resolution No. 2007-75, Resolution Approving Gambling Premises Permits for the Community Connection of Sauk Centre and Resolution No. 2007-76, Resolution Approving Gambling Premises Permits for the Community Connection of Sauk Centre. 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.

The sites are the Mustang Bar, Westside Discount Liquor and Gerard's Dining & Banquet. The permits are for a two year period from January 1, 2008 through December 31, 2009.

- g. The City has been working with the Department of Public Safety regarding their proposed use of the Civic Arena for driver's testing. The Department is currently under lease with the National Guard Armory. The following terms are proposed for a lease agreement with the City:

1. Term of use is for one year at which time it will be re-visited. Use begins 10/1/07.
2. The Civic Arena will be used on Wednesday of each week.
3. The City shall be paid \$40.00 per day of use.
4. Lessee is responsible for internet connection capabilities.
5. Lessor will provide space for storage of file cabinet and incidental supplies.
6. Lessor will provide use of five tables with accompanying chairs.
7. Lessor will provide use of the parking lot for motorcycle testing approximately five times per year.
8. Lessee will be responsible for damages to parking lot due to heavy vehicles.

A motion was made by Council Member Johnson and was seconded by Council Member Stone to approve the terms and execute the Agreement with the Department of Public Safety. A vote being recorded as follows: For: Council Members Johnson, Stone, Thomas, Coenen and Mayor Kirckof. Against: None. The motion passed.

- h. Loren Savoie has resigned as the Sauk Centre Chamber of Commerce Representative for the EDA. The Chamber of Commerce has been contacted regarding their recommendation for a member to serve in that position.

A motion was made by Council Member Thomas and seconded by Council Member Stone to accept the resignation of Loren Savoie as the Chamber of Commerce Representative for the EDA. A vote being recorded as follows: For: Council Members Thomas, Stone, Johnson, Coenen and Mayor Kirckof. Against: None. The motion passed.

- i. Removed from agenda.

8. UNFINISHED BUSINESS

- a. The deadline for RFP for Planning Consultant is Friday, September 28, 2007 at 4:00 p.m. The City has received eleven inquiries who were sent the necessary documents for submittal.

9. NEW BUSINESS

None.

10. CONSENT AGENDA

The Council then considered the following consent agenda:

- a. Schedule of Claims - Total of unpaid claims \$81,382.02 and paid claims of \$7,112.43 for a total of \$88,494.45.
- b. List of August checks totaling \$576,450.48 (Check No. 26398 through Check No. 26512).

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

11. INFORMATIONAL ITEMS

- a. The Highway 71 street lighting project is underway. The 2007 portion of the project is to complete the installation of double light decorative poles on the 200 and 300 blocks of South Main Street.

City Administrator Vicki Willer requested that the Council appoint people to serve on an "Adopt A Pole" Committee to work with staff on the solicitations of sponsors to adopt poles as part of the fundraising effort. Jim Anderson of Illum-A-Nation has offered his assistance in making the project a success.

City Administrator Vicki Willer stated that she does have names of people interested in adopting poles.

12. COUNCIL COMMENTS

Mayor Kirckof thanked citizens for coming to the Public Hearing and also thanked the Council.

Council Member Johnson stated that the attendance at the meeting show that people are interested in City government.

13. ADJOURNMENT

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

With no further business to come before the Council, Mayor Kirckof adjourned the meeting at 9:27 p.m.

Respectfully Submitted,

Mayor Brad A Kirckof

City Administrator Vicki M. Willer