

**SAUK CENTRE CITY COUNCIL  
REGULAR MEETING  
WEDNESDAY, OCTOBER 17, 2018**

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

The Sauk Centre City Council met in a Regular Meeting on Wednesday, October 17, 2018 at 6:30 p.m. in the City Hall Council Chambers pursuant to due notice being given thereof. Present were Council Members Diane Kelly, Dave Thomas, Heidi Leach, Keith Johnson and Mayor Warren Stone. Also present was City Administrator Vicki Willer, City Planner Sarah Morton, Police Chief Bryon Friedrichs, Administrative Assistant Nicki Vogt, Public Works Supervisor Ben Clink and City Engineers Keith Yapp and Chuck Boser. Mayor Stone presided thereat.

**2. APPROVAL OF AGENDA**

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

**3. APPROVAL OF MINUTES**

A motion was made by Council Member Kelly and was seconded by Council Member Leach to approve the October 3, 2018 Regular Meeting Minutes as presented. A vote being recorded as follows: For: Council Members Kelly, Leach, Johnson, Thomas and Mayor Stone. Against: None. The motion passed.

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

None.

**5. REPORTS/PRESENTATIONS**

- a. Chief Friedrichs presented the September Police Report stating that there were 339 Verbal Warnings and 519 ICRs for a total of 858.

Also reported was that on September 13 there was an incident in Sauk Centre involving an Officer Shooting. Chief Friedrichs thanked all involved, including Stearns County Sheriff, Melrose Police Department, Police Secretary Melissa Kleinschmidt and especially Sergeant Jensen who was able to go into the house and negotiate with the perpetrator, building a rapport with him and calm him down enough to get him out of the house.

- b. The Planning Commission met on Tuesday, October 9<sup>th</sup> and discussed the following:

- Public Hearings regarding code amendments. See 7f.
- Monthly Building Permit Reports.
- Review of 2019 Fee Schedule.
- Fall 2018 GTS Educational Events.

- c. Public Works Supervisor Ben Clink provided the Council with the following information:

- All parks have been winterized.

- DOT inspection is scheduled for the week of October 22.
- The fence for the dog park has been installed.
- Ice is being placed in the arena.

## **6. PUBLIC HEARINGS**

Mayor Stone opened the Public Hearings and read the Public Hearing procedure.

### **a. Proposed Assessment For Unpaid City and Utility Service Charges.**

The City Council, at their September 5, 2018 Regular Meeting, called for a Public Hearing to be held on October 17, 2018 to consider assessment of unpaid City and utility service charges.

State Statute allows for the City to apply certain unpaid bills or service charges against property taxes. The Council was presented with proposed assessments.

All involved were mailed notices of the Public Hearing.

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

See 7a.

### **b. Proposed Assessment for Getty Street Project.**

City Engineer Chuck Boser reviewed the following in relation to the Getty Street Project:

- Project location
- The project was initiated due to pavement deterioration, width (24') and the fact that it will not support commercial traffic loads
- Goals of the project are to realign to match Getty Street to the North, create a safer intersection, create a 36' wide road section with curb and create a heavier road section (9 ton)
- Final project costs:
  - City Cost – \$141,868.03
  - PUC Cost - \$38,197.95
  - Assessable Cost - \$157,542.38
- Proposed Assessments:
  - Gopher Prairie - \$23,942.37
  - Getty Street Assisted Living - \$44,893.24
  - Information Center (City) - \$107,542.08 (Deferred)

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

Joann Thorson (Gopher Prairie) – 1222 S. Getty St. Mrs. Thorson stated that when Getty Street Assisted Living was built they changed the drainage so at that time the City installed French Drain. She was curious to the status of the French Drain.

Mrs. Thorson also noted the following complaints:

- Lack of communication
- Driveway is steeper than the original
- Increased traffic
- Electrical box at 12<sup>th</sup> and Getty creates vision impairment for drivers

Engineer Chuck Boser responded to Mrs. Thorson stating that they placed a 6” PVC pipe that connects to the French Drain. He is currently working with MnDOT to install more signs to deter traffic from entering Getty instead of I94. The original driveway was at a 12% grade and is now a 11% grade. He is working with the Thorsons to create a retaining wall on the north side of the driveway.

Elizabeth Kuehns. Ms. Kuehns stated she has been interested in purchasing the Gopher Prairie; however, this project has put that on hold. She feels the project is not an improvement to the property.

Mayor Stone called for additional persons to speak in favor or opposition.

City Administrator Vicki Willer read a letter from Getty Street Assisted Living. In their letter, they oppose the assessment as they feel the amount is too high and it has caused an increased traffic in the area which is not desirable.

City Administrator Vicki Willer read a letter from the Attorney of Gopher Prairie. In the letter, it states that the assessed amount exceeds the proposed increased property value. He opposes the assessment on their behalf.

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

See 7b.

c. **Proposed Assessment for North Utility Project.**

City Engineer Yapp reviewed the following in relation to the North Project:

- Project location
- Condition of existing infrastructure
- Goals with preferred project
- Final Project costs:
  - City Cost - \$1,338,573.08
  - PUC Cost - \$1,666,872.82
  - Assessable Cost - \$1,645,642.72
- Final Assessment rate comparison
- Phase 2 work remaining
- Golf Course pond locations

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

Bob Serbus – 556 Main St. N. Mr. Serbus asked how the City arrived at the assessments. Engineer Yapp noted that the assessments are based on lineal foot basis on the front footage or property.

Jeremy Sunderman – 524 5<sup>th</sup> St. N. Mr. Sunderman felt that the stormwater costs should not be the homeowners responsibility as it benefits the whole city.

John Egan – 524 N. Elm St. Mr. Egan felt that the storm sewer should not be assessed as it benefits the whole city. He also asked why the design was an urban design v. rural.

Katie Leslie – 538 Lakeshore. Mrs. Leslie stated that since the project started, she has safety concerns for her children as well as busing issues. Her driveway is too steep now.

City Engineer Yapp stated that all bids are locked in at same price for duration of the project. He feels they made reasonable slopes for all driveways. He also stated that he will do a better job on communication with the schools/busing.

Jim Super – 515 Oak St. N. Mr. Super asked for clarification on how to pay for the assessments.

City Engineer Yapp responded stating that property owners have a period of 15 years to pay for the assessments at a 4.25% interest rate. The assessment will be levied on property taxes.

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

See 7c.

d. **Liquor License Revocation.**

El Fogon holds an On-Sale Liquor License with the City.

City Code § 113.13 states that cancellation or termination of insurance coverage shall be grounds for revocation of that license. City Code also dictates that no revocation or suspension shall take effect until the licensee has been afforded an opportunity for a hearing before the Council.

In addition to the absence of insurance, the check for the payment of the license was returned to the City as insufficient funds and the City has been unable to collect.

A certified letter was sent to El Fogon notifying them of the hearing. The owner of El Fogon stopped in to City Hall and notified staff that he intends to pay by October 18, 2018. He has also arranged a meeting with the Small Business Development Center to discuss his business.

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

Mayor Stone closed the Public Hearings.

**7. ACTION ITEMS**

a. See 6a.

Council Member Kelly introduced Resolution No. 2018-83, Resolution Adopting Assessment Roll for Unpaid City and Utility Service Charges. The motion was seconded by Council Member Leach. A vote being recorded as follows: For: Council Members Kelly, Leach, Johnson, Thomas and Mayor Stone. Against: None. The motion passed.

b. See 6b.

By general consent, the Council tabled action on this item to allow time to work with property owners that object the assessments.

c. See 6c.

Council Member Thomas introduced Resolution No. 2018-85, Resolution Adopting Assessment Roll for North Area Improvement Project. The motion was seconded by Council Member Leach. A vote being recorded as follows: For: Council Members Thomas, Leach, Johnson, Kelly and Mayor Stone. Against: None. The motion passed.

d. See 6d.

A motion was made by Council Member Thomas and was seconded by Council Member Kelly to allow until October 19<sup>th</sup> at 4:30 p.m. to make payment and provide insurance, if both are not provided, license to be revoked at that time. A vote being recorded as follows: For: Council Members Thomas, Kelly, Leach, Johnson and Mayor Stone. Against: None. The motion passed.

e. As part of the Agreement with Centre Graphics for providing for storm water pond easements on the golf course, a provision allows for the City to construct the pond at Centre Graphic's expense.

City Engineer Yapp has been working with Centre Graphics on the pond design and construction. Centre Graphics has requested that the City provide for the construction of the ponds.

The City received written quotes from Breitbach Construction and Ilgen Excavating as follows:

Breitbach Construction	\$106,242.00
Ilgen Excavating	\$78,976.00

Council Member Johnson introduced Resolution No. 2018-87, Resolution Accepting Quote for Pond Reconstruction (Ilgen Excavating). The motion was seconded by Council Member Kelly. A vote being recorded as follows: For: Council Members Johnson, Kelly, Thomas, Leach and Mayor Stone. Against: None. The motion passed.

- f. The Planning Commission, at their regular meeting on October 9, 2018, conducted Public Hearings on the various Ordinance Amendments:
- Allowed Impervious Surface and Lot Coverage Amendments
  - Expanded definition of Recreational Vehicle to include Wheelhouses
  - Amended Exterior Storage of Recreational Vehicles by removing restriction on winter storage and adding language on storage areas, maintenance and use as living quarters.

**§ 95.019 NUISANCE PARKING AND STORAGE**

(B) *Unlawful parking and storage.*

(1) A person must not place, store or allow the placement or storage of ice fish houses, wheelhouses, skateboard ramps, playhouses or other similar non-permanent structures outside continuously for longer than 24 hours in the front-yard area of residential property unless more than 100 feet back from the front property line.

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**§ 156.003 DEFINITIONS.**

**RECREATIONAL VEHICLE.** Any type of vehicle, ~~at least 16 feet long and 6 feet in height,~~ either self-powered or drawn by another vehicle used primarily for purposes of recreation or transport of recreational equipment, including, but not limited to, campers, motor homes, boats, travel trailers, camper trailers, wheelhouses, boat trailers and horse trailers.

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**§ 156.049 DIMENSIONAL STANDARDS.**

Amend Chart to reflect updated impervious coverage maximums:

R-1 Single/Two Family/Other	<del>30%</del>	<u>50%</u>
R-2 Single/Two Family	<del>30%</del>	<u>50%</u>
R-2 Other	<del>30%</del>	<u>50%</u>
R/C Single/Two Family	<del>30%</del>	<u>50%</u>
R/C Other	<del>50%</del>	<u>75%</u>

Footnote #6: Delete and replace with “80% Impervious Coverage is allowed with an approved Stormwater Management Plan or SWPPP in C-2 and I/C Districts.”

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**§ 156.020 EXTERIOR STORAGE OF RECREATIONAL VEHICLES.**

The exterior storage on a residentially zoned property of no more than 1 recreational vehicle is permitted between April 1 and November 30 of each year, and the exterior storage of recreational vehicles is not permitted between December 1 and March 31 of each year, when in compliance with this code. Any recreational vehicle shall be parked or stored in such a manner to minimize visual impact on adjacent residential uses and public streets

- (A) License. Such stored or parked recreational vehicles must display current license.
- (B) Storage location. Such stored or parked recreational vehicles shall meet the same setbacks as an accessory structure and shall not be stored forward of the front plane of the house on any residentially zoned property. Vehicle shall not block any means of ingress/egress from a building.
- (C) Parking in driveway. Any recreational vehicle may be parked in a driveway forward of the front plane of the house for the sole and express purpose of loading and unloading for a period not exceeding 48 hours in any seven consecutive day period.
- (D) Storage Location Surfaces. All recreational vehicles shall be parked or stored on a hard surface including but not limited to compacted Class V, pavement or concrete and shall be included in a property's impervious surface calculation.
- (E) Living Quarters. Recreational vehicles shall not be used for living, sleeping, or housekeeping while parked or stored.
- (F) Operable Condition. Recreational vehicles shall be in operable condition. No recreational vehicle shall be parked or stored in a location other than in a building unless it is in a condition for the safe and effective performance of its intended function. No recreational vehicle which in a state of visible external disrepair shall be parked or stored outside of a building.

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**§ 156.075 OUTSIDE STORAGE.**

(A) In all districts except I/C, all material and equipment shall be stored within a building or be fully screened (see § 156.076 below) so as not to be visible from adjoining properties, except the following:

- (3) Recreational vehicles, wheelhouses, boats, equipment and the like;

After discussion, a motion was made by Council Member Thomas and was seconded by Council Member Kelly to approve §156.049 Dimensional Standards and revert the remainder back to the Planning Commission for their further review/recommendation. A vote being recorded as follows: For: Council Members Thomas, Kelly, Johnson, Leach and Mayor Stone. Against: None. The motion passed.

- g. The Sauk Centre Fire Department has applied for an Assistance to Firefighters Grant from the Department of Homeland Security (FEMA). The City was notified that it was successful and was awarded \$120,753 to be used for the purchase of a new SCBA (Self Contained Breathing Apparatus) or “air pack”.

Council Member Johnson introduced Resolution No. 2018-88, Authorization to Execute Department of Homeland Security Grant Contract. The motion was seconded by Council Member Thomas. A vote being recorded as follows: For: Council Members Johnson, Thomas, Leach, Kelly and Mayor Stone. Against: None. The motion passed.

- h. The City currently has a Cable Franchise Agreement with Charter Communications. Charter Communications is simplifying its operating structure by reducing the number of operating entities and subsidiaries and aligning its cable operations into regions.

As a result, the operating entity that holds the Franchise Agreement with the City will change by merging into Spectrum Mid-America, LLC who will become the franchisee in Sauk Centre.

Council Member Johnson introduced Resolution No. 2018-89, Consenting to Assignment of Franchise. The motion was seconded by Council Member Kelly. A vote being recorded as follows: For: Council Members Johnson, Kelly, Thomas, Leach and Mayor Stone. Against: None. The motion passed.

- i. Ben Clink, Public Works Supervisor, has requested the appointment of Winter Seasonal employees.

**Figure Skating**

Sara Linow	\$30.00 per hour	(IRS Mileage Rate when Driver)
Kally Herdering	\$15.00 per hour	(IRS Mileage Rate when Driver)

**Outdoor Rink**

Dennis Christianson \$15.90 (Step 8)

**Civic Arena**

Mike Anderson	\$12.57 (Step 3)
Jeff Koehn	\$11.26 (Step 1)
Duane Waletzko	\$11.26 (Step 1)

A motion was made by Council Member Johnson and was seconded by Council Member Kelly to approve seasonal appointments. A vote being recorded as follows: For: Council Members Johnson, Kelly, Thomas, Leach and Mayor Stone. Against: None. The motion passed.



**8. UNFINISHED BUSINESS**

- a. E-cigarette Ordinance and related changed to tobacco Ordinance.
- b. Driveway/curb policy amendments.
- c. Stormwater utility credit policy.
- d. Downtown parking special permits.

**9. NEW BUSINESS**

None.

**10. CONSENT AGENDA**

The Council considered the following Consent Agenda Items:

a.	Schedule of Claims	Unpaid Claims	\$23,678.39
		Paid Claims	<u>\$15,400.00</u>
		Total	<u>\$39,078.39</u>

b.	September Checks	Paid Claims/Payroll	<u>\$1,032,469.31</u>
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c. Resolution No. 2018-90, Resolution Accepting Contributions.

Anonymous Donors	\$271.06	Dog Park
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d. Ben Moss from M&M Corner Bar, Inc. has requested to have Sunday Liquor added to their liquor license as they now have received the required Food & Beverage License in order to be allowed to have a Sunday Liquor License. The fee of \$200 will be provided.

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

The Council thanked the anonymous donors for their donation to the Dog Park project.

**11. INFORMATIONAL ITEMS**

a. November 6, 2018 is Election Day. City items on the ballot include Mayor (1), City Council (2) and City Sales Tax Question.

**12. CONVENE IN CLOSED SESSION**

Mayor Stone recessed the public meeting and reconvened in Closed Session at 8:27 p.m. with Mayor Stone, Councilmembers Thomas, Leach, Johnson, and Kelly present along with Administrator Willer.

a. The Council provided input to Willer regarding an offer made to the City for the purchase of the Railroad Property.

b. The Council discussed the proposed Health Insurance Plan and Union Negotiations and provided Willer with input on the Personnel Committee's recommendation.

Mayor Stone Closed the Closed Session and reconvened in Public Session at 8:50 p.m.

Mayor Stone announced that the Council provided staff with direction for both the negotiation of a Purchase Agreement for the Railroad Property and direction on the negotiation with the Unions for the City Employees' Health Insurance Plan.

**13. ADJOURN**

With no further business to come before the Council, Mayor Stone adjourned the meeting at 8:55 p.m.

Respectfully submitted,

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Mayor Warren Stone

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City Administrator Vicki Willer