

**SAUK CENTRE CITY COUNCIL
REGULAR MEETING
WEDNESDAY, OCTOBER 17, 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 17, 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, Warren Stone, Al Coenen and Keith Johnson. Also present were City Administrator Vicki Willer, Police Chief Metcalf, Public Works Director Wessel and Administrative Assistant Nicki Vogt. Mayor Kirckof presided thereat.

2. APPROVAL OF AGENDA

The agenda was approved with additions.

3. APPROVAL OF MINUTES

The Council's October 3, 2007 regular meeting minutes were approved with corrections.

4. PUBLIC OPEN FORUM

Michael Meyer, 312 ½ South Main Street #3, Sauk Centre, MN 56378. Mr. Meyer said that he misstated himself at the last meeting. He feels that Sauk Centre is open to hiring people with disabilities if they first go to Wacosa and prove their selves. Once they prove themselves they are taken out of Wacosa for off-site duties. He feels that not all people with disabilities need Wacosa and that is where Sauk Centre is closed to hiring people with disabilities.

Patricia Neal, 331 Walnut Street, Sauk Centre, MN 56378. Ms. Neal stated that she is opposed to rezoning the Friedrichs Tire & Oil Property from R1 to IC. In the fall of 2000 the City hired David Drown Associates to complete a City Comp Plan which costed approximately \$10,000. She stated that she hopes the Council will heed this expert and expensive advice. At the Planning Commission's October 9th meeting they voted 3-1 to disregard the Comp Plan and allow for the rezoning of the property. She also noted that she spoke with a realtor and he told her that this will reduce her property values. She feels that other areas exist within the City of Sauk Centre that would better suit this type of facility.

Roger Hoffman, 316 Walnut Street, Sauk Centre, MN 56378. Mr. Hoffman stated that his main concern is the condition of the road due to the increase in semi truck traffic. He questioned who will pay for the road repairs. He then questioned the Council as to how they would feel if they lived in this neighborhood.

Lonnie Olson, Friedrichs Tire & Oil. Mr. Olson stated that he received a letter from the Minnesota Petroleum Marketers Association (MPM). In that letter it noted that there has not been an outdoor bulk plant fire or explosion in Minnesota during the last 25 years. He stated that as far as explosions go, they have no worries. He then noted that there will

be little increase in traffic. He also spoke with a realtor and that realtor told him that the addition of tanks will not reduce the neighboring property values.

5. PUBLIC HEARINGS

None

6. REPORTS/PRESENTATIONS

a. Police Chief Metcalf stated that there were a total of 315 calls in the month of September and 130 of those were traffic calls. The total calls in prior years are as follows:

- 2001 – 290
- 2002 – 307
- 2003 – 267
- 2004 – 262
- 2005 – 217
- 2006 – 269
- 2007 – 315

Council Member Coenen asked if the Department was planning on selling the Intrepid and Chief Metcalf responded stating that they plan on selling it “as is”.

b. At the Planning Commission’s October 9th meeting they discussed the following:

- Sauk Centre Opportunities Preliminary Plat Public Hearing (Action Item 7a).
- Discussion continued regarding Friedrichs Tire & Oil Zoning Map Amendment (Action Item 7b) and Friedrichs Tire & Oil Conditional Use Permit (Action Item 7c).
- 13 building permits were issued in September. No new dwelling permits were received.
- The third quarter payment to Building Inspector Ostrowski was \$7,248 (85% allocation-\$6,307 and Plan Check-\$941).
- Third quarter subdivision updates are as follows
 - Joseph Anthony Plat: The Development Agreement has been revised and is ready to be signed. The plat can be released for recording upon payment of fees.
 - W.H. Cates Plat: The plat has been delivered to Stearns County for recording.
 - Wal-Mart First Addition Plat: The plat has been delivered to Stearns County for recording.
 - Oakridge Heights 1st Addition Plat: A draft of the Development Agreement has been forwarded to be reviewed and the City is still waiting for reply.

-Oakridge Heights Colonial Addition Plat: The preliminary plat was approved at the September 5, 2007 meeting. The developers have not provided the City with a final plat.

-Sauk Centre Industrial Park Plat 2 (Action Item 7a).

- Discussion regarding wording on the fencing ordinance and wording on fencing from surrounding cities.
- Discussion on the 2008 fee schedule.

7. ACTION ITEMS

- a. The Planning Commission held a public hearing on October 9, 2007 to consider the preliminary plat of the Sauk Centre Industrial Park 2. The Commission made recommendation to the Council that the preliminary plat be approved subject to the following conditions and findings which are to be made part of the action:

Findings

1. The proposal is consistent with the existing land use zoning of the property (I/C).
2. The preliminary plat meets the Ordinance requirements for submittal including payment of fees.
3. The property, when developed, will be served by public utilities. The developer will install all public utilities to City specifications. Increased needs of the City storm water system will be complied with.
4. The plat, as proposed, dedicates appropriate utility easements along all lot lines.
5. The lots have frontage on a public road.
6. All lots meet the minimum size requirements for the land use zone.
7. The properties, when developed, will be required to meet development standards in effect at the time of development including erosion, drainage, etc.
8. The proposal is consistent with the City's development goals outlined in the comprehensive plan which states that the City shall encourage the expansion of the industrial/commercial development within the City.

Conditions

1. Iron monuments are to be placed at the corners of the resulting tracts.
2. All costs associated for review and approval of plans and documents, including but not limited to City attorney fees being paid by the developer.
3. A development contract shall be entered into detailing out all requirements of the development and include all of the City engineer's comments.
4. Protective covenants be submitted.
5. Secure an additional 15 foot easement along the south line of Lot 3, Block 1, Sauk Centre Industrial Park for a total of 20 feet along the newly proposed roadway.

A motion was made by Council Member Thomas and was seconded by Council Member Stone to Adopt Resolution No. 2007-84, Resolution Approving Preliminary Plat of Sauk Centre Industrial Park 2. A vote being recorded as

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

- b. The Planning Commission, at their September 11, 2007 meeting held a public hearing for a zoning map amendment. At that meeting the Commission was unable to come to a decision, so the discussion was continued at their October 9th meeting.

The property in question is currently designated as R1 (low and medium density) and the property owner is requesting it be amended to an IC (industrial/commercial) district.

At the Planning Commission's October 9th meeting they voted 3-1 for the Council to approve the proposed zoning ordinance amendment based upon the following findings:

1. Rezoning of the property would recognize the existing use as an allowed use and subsequently allow for an enlargement and upgrading of the existing facility which may include upgrading of the contamination control features, storm water control and loading and unloading structures.
2. The property is presently owned and used in a way consistent with the proposed zoning district uses. Failure to rezone will not cause the existing use to discontinue.
3. The topography of the property is generally sloping to the street and side which is gentle in nature and will not affect the development of the property.
4. The property is open with the exception of some tree cover to the rear of the property. No additional trees would need to be removed to allow for an industrial or commercial use of this property.
5. No historical features are impacted as a result of the rezoning.
6. Rezoning would mitigate the conflict that exists between the current zoning and current use on this specific parcel.
7. The property does not serve any socio-economic need; however, is adjacent to a recreational trail which travels through the City.
8. No evidence has been submitted to indicate a decline in the adjacent property values as a result of the proposal; however, testimony has been given that indicates the pool of potential buyers for residential properties in the future may be limited as a result of the proposal.
9. Sauk Centre's Comprehensive Plan states that the City should encourage the continued expansion of the City's commercial and industrial tax base (Industrial Policy Statement No. 9).

City Administrator Vicki Willer noted that the Commission discussed tabling this issue to research alternatives, with the help of the City.

Council Member Coenen questioned if progress could be made to move the facility to a new location as he is opposed to rezoning the property from an R1 to

IC. He feels that the Council has an obligation to those that live in that area and he is against adding more tanks.

Mayor Kirckof stated that the zoning map was recently updated at which time spot zoning was discussed. He feels that this parcel is not considered spot zoning as it is attached to IC.

City Administrator Vicki Willer stated that spot zoning is basically like creating an island. This situation is not considered spot zoning because it is attached to IC. She also stated that there may be a couple of areas within the City where this site could be re-located, but it could only happen with the City's financial help.

Mayor Kirckof noted that two separate petitions were received from citizens both for and against amending the zoning map.

Council Member Thomas questioned why this parcel was not zoned IC originally and Mayor Kirckof stated that he did not have an answer to that question.

Council Member Thomas questioned Friedrichs as to how much the traffic will increase and they responded stating that the increase depends on the time of year.

A motion was made by Council Member Johnson and was seconded by Council Member Thomas to adopt Ordinance No. 663, An Ordinance of the City of Sauk Centre Amending the Official Zoning Map of the City as outlined in Section 5.02 of City Code 1001. A vote being recorded as follows: For: Council Members Johnson, Thomas, Stone and Mayor Kirckof. Against: Council Member Coenen. The motion passed.

- c. At the Planning Commission's September 11th meeting they held a public hearing for a Conditional Use Permit (CUP) for Friedrichs Tire & Oil to allow for the expansion of a bulk flammable storage facility. The proposal is to add 4 tanks to the existing location. The property is currently zoned where such a use is allowed by CUP. The Commission continued their discussion at their October 9th meeting at which time they made recommendation to approve the CUP based upon Findings of Fact 1-7 and Conditions 1-4 in the staff report. They also added Condition 5 which is an agreement regarding the financial responsibility for repair and maintenance work of Walnut Street.

The Findings of Fact are as follows:

1. The project shall be designed to meet all applicable environmental spill prevention regulations to ensure that the proposed project will not be detrimental or endanger the public health, safety, comfort and convenience or general welfare of the neighborhood or the City.
2. The Sauk Centre Zoning Ordinance currently considers bulk flammable storage a conditional use in the IC zoning district (Section 5.13). The project

request is consistent with the prior and existing land use of the property with the proposed project providing an opportunity to implement environmental upgrades at the facility.

3. The land area, setback, shoreland, floodplain and wetland requirements will be met.
4. No evidence has been submitted that would indicate a depreciation of property values in the surrounding area as a result of the proposal; however, the pool of potential buyers may decline.
5. The immediate vicinity in this IC zone includes both homes and businesses. All codes (City, State & Federal) will be followed to control offensive odors and noise to minimize disturbance to neighboring properties.
6. The proposal will not create excessive requirements to public facilities such as sewer, water, electricity and neighboring recreational trail segment.
7. It is the goal of the applicant to consolidate tanks from bulk storage area situated on First Street South to the proposed site thus allowing for the closure of the First Street South facility.

The Conditions are as follows:

1. That all tanks to be placed or currently situated at the site be registered with the MPCA.
2. That integrity testing be performed on all applicable tanks to be or currently situated at the site or have available up to date inspection records of past integrity tank inspections.
3. Sufficient secondary spill containment (e.g. earthen berm, concrete wall, loading area containment system) shall be established as a component of the project with all secondary containment structures meeting applicable state and federal codes.
4. An updated Spill Prevention Control & Countermeasure plan (SPCC) shall be completed for the project with the applicant keeping a readily available copy on file.
5. An agreement regarding financial responsibility for additional repair and maintenance costs to Walnut Street be entered into.

Mayor Kirckof questioned City Administrator Vicki Willer as to how it will be determined who damaged the road. City Administrator Vicki Willer responded stating that this is something that will need to be discussed with City Engineer Yapp. If he has no plans on how to solve this, Resolution No. 2007-85 will need to come back to the Council for the removal of condition 5.

A motion was made by Council Member Thomas and was seconded by Council Member Stone to table Resolution No. 2007-85. A vote being recorded as follows: For: Council Member Stone. Against: Council Members Thomas, Johnson, Coenen and Mayor Kirckof. The motion failed.

Mayor Kirckof stated that we are setting a precedent for future developers if we make them pay for the costs to repair the road.

A motion was made by Council Member Coenen and was seconded by Council Member Thomas to deny the CUP. A vote being recorded as follows: For: Council Member Coenen. Against: Council Members Thomas, Johnson, Stone and Mayor Kirckof. The motion failed.

Council Member Coenen stated that he felt this business is not compatible for the proposed area and that it will depreciate property values.

A motion was made by Council Member Johnson and was seconded by Council Member Thomas to adopt Resolution No. 2007-85, Resolution Approving a Conditional Use Permit Request of Friedrichs Tire & Oil, and delete Condition No. 5. A vote being recorded as follows: For: Council Members Johnson, Thomas and Mayor Kirckof. Against: Council Members Coenen and Stone. The motion passed.

- d. Correspondence was received from the Minnesota Department of Commerce requesting that the City render a decision on Wal-Mart Stores, Inc.'s currency exchange license renewal application for 2008. This license allows the store to have the ability for persons to cash checks, purchase money orders, etc.

The law requires the governing body of the municipality render a decision regarding the renewal of the license within 60 days.

A motion was made by Council Member Stone and was seconded by Council Member Thomas to approve the renewal of the currency license for Wal-Mart Stores, Inc. A vote being recorded as follows: For: Council Members Stone, Thomas, Johnson, Coenen and Mayor Kirckof. Against: none. The motion passed.

- e. At the Chamber of Commerce's October meeting they nominated Terry Schreiner to fill the vacant position left by Loren Savoie. The term will expire December 31, 2009.

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

- f. Seasonal employees Keith Sorenson (PT Seasonal Maintenance & Operations) and Sara Linow (Head Figure Skating Instructor) expressed interest in returning to work for the winter season at the Civic Arena beginning approximately October 27, 2007.

Keith Sorenson would be paid \$11.75/hour and Sara Linow would be paid \$25.00/hour plus \$5.00/month travel allowance.

A motion was made by Council Member Johnson and was seconded by Council Member Thomas to appoint Sara Linow and Keith Sorenson for the 2007-2008 winter seasons at the Civic Arena. 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 ice will be painted on Tuesday, September 23, 2007.

- g. Dale Johnson has informed the City that he will not be returning to work at the Civic Arena for the 2007-2008 season; therefore, his position needs to be filled. The position will work primarily evenings, weekends and holidays.

A motion was made by Council Member Thomas and was seconded by Council Member Johnson to authorize the advertisement for part time seasonal work at the Civic Arena. A vote being recorded as follows: Thomas, Johnson, Stone, Coenen and Mayor Kirckof. Against: None. The motion passed.

- h. With the appointment of Joseph Jensen to a full time Police Officer, the City is left with one part time officer to fill shifts for holidays, vacations, etc. This officer has not been able to fill vacant shifts on a regular basis. The City of Melrose would like to work together with Sauk Centre to employ two part time officers. The officers would be available to work for either City with schedules to be worked out between the two Chiefs.

City Administrator Vicki Willer stated that this will not cause a budget increase.

Mayor Kirckof questioned how this position was to be advertised. Chief Metcalf responded stating that the position could be advertised on the Post website, which is free of cost. It was noted that 95% of applicants come from the Post website.

Chief Metcalf stated that the City of Sauk Centre Police Department has a good working relationship with the City of Melrose.

A motion was made by Council Member Thomas and was seconded by Council Member Stone to authorize for the advertisement of two part time Police Officers. A vote being recorded as follows: For: Council Members Thomas, Stone, Johnson, Coenen and Mayor Kirckof. Against: None. The motion passed.

Chief Metcalf stated that there have been some problems with people calling dispatch. He stated that when the secretary is not in the office (she works 7-3 Monday through Friday) the phone will ring 3 times and then roll over to Stearns

County dispatch. At that point you would be responsible for telling dispatch what you need.

- i. A motion was made by Council Member Thomas and was seconded by Council Member Johnson to Adopt Resolution No. 2007-86, Authorization to Execute Minnesota Department of Transportation Grant Agreement for Airport Maintenance and Operation. A vote being recorded as follows: For: Council Members Thomas, Johnson, Stone, Coenen and Mayor Kirckof. Against: None. The motion passed.

The City enters into this agreement annually which requests State Aid for eligible cost reimbursement for maintaining the airport.

- j. The Sauk Centre Ambulance Department has requested approval to advertise for applicants to attend EMT classes in January. Once the applicants complete the classes they will then be appointed to the Department and be on a 6 month probation period.

A motion was made by Council Member Stone and seconded by Mayor Kirckof to authorize the advertisement for applicants to attend EMT classes. A vote being recorded as follows: For: Council Member Stone, Mayor Kirckof, Council Members Johnson and Coenen. Against: None. Abstain: Council Member Thomas. The motion passed.

The advertising cost is in the Ambulance Department budget.

- k. A petition was received from Sauk Centre Opportunities (SCO) requesting the improvement of Sauk Centre Industrial Park Plat 2 roadway and utilities. The petition was executed by the required number of property owners.

The City Engineer estimates that the cost of preparing the feasibility report will be approximately \$8,500. The applicant has indicated that they would reimburse the City for the cost of the report. Typically, these costs would be rolled into project costs; however, in this instance it is uncertain whether the project will move forward.

Mayor Kirckof questioned SCO representative Steve Donnay as to what assurance he can provide the City that SCO will reimburse the City the \$8,500 cost for the feasibility report. Mr. Donnay stated that during SCO's preliminary discussions they figured that the feasibility report would not cost more than \$5,000. He then stated that based on the Engineer's estimate of \$8,500 he must ask the Council to delay the action so he can report back to SCO.

A motion was made by Council Member Johnson and was seconded by Council Member Thomas to delay action on Resolution No. 2007-88. A vote being

recorded as follows: For: Council Members Johnson, Thomas, Stone, Coenen and Mayor Kirckof. Against: None. The motion passed.

8. UNFINISHED BUSINESS

It was noted that Council Member Johnson and Mayor Kirckof volunteered to be on the Adopt-A-Pole Committee. The City is still seeking additional persons to be on this Committee.

9. NEW BUSINESS

None.

10. CONSENT AGENDA

The Council then considered the following consent agenda:

- a. Schedule of Claims - Total of unpaid claims \$45,013.56 and paid claims of \$12,731.56 for a total of \$57,745.15.
- b. List of September checks totaling \$160,255.46 (check no. 26513 through check no. 26623).
- c. On October 10th the City received correspondence from MnDOT regarding snow removal on Highway 71 from 1st Street South to 5th Street South. In the past the City has participated with MnDOT in snow removal on Highway 71 in the business district. The City has again been asked to participate for this year. The City would be paid at a rate of \$95.00/hour. MnDOT reimbursed the City \$332.50 last winter at a rate of \$95.00/hour. Our reimbursement comes only from loading cost with our front end loader. This does not cover the City's cost; however, by doing this, the business owners normally have good parking for their customers within 24-48 hours of a normal snow fall.
- d. Resolution No. 2007-87, Resolution Accepting Contribution. The contribution totaled \$1,000 from the EMT's of the City of Sauk Centre to be used towards the purchase of a power cot.

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

The EMT's were thanked for their generous donation.

11. INFORMATIONAL ITEMS

- a. Mayor Kirckof and City Administrator Vicki Willer executed the following Wall Advertising Space Rental Agreement for advertising at the Civic Arena from October 1, 2007 through September 30, 2008.

1. Felling Trailers

2. Heartland Equipment
3. Central MN Federal Credit Union
4. Country Cat
5. Steiner Lumber Co.
6. Lakeview Medical Clinic
7. Kranz Super Stop
8. Centre Electric
9. Stearns Electric Association
10. American Legion
11. St. Michael's Hospital
12. Buecker's City Sanitation
13. Trisko Plumbing & Heating
14. Worms Ready Mix

Mayor Kirckof thanked the above noted groups for advertising at the Civic Arena.

12. COUNCIL COMMENTS

Council Member Stone questioned Public Works Director Wessel as to what happened with the handicapped parking signs in the business district.

Public Works Director Wessel will report back to the Council regarding this issue at their first meeting in November.

Council Member Stone questioned what the progress is with the lines at the Wal-Mart intersection. Mayor Kirckof stated that City Engineer Yapp is planning to re-notify Wal-Mart and Chet Harrison on this issue.

Council Member Johnson stated that if the rezoning and CUP work out with Friedrichs Tire & Oil, the City will be losing one eyesore. He also noted that at the new location, all environmental safeguards will be in place.

13. ADJOURNMENT

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

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

Respectfully Submitted,

Mayor Brad A Kirckof

City Administrator Vicki M. Willer