

**SAUK CENTRE CITY COUNCIL
REGULAR MEETING
WEDNESDAY, OCTOBER 16, 2013**

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

The Sauk Centre City Council met in a Regular Meeting on Wednesday, October 16, 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, Dave Thomas, Mike Olson, Warren Stone and Mayor Kirckof. Also present were City Administrator Vicki Willer, City Planner Sarah Morton, Ambulance Director Struffert, Assistant Ambulance Director Deschane, 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 Thomas and was seconded by Council Member Stone to approve the agenda with the change that 6a (LifeSaver Awards) be moved to immediately following the Public Open Forum. A vote being recorded as follows: For: Council Members Thomas, Stone, Johnson, Olson and Mayor Kirckof. Against: None. The motion passed.

3. APPROVAL OF MINUTES

A motion was made by Council Member Olson and was seconded by Council Member Johnson to approve the October 2, 2013 Regular Meeting Minutes, with changes. A vote being recorded as follows: For: Council Members Olson, Johnson, Thomas, Stone and Mayor Kirckof. Against: None. The motion passed.

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

Mike Wood – Oak St. Mr. Wood asked the Council where he could park if the Oak Street project is approved. The Council informed him that his questions would be answered during the Public Hearing. See 5b.

Brian Winter, Winter Properties. Mr. Winter was interested in speaking regarding his two parcels on Getty Street. The Council informed him that he would have a chance to speak during the Public Hearing. See 5a.

6. REPORTS/PRESENTATIONS

a. Ambulance Director Struffert stated that on September 3, 2013 a 911 call was made by Barb Pfeiffer indicating that her husband, Phil, was having a heart attack. The call was answered by Deb Harren and taken over by Dispatcher Carla Otte. Carla was able to calm Barb down. Carla and Barb determined that Phil was not breathing and Carla instructed Barb how to perform CPR. Neighbor, Dr. George Fortier, arrived on scene and continued CPR and assessing Phil's condition. Carla continued talking with Barb and calming her down and reassuring her while providing updates to responders.

A few minutes later, Sauk Centre Chief Bryon Friedrichs and State Patrol Officer Wyatt Rudenberg arrived on scene with an Automatic External Defibrillator. Bryon assisted with CPR and was able to provide one shock with the AED as the ambulance crew

arrived. The ambulance crew, consisting of EMTs Rom Hemsworth, Jami Cole and Nicole Westbrook continued CPR and were able to provide two additional shocks with the AED as well as establishing an airway and getting him on a backboard.

Once in the ambulance and on the way to the hospital, one more shock was administered, at which time they had return of a pulse. The pulse rate continued to rise from 30 beats per minute to 70 beats per minute. Once at Centracare, Phil was stabilized and then air lifted to Centracare St. Cloud for specialized cardiac care.

Ambulance Director Struffert provided the following people with a Lifesaving Award: Carla Otte, Dr. George Fortier, Chief Bryon Friedrichs, Jami Cole, Ron Hemsworth, and Nicole Westbrook.

Thanks to these individuals using teamwork and the American Heart Association's Chain of survival, another life was saved.

5. PUBLIC HEARINGS

- a. **4th Street Stormwater Project Final Assessments.** Mayor Kirckof opened the Public Hearing and read the Public Hearing procedure.

On September 18, 2013 the Council called for a Public Hearing on the final assessments for the 4th Street Stormwater Project. Notices were sent to all property owners regarding their assessment amount. Assessments included water and sewer services and 50% of the street portion that is not attributable to the storm project. The portion of the project that was assessed was \$250,739.44.

City Engineer Yapp presented the following:

- Final Project Summary
- Overall Cost Allocation
- Final Assessment Roll

Mayor Kirckof called for persons to speak in favor or opposition.

Brad Winter, Winter Properties, LLC. Mr. Winters stated that his original assessments for his two properties were \$7,280.11 and 167.11. The final assessments increased to \$8,793.67 and \$2,777.66. He does not feel that the increase is justified and noted that the engineer and contractor should stick to their original bid.

Mr. Winters then reviewed the sequence of events regarding this project and his property including times he travelled to Sauk Centre to oversee and be sure his requested changes were being done. He also expressed disappointment in that the roadway was not always passable throughout the project.

Matt McCoy, Owner of OEM Radios. Mr. McCoy stated that his original assessment was between \$7-8,000 and his final assessment was \$13,836. He also stated that his water was out for 3.5 weeks due to a water line being clipped. He also stated concrete

was ripped out and replaced that did not need to be replaced. Mr. McCoy does not feel his final assessment is accurate and that it wasn't communicated to him that the extra services would cost him additional dollars.

City Engineer Yapp explained that the increase for the Winter properties was not due to anyone not sticking to their original bid but was due to the homeowner requesting an additional water/sewer service installation on a lot that was split from the primary parcel and also to his garage, both which previously did not have those services. The homeowner will not be charged WAC/SAC until the connection are made. The total difference is from the preliminary assessment with one water and one sewer service to a final assessment with three water and three sewer services.

City Engineer Yapp explained that the increase for the OEM Radios property was due to two additional water and sewer service hookups being placed on this property. The preliminary assessment had one water service. The final assessment had three water and two sewer services. One of the extra water and sewer hookups was at the request of the owner to add to the project and the other extra water and sewer service was for replacement services to the building that were not on the original mapping. These were initially thought to be connected from the side street. Yapp added that it is not unusual in a project with infrastructure this old to find services that were unknown at the time of design. Once they were notified that the water was out at the property, it was immediately corrected. Also, this parcel has 300 feet front footage, which is considered a large lot.

Mayor Kirckof called for additional persons to speak in favor or opposition. None additional spoke. The Public Hearing was closed at 7:20 p.m. See 7a.

- b. **Oak Street Project.** Mayor Kirckof opened the Public Hearing and read the Public Hearing procedure.

On September 18, 2013 the City Council called for a Public Hearing on the improvement of Oak Street. This is a considered a Council initiated proceeding. The proposal to consider Oak Street a 2014 project was brought before the Council due to the ongoing deterioration of the roadbed, sidewalk and curb, align with issues with a leak in the City water in the vicinity of the intersection of Oak and 2nd St. S.

Upon hearing a Feasibility Report, the Council elected to proceed with a public hearing to get feedback from the adjacent property owners who would be assessed for a portion of this project.

City Engineer Yapp reviewed the following:

- Condition of existing roadway
- Proposed improvements
- Estimated project costs
- Preliminary assessment summary
- Preliminary assessment roll

Mayor Kirckof called for persons to speak in favor or opposition.

Mike Wood, 119 Oak St. Mr. Wood asked the Council why they are going to disconnect and re-do when everything is working fine. He was also concerned with where to park when this project is being completed. He also stated that the snowmobile trail groomer compacts snow at the intersection and causes freeze up and then it backs up to his driveway.

Jim Winters, American Legion Commander. Mr. Winters stated that the stormwater comes out on 2nd St. with nothing going out on Oak Street.

City Engineer Yapp responded to Mr. Wood stating that the services for his property are very old and in need of replacement.

City Engineer Yapp responded to Mr. Winters stating that this project does not include adding storm water lines on this part of the project.

Mayor Kirckof called for additional persons to speak. None additional spoke.

Mayor Kirckof closed the public hearing at 7:40 p.m. See 7b.

- c. On September 18, 2013 the City Council called for a Public Hearing on the improvement of Pendergast Street. In 2012, this project was petitioned for improvement by the required percentage of property owners to bring it before the Council for consideration. The Council called a Public Hearing at that time to get feedback from the property owners prior to making a decision, which ultimately resulted in the Council determining not to move forward at that time. However, the Council stated that they would again consider it in the fall of 2013 for a 2014 project.

The east side of the street is a new construction, according to the Joseph B. Anthony Plat Developer Contract. The agreement calls for full reimbursement of costs to the City of 100%. The Operations Committee recommends that the City not deviate from its long history of requiring developers to cover costs at 100% on new developments.

The West side of the street contains properties that have been in existence since the plat in 1896. It is arguable that this should be a reconstruct and assessed at 50%.

If the City considers it a reconstruct at 50%, this would be how the City should move forward with other gravel road improvements in the future where the street has infrastructure improvements and has been used for access to the property.

City Engineer Yapp reviewed the following:

- Condition of existing roadway

- Proposed improvements. The roadway was moved to the west to make use of the existing gravel, which was the most cost effective. The street is designed narrower than a normal roadway due to low traffic.
- Estimated project costs
- Preliminary assessment summary
- Preliminary assessment roll

Mayor Kirckof called for persons to speak in favor or opposition.

Al Coenen, 427 Pendergast St. Mr. Coenen stated that he is opposed to this project for the following reasons:

- The road is a dead end road
- The road is not used by more than 10-12 vehicles per day
- The project is too expensive for the amount of work proposed
- Other streets in the City should rank higher on the necessity list

Mr. Coenen provided the history of his parcels of land and stated that he has the most to lose, if the project is approved.

Deanne Moritz, Pendergast St. Mr. Moritz is the owner of the vacant lot on Pendergast Street and she is in favor of the project.

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

Mayor Kirckof closed the Public Hearing at 8:20 p.m. See 7c

6. REPORTS/PRESENTATIONS

- b. Police Chief Bryon Friedrichs provided the September 2013 report stating that there were 283 ICRs and 101 Verbal Warnings for a total of 384 monthly offenses.
- c. The Planning Commission met on Tuesday, October 8th and discussed the following:
 - Variance request for John E. Wiese. See 7d
 - September 2013 Monthly Building Permit Report. The value of construction to date for 2013 is \$4,625,654.81.

7. ACTION ITEMS

- a. See 5a.

Council Member Olson introduced Resolution No. 2013-78, Resolution Adopting Assessment Roll for 2012-2013 4th Street Stormwater Improvement Project. The motion was seconded by Council Member Thomas. A vote being recorded as follows: For:

Council Members Olson, Thomas, Johnson, Stone and Mayor Kirckof. Against: None. The motion passed.

It was noted that the interest rate is 4% and the assessments can be extended for a period of 15 years.

b. See 5b

A motion was made by Council Member Olson and was seconded by Council Member Thomas to table action on this item until after the Joint PUC/Council Meeting on October 30th and to have this issue, along with the freeze-up issue, be addressed at the November 6, 2013 Regular Meeting. A vote being recorded as follows: For: Council Members Olson, Thomas, Johnson, Stone and Mayor Kirckof. Against: None. The motion passed.

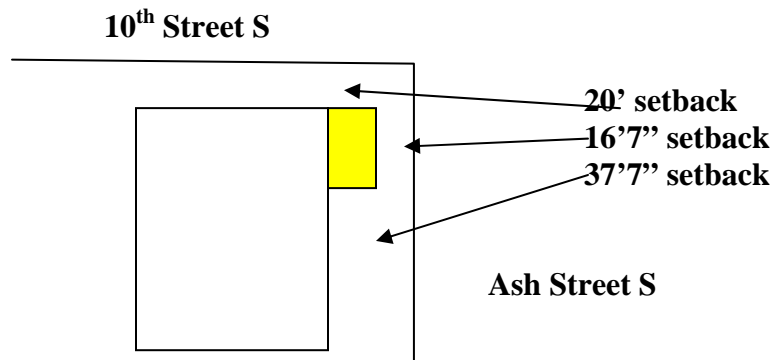
c. See 5c.

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

d. John E. Wiese applied for a variance from the Road Right of Way setback requirement for the John Wiese Ford property located 203 10th Street South at the intersection of 10th Street South and Ash Street South.

The property consists of 6.59 acres and is an active Ford dealership including new and used car sales and service.

The request is for a variance from the road right-of-way setback requirement on both Ash Street S and 10th Street South. The setback requirement is 25' on each street. The request is to construct a 21 X 32 addition to the NE corner of the existing facility with resulting setbacks of 20' from 10th and 16'7" from Ash. On the 10th Street side, the new addition will line up with the existing building which is already set at a 20' setback from the right of way. The Ash Street side is currently 37'7" from the right of way. The construction of a 21' addition will put the new facility 16'7" from the right of way.



The proposed project includes the remodeling and enlargement of the existing restrooms to include accessibility options and the addition of a lounge and coffee bar. The lounge area will serve as a waiting room for service customers. Plumbing for the restrooms and lounge already exists at this corner of the building.

The applicant has stated that Ford Motor Company has updated corporate guidelines they need to follow which includes service area lounges along with façade improvements. This project would accommodate and comply with those requirements. The applicant has further stated that the proposal will enhance his ability to serve his customers by providing separation of the waiting area from the sales floor. The applicant has also stated that he will be better able to utilize the portion of his property which at one time provided parking for his customers but is no longer practical for that use following the installation of the city sidewalk.

The Planning Commission held a public hearing on Tuesday, October 8. No public spoke on the matter either for or against. It is the recommendation of the Planning Commission that the application be approved based on the following findings and with one condition.

Findings:

1. No adverse impacts to City facility and services will result from granting this variance. The addition will not impact utility easements. Drainage from the site will not be altered.
2. The existing utilities to the site will not change. The interior plumbing currently is located in the corner of the building where the addition is proposed.
3. Granting of the variance will not impact the environment as the area where the addition is proposed is currently covered with impervious surface.
4. The sight triangle at the intersection of Ash St. and 10th St. will be maintained. A condition restricts parking on the east side of the addition to provide for additional visibility of traffic.
5. It would be impractical to utilize interior space for the construction of the lounge as it would impact the sales floor area and obstruct the work flow of the business.
6. The request for the construction of the lounge is due to Corporate Requirements not under the control of the applicant.

Condition:

1. No parking is allowed between the East side of the addition and Ash Street. This area to remain clear to allow for greater visibility.

Council Member Olson introduced Resolution No. 2013-81, Resolution Approving Request for Variance for John E. Wiese DBA John Wiese Ford, with Findings of Fact 1, 3 and 4 and Condition 1. The motion was seconded by Council Member Stone. A vote being recorded as follows: For: Council Members Olson, Thomas, Johnson and Mayor Kirckof. Against: Council Member Stone. The motion passed.

- e. Joe Frericks submitted his resignation from the Fire Department. Mr. Frericks has been with the Department since January 1, 1995.

A motion was made by Council Member Stone and was seconded by Council Member Thomas to accept the resignation of Joe Frericks from the Fire Department. A vote being recorded as follows: For: Council Members Stone, Thomas, Johnson, Olson and Mayor Kirckof. Against: None. The motion passed.

- f. With the reopening of the former Gerard's facility, the Sauk Centre Fire Relief will again be able to conduct pull-tab activities at this establishment now under the name of ElmerZ Restaurant, Bar & Event Centre. Prior to commencing the sale of pull-tabs, the Relief requires approval from the City Council.

Council Member Johnson introduced Resolution No. 2013-82, Resolution Approving Gambling Premise Permits for the Sauk Centre Fire Relief Association. The motion was seconded by Council Member Olson. A vote being recorded as follows: For: Council Members Johnson, Olson, Stone and Thomas. Against: None. Abstain: Mayor Kirckof. The motion passed.

- g. The City has received a request from the downtown bars to amend the City Code to allow the closure of Sinclair Lewis Avenue for a street dance. This was visited in 2010. Currently, our City Code states the following:

§ 96.066 ENCUMBERING PUBLIC WAYS.

No person shall encumber, block or otherwise obstruct any street, sidewalk or public alley within the city by the placement of themselves, another person or any other item. (1985 Code, § 304.02) Penalty, see § 10.99

§ 96.067 EXCEPTIONS.

The foregoing shall not apply to a maximum of 3 annual civic celebrations, 2 of which will be sponsored by the Sauk Centre Chamber of Commerce and will commonly be known as "Crazy Days," and 1 of which will be an event held during the celebration commonly known as "Sinclair Lewis Days" and 1 celebration to be held every fifth year commonly known as the "All School Reunion". The dates of the celebrations as established by the Sauk Centre

Chamber of Commerce and the organization promoting Sinclair Lewis Days and the organization promoting the All School Reunion shall be submitted to the City Council for approval. (1985 Code, § 304.03) (Am. Ord. 687, passed 1-6-2010)

The request to close the street for one additional event would allow for a group of businesses to conduct one additional common outdoor event during the year. The proposal for 2013 is for a Halloween Gathering. If approved, language similar to the following should be inserted into the City Code above:

In addition, one common outdoor event shall be allowed each calendar year which shall be organized by a business group in the community and submitted to the City Council for approval.

It was noted that Stearns County has no issue with this request.

Chief Bryon Friedrichs stated that if approved, the bars would need to have a sober employee manning the gates, an officer would need to be hired to work the event, clean-up would need to be enhanced and security would need to be enhanced.

A motion was made by Council Member Olson and was seconded by Council Member Johnson to table action on this item. A vote being recorded as follows: Council Members Olson, Johnson, Stone, Thomas and Mayor Kirckof. Against: None. The motion passed.

- h. Five requests were received from the downtown bars (Mustang Bar, Red Carpet, Next Door bar, M&M Corner Bar and the Palace Bar & Grill) for a Temporary Extension of Premise Permit and road closure for a Halloween Crawl/Dance on October 26, 2013.

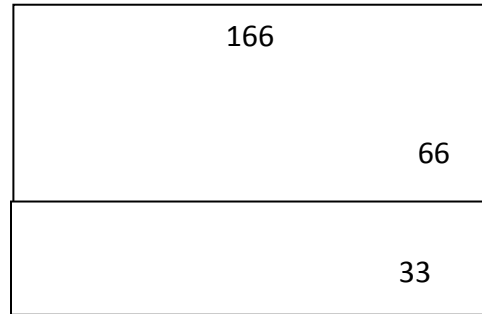
The road closure request is a one block area from Main Street (stoplights) to Oak Street. The bars plan to close the road at 5:00 p.m. for set-up and re-open at 2:00 a.m. following clean-up. The fenced area will be from the east side of the Red Carpet across main Street Drug and the intersection of Oak Street.

A motion was made by Council Member Olson and was seconded by Mayor Kirckof approve the request with the following conditions: 1. A sober employee to be at the gate, 2. Must hire a police officer, 3. Provide better clean-up. A vote being recorded as follows: For: Council Member Olson and Mayor Kirckof. Against: council Members Thomas, Johnson and Stone. The motion failed due to lack of majority vote.

8. UNFINISHED BUSINESS

- a. At the time that the City constructed the new cold storage building at the Public Works facility, it was stated that the sale of the Walnut Street Garage would help to fund the construction. In addition, it was considered that the sale of the Garage and the return of its value to the tax base was an important part of that decision. The property includes ½ of the vacated 4th Street S. The south property line lines up with the centerline of 4th St.

The total parcel size is 166' X 99'. The building is 68' X 30' has concrete floor, water, sewer and electric.



Centerline of 4th St. S.

The City Council discussed whether the sale of the building is still viable and which method it prefers for the sale.

It was the general consent of the Council to have staff solicit a market analyses from a realtor and report back at a future meeting.

9. NEW BUSINESS

None.

10. CONSENT AGENDA

The Council to consider the following Consent Agenda Items:

a. Schedule of Claims -	Unpaid Claims	\$83,239.42
	Paid Claims	<u>\$3,404.47</u>
	Total	<u>\$86,643.89</u>
b. September Checks	#1976E-1999E	\$440,302.16
	#034335-#034424	
	3 Payroll ACH	

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

11. INFORMATIONAL ITEMS

- a. October 1, 2013 Safety Committee Meeting Minutes.

12. ADJOURNMENT

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

With no further business to come before the Council, Mayor Kirckof adjourned the meeting at 9:50 p.m.

Respectfully submitted,

Mayor Brad Kirckof

City Administrator Vicki Willer