

**SAUK CENTRE CITY COUNCIL
REGULAR MEETING
WEDNESDAY, OCTOBER 3, 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, October 3, 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 and Keith Johnson. Also present were City Administrator Vicki Willer, Police Chief Metcalf, Public Works Director Wessel, City Engineer Keith Yapp with Bonestroo and Administrative Assistant Nicki Vogt. Council Member Stone was absent. Mayor Kirckof presided thereat.

2. APPROVAL OF AGENDA

The agenda was approved with additions.

3. APPROVAL OF MINUTES

The Council's September 19, 2007 regular meeting minutes were approved with corrections.

4. PUBLIC OPEN FORUM

Mike Bromenshenkel, 517 Grove Lake Street, Sauk Centre, MN 56378. Mr. Bromenshenkel stated that there are flooding problems in his neighborhood every time there is a heavy rainfall. He requested that the City put the money into Grove Lake Street instead of installing sidewalks and lights on Ash Street.

Michael Meyer, 312 ½ South Main Street #3, Sauk Centre, MN 56378. Mr. Meyer stated that he has been on welfare for a number of years as he has cerebral palsy and a mental illness. Mr. Meyer has applied for jobs within the city and he feels that businesses don't view him as an efficient worker because of his illnesses. He feels the community has closed itself to hiring the disabled.

Brenda Haberkorn, 511 Grove Lake Street, Sauk Centre, MN 56378. Ms. Haberkorn stated that due to the storm of September 20, 2007 the area in front of her home flooded. There was a stream going through the houses and water leaked into her basement. She is tired of the flooding and wants the City to correct this situation.

Ruth Elfering, Owner of Sportsman's Bar, 520 Sinclair Lewis Avenue, Sauk Centre, MN 56378. Ms. Elfering stated that she has owned the bar since May 1, 1978 and that she has tried to be a law abiding member of the City of Sauk Centre. Her concern is the Freedom to Breathe Act that went into effect on October 1, 2007. She stated that the clause stated that proprietor's must make a reasonable effort to prevent people from smoking in their establishment. She questioned what their protection is with non-compliant customers.

Tina Rohde, Owner of Mustang Bar, 515 Sinclair Lewis Avenue, Sauk Centre, MN 56378. Ms. Rohde questioned that, if in compliance, can they build an outdoor facility

for smokers. She also wanted to know her available options to help her smoking customers. She then presented staff with a flyer regarding screened enclosures.

Mayor Kirckof stated that the Freedom to Breathe Act went into effect October 1, 2007. Before actions are taken, the bar owners must present their ideas to staff and until staff gets more information, a decision cannot be made.

Chief Metcalf responded stating that the Police Department is not going to be “gangbusters”; however, they do expect compliance. He expects that there will not be ashtrays out as that invites people to smoke. If proper steps are not taken to prevent smoking, the smoker and the business owner will be cited. He invited people to contact the Police Department if they have any further questions.

5. PUBLIC HEARINGS

Proposed Assessments for Unpaid City and Utility Service Charges

Mayor Kirckof opened the Public Hearing at 6:53 p.m. and recited the Public Hearing procedure. The purpose of the Public Hearing is to consider the proposed assessments for unpaid City and utility service charges. 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 annually the City certifies delinquent City and PUC charges against the property taxes, per state statute. Services include fire calls, lot mowing, unpaid utility bills (sewer, water, electric), etc.

The assessment calls for a \$100 administrative fee to be added to the amount owed. The total amount to be certified is \$2,459.70. City Administrator Vicki Willer stated that the Council may want to consider waiving a portion of the administrative fee if the party pays before October 31 as an incentive to pay the amount prior to certification.

City Administrator Vicki Willer spoke with Lee and Chris Olmschenk who wished to appeal their amount due. The delinquent amount comes from a fire call in the fall of 2006. At that time, the Stearns County dispatcher led them to believe that there would not be a call out charge. Fire Chief Deters charged the minimum amount which is a truck charge of \$150. This issue went before the Council in the fall of 2006 and the Council voted to let the charges stand.

Mayor Kirckof called three times for persons to speak regarding the certification of unpaid utility and city service charges. None spoke.

Mayor Kirckof closed the Public Hearing at 6:56 p.m.

6. REPORTS/PRESENTATIONS

- a. Public Works Director Wessel stated that the Park Board met on October 2, 2007 and discussed the following:

- Fee Schedule. The Board made changes to the Campground fee schedule. The changes will appear at a future Council meeting.
- Sinclair Lewis Campground Rules and Regulations. Changes were made to the rules including checkout time and permanent structures.
- 2007 Camping Season. Campground Manager Pangburns reported that the camping season functioned well with very little problems.
- Summer T-Ball Program. Bryan Zollman reported that the program went well and had approximately 40 children involved.

Public Works Director Wessel stated that the Board also discussed the recent vandalism. Due to the vandalism, the skate park was closed for the season.

Council Member Coenen felt that the City should offer a reward for persons having information on the recent vandalism. He also urged parents to know where their children are at all times.

Public Works Director Wessel stated that Chief Metcalf and his staff are working diligently to resolve this issue.

b. The Airport Commission met on September 17 and discussed the following:

- Threshold striping was complete to meet MNDOT requirements.
- Chad Monson Excavating started the site prep work at the airport on September 17, 2007.
- The AirTap Fall Forum will be held October 16-17 at Breezy Point. Public Works Director Wessel will attend. All costs are reimbursable under the MNDOT M&O.
- The Airport Commission approved the T-Hangar Fee Schedule.
- Per the Airport Bylaws, the Commission will meet every other month, unless something of importance arises.

It was the general consent of the Council to have Public Works Director Wessel attend the AirTap Fall Forum.

c. City Administrator Vicki Willer stated that the Operations Committee met this afternoon and discussed the following:

- Railing and steps at City Hall
- Highway 71 Project
- Ash Street
- Property abutting City Hall
- Storm water issues including the Voller property, Highway 71 and trail crossing (viaduct), Walnut & 4th Street, Grove & 5th Street, Getty & 12th Street and the East River Heights Retention pond.

It was the recommendation of the Operations Committee to authorize the City Engineer to begin a stormwater plan and create a citywide storm sewer map. Their idea was to divert water from Walnut and 4th Street which should also take some of the pressure off of 5th Street and Grove Lake Street.

Mayor Kirckof stated that he witnessed the storm and is aware of the problems that need to be addressed.

7. ACTION ITEMS

- a. Council Member Johnson made a motion to waive 50% of the administration fee for the unpaid Utility and City Service charges if paid in full within 30 days. The motion was seconded by Council Member Thomas. A vote being recorded as follows: For: Council Members Johnson, Thomas and Mayor Kirckof. Against: Council Member Coenen. Absent: Council Member Stone. The motion passed.

Council Member Coenen felt that the Omschenk charges should be waived.

A motion was made by Council Member Thomas and seconded by Council Member Johnson to adopt Resolution No. 2007-77, Resolution Adopting Assessment Roll for Unpaid City and Utility Service Charges. A vote being recorded as follows: For: Council Members Thomas, Johnson and Mayor Kirckof. Against: Coenen. Absent: Council Member Stone. The motion passed.

The delinquent amounts will be certified by November 15, 2007.

- b. For several years the Jose Cole Circus has come to the Sauk Centre Civic Arena. Twenty-five percent of the ticket sale proceeds go towards the arena operating fund. In addition, the City receives \$300 plus is reimbursed for any advertising costs. The 2008 Jose Cole Circus is scheduled for March 25, 2008.

The circus will provide the necessary certificate of insurance for liability coverage.

A motion was made by Council Member Johnson and was seconded by Council Member Thomas to authorize City Administrator Vicki Willer to execute the Jose Cole Circus Agreement. A vote being recorded as follows: For: Council Members Johnson, Thomas and Mayor Kirckof. Against: Coenen. Absent: Council Member Stone. The motion passed.

- c. With the closing and sale of the Rental Resources, LLC property on 1st Street, the existence of an overlaid drainage easement over the entire property was discovered. The property in question is the manufactured home park. It was requested that the City confine the easement to a specific area.

In researching the history, it was found that the City ceased use of the easement in 1974 with the construction of the adjacent street and stormwater system. It was thought that the easement was vacated at that time. Given that the easement has been deemed no longer necessary, staff recommends that the City hold a public hearing to consider formally vacating it rather than confining it to specific areas.

Council Member Thomas introduced Resolution No. 2007-78, Resolution Calling for a Public Hearing on Drainage Easement Vacation. The motion was seconded by Council Member Johnson. A vote being recorded as follows: For: Council Members Thomas, Johnson, Coenen and Mayor Kirckof. Against: None. Absent: Council Member Stone. The motion passed.

- d. A pay request was received from Bonestroo for the airport hangar improvements. The amount due to Chad Monson Excavating to date is \$31,290.00 less a 5% retainage, leaving a net amount due of \$29,725.50.

A motion was made by Council Member Thomas and was seconded by Council Member Johnson to authorize payment of the Pay Request to Chad Monson Excavating in the amount due of \$29,725.50. A vote being recorded as follows: For: Council Members Thomas, Johnson, Coenen and Mayor Kirckof. Against: None. Absent: Council Member Stone. The motion passed.

The work being completed is for Phase 1 of the grant.

- e. The Personnel/Finance Committee, along with City Administrator Vicki Willer and Public Works Director Wessel met with the Bargaining Unit and have a tentative agreement on the proposal.

One additional amendment proposing an increase in the percentage of sick leave bank payout at retirement was rejected by the Committee.

The Committee evaluated the proposal for comparison with the recently completed Compensation Study and is recommending approval allowing for the execution of the documents.

A motion was made by Council Member Thomas and was seconded by Council Member Johnson to authorize the Mayor and City Administrator to execute the documents. A vote being recorded as follows: For: Council Members Thomas, Johnson and Mayor Kirckof. Against: Council Member Coenen. Absent: Council Member Stone. The motion passed.

Council Member Coenen stated that he did not agree with the compensation study and he feels that the wage increase along with a cost of living increase is excessive.

Mayor Kirckof thanked the Public Works crew and the bargaining unit for their time. This contract expires December 31, 2010.

- f. Roger Fink of Trident Development is in the planning stages of developing a 43 unit assisted living facility in Sauk Centre. He has had preliminary discussions with both the EDA and Planning Commission.

Part of his financial plan includes an application to the Minnesota Department of Employment and Economic Development (DEED) for a Small Cities Grant. This would be partly grant and partly a forgivable loan for a total of \$400,000.

A requirement of DEED is that a governmental body be the applicant to pass through the grant similar to the existing Small Cities Grant that the City is currently working on. Mr. Fink is requesting that the City be the governmental body to assist with the application and approve the submission of the pre-application for DEED to determine if the proposal meets the criteria. If qualified, he will then be back before the City to propose formal application for the grant.

A motion was made by Council Member Johnson and was seconded by Council Member Thomas to approve the submission of the pre-application to DEED. A vote being recorded as follows: For: Council Members Johnson, Thomas, Coenen and Mayor Kirckof. Against: None. Absent: Council Member Stone. The motion passed.

City Administrator Vicki Willer stated that this will not cost the City anything and it does not bind the City to anything.

- g. At the September Council meeting Council Members were asked to submit suggestions for members to serve on a committee to promote the City's Adopt-A-Pole campaign. City Administrator Vicki Willer stated that she has not received any names.

Mayor Kirckof stated that it is important to create a committee as this will help reduce the overall cost of the lights.

No action needed.

- h. Historically the Public Works Department employs a yard composting attendant at the compost and brush site for five weeks in the spring and fall. Kenneth I Mayer has filled this position in the past. Applying the 3% increase that is applied to other part time employees, his returning rate would be \$9.02.

Public Works Director Wessel recommended the appointment of Kenneth Mayer as the yard compost attendant.

A motion was made by Council Member Johnson and was seconded by Council Member Thomas to appoint Kenneth I. Mayer as the yard composting attendant. A vote being recorded as follows: For: Council Members Johnson, Thomas, Coenen and Mayor Kirckof. Against: None. Absent: Council Member Stone. The motion passed.

- i. City Administrator Vicki Willer stated that with the recent installation of the new lights, a situation arose where staff was not able to locate a Resolution authorizing a “No Parking During Theatre Hours” sign in front of the Main Street Theatre. In order for the sign to be re-installed, the City needs to authorize the installation of the sign by Resolution.

Council Member Johnson introduced Resolution No. 2007-81, Resolution Authorizing Installation of a Traffic Control Sign. The motion was seconded by Council Member Thomas. A vote being recorded as follows: For: Council Members Johnson, Thomas, Coenen and Mayor Kirckof. Against: None. Absent: Council Member Stone. The motion passed.

- j. Council Member Johnson introduced Resolution No. 2007-82, Resolution Approving Gambling Premises Permit for the Sauk Centre Fire Relief Association and Resolution No. 2007-83, Resolution Approving Gambling Premises Permit for the Sauk Centre Fire Relief Association. The motion was seconded by Council Member Thomas. A vote being recorded as follows: For: Council Members Johnson, Thomas and Coenen. Against: None. Absent: Council Member Stone. Abstain: Mayor Kirckof. The motion passed.

The sites are Kranz Super Stop and the Next Door Bar & Lounge. The permits are for a two year period from January 1, 2008 through December 31, 2009.

- k. The Operations Committee recommended Council approval authorizing the use of \$6,000 for City Engineer Yapp to research issues for stormwater relief. The monies come from the stormwater grant.

A motion was made by Council Member Thomas and seconded by Council Member Johnson to authorize City Engineer Yapp to research issues for stormwater relief using \$6,000 funds from the stormwater grant. A vote being recorded as follows: For: Council Members Thomas, Johnson, Coenen and Mayor Kirckof. Against: None. Absent: Council Member Stone. The motion passed.

City Engineer Yapp stated that he will prepare a report that looks at several options and what the City can do differently and report back to the Council at a later meeting.

8. UNFINISHED BUSINESS

- a. The deadline for the RFP for Planning Consultant was Friday, September 28, 2007 at 4:00 p.m. Staff sent out 17 RFP's and received 4 back. City Administrator Vicki Willer will review the submittals and present them to the Personnel Committee.
- b. The City received the final copy of the City Code which includes all Ordinances adopted up to six weeks prior to the meeting. Staff and Council will need to go through the code section by section to modify/modernize the code. A Public Hearing will be held November 7, 2007 to adopt the new code.

9. NEW BUSINESS

None.

10. CONSENT AGENDA

The Council then considered the following consent agenda:

- a. Schedule of Claims - Total of unpaid claims \$378,893.45 and paid claims of \$1,193.24 for a total of \$380,086.69.
- b. Gambling application for exempt permit request from Knights of Columbus for bingo on November 4, 2007 at Holy Family School.
- c. Gambling application for exempt permit request from Holy Family School for a raffle on December 19, 2007 at Holy Family School.
- d. Resolution No. 2007-79, Resolution Accepting Contribution. The contribution totaled \$220 from the Men's Card Playing Group to be used towards the Senior Center.
- f. Resolution No. 2007-80, Resolution Authorizing Execution of Lease Agreement with MN Department of Public Safety. Prior approval was given at the September 19, 2007 meeting and MNDOT requires a formal resolution.

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

11. INFORMATIONAL ITEMS

- a. Mayor Kirckof and City Administrator Vicki Willer executed a Lease Agreement with Unger Furniture for the use of the Civic Arena for September 27-29, 2007.
- b. On October 4, 2007 a meeting will be held to view the former Home School property with the hopes of turning it into some kind of facility catering to veterans. Property owner Jim Jauss will be attending along with the state

veteran's administration, veteran's affairs, local American Legion, VFW members and other government officials.

12. COUNCIL COMMENTS

Council Member Coenen requested that anyone who has information on the recent vandalism report that information to the Police Department.

Mayor Kirckof stated that it was nice to see students present at the meeting.

13. 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, Coenen and Mayor Kirckof. Against: None. Absent: Council Member Stone. The motion passed.

With no further business to come before the Council, Mayor Kirckof adjourned the meeting at 7:54 p.m.

Respectfully Submitted,

Mayor Brad A Kirckof

City Administrator Vicki M. Willer