

**SAUK CENTRE CITY COUNCIL
REGULAR MEETING
WEDNESDAY, DECEMBER 21, 2022**

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

The Sauk Centre City Council met in a Regular Meeting on Wednesday, December 21, 2022 at 6:30 p.m. due notice being given thereof. Present were Mayor Warren Stone, Council Members Diane Kelly, Joe Fuechtmann, Shalon Wilber and Heidi Leach. Also present were Engineers Chuck Boser and Keith Yapp, Public Works Supervisor Ben Clink, Police Chief Bryon Friedrichs, City Administrator Vicki Willer and City Planner Sarah Morton. Mayor Stone presided thereat.

2. APPROVAL OF AGENDA

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

3. APPROVAL OF MINUTES

A motion was made by Council Member Leach and was seconded by Council Member Kelly to approve the December 7, 2022 Regular Meeting Minutes. A vote being recorded as follows: For: Council Members Leach, Kelly, Fuechtmann, and Mayor Stone. Against: None. Abstain: Council Member Wilber. The motion passed.

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

Roman Malecha, 242 Hendrix Street, Sauk Centre. Mr. Malecha commented that he feels the budget for the police department should be expanded, rather than cut.

Scott Kowski, representing Sauk Centre American Legion. Mr. Kowski questioned his assessment for the street project and asked that the Council review their assessment.

Jason Hoffman, CL Excavating. Mr. Hoffman stated he was the general contractor for the summer 2022 reconstruction project. Mr. Hoffman stated that they were charged for non-compliance as they were 4 days late on Phase III. Mr. Hoffman asked that the non-compliance charge be reduced from 4 days to 2 days as there were some delays due to weather

5. PUBLIC HEARINGS

None.

6. REPORTS/PRESENTATIONS

- a. Police Chief Friedrichs presented the November 2022 Police report stating there were a total of 609 calls for the month.

The department has been prepping the community for the new Winter Parking Ordinance by giving warnings, tickets, towing, etc.

- b. Public Works Director Ben Clink updated the Council on the department's November activities:

- Snow plowing and removal filled majority of their schedule.
 - Completed some minor equipment maintenance.
 - Christmas lights installed.
 - Been working on outdoor rink with a plan to be operational by Christmas weekend.
 - Dennis Christianson will work weekends at the outdoor rink. The rink will not be staffed during the week.
 - 75 year old heater quit working at the main Public Works shop. A replacement has been installed.
 - Several time slots rented to Alexandria Hockey had to be cancelled; however, there were some hours billed out which is above and beyond what the SCYHA and the School have rented.
 - Arena open skate December 27, 28, 29.
 - Completed minor maintenance items at the Library.
- c. City Planner Morton updated the Council on the December 13 meeting.
- 12 permits issued in November with a value of \$247,000.00.
 - Two lakeridge properties completed lakeshore restoration without a permit. The Planning Commission imposed fines of \$100.00 day.
- d. City Engineer Keith Yapp updated the Council on the following projects:
- Has been working with staff on the two Lakeridge properties.
 - South Industrial Park lift station is still not operational. Contractor has been notified that they are responsible for any sewage. Contractor will be on site January 9 to do repair work on main valves, etc.
 - Completing cleanup work for Aerosmith project.
 - Preliminary Plat has been submitted to staff, Stearns County for the Meyer Parcel

7. ACTION ITEMS

- a. The Council was presented with Resolution No. 2022-98, Resolution Adopting Administrative Fees for 2023.

Administrative user fees include items such as park rental and public work fees.

Recommendation for changes come from boards, staff, etc.

A motion was made by Council Member Kelly and was seconded by Council Member Fuechtmann to approve Resolution No. 2022-98, Resolution Adopting Administrative Fees for 2023, with changes. A vote being recorded as follows: For: Council Members Kelly, Fuechtmann, Leach, Wilber and Mayor Stone. Against: None. The motion passed.

- b. The Council was presented with proposed Resolution No. 2022-99 Resolution to Adopt a Schedule of Offenses and Voluntary Administrative Penalties for 2023.

It was noted that the only recommended change is to add the restricted winter parking ticket in the amount of \$50.00.

A motion was made by Council Member Wilber and was seconded by Council Member Leach to approve Resolution 2022-99 Adopting a Schedule of Offenses and Voluntary Administrative Penalties Pursuant to §10.98 for 2023, with changes. A vote being recorded as follows: For: Council Members Wilber, Leach, Fuechtmann, Kelly and Mayor Stone. Against: None. The motion passed.

- c. The Council was presented with proposed Ordinance No. 818.

This Ordinance Adopts fees for those fees and licenses required to be adopted by Ordinance. This includes land use fees, zoning permits, building permits, animal control licenses, liquor, cigarette and various other licenses.

A motion was made by Council Member Kelly and was seconded by Council Member Fuechtmann to approve Ordinance No. 818 Establishing Fees for City Licenses, Permits, and Services, with changes. A vote being recorded as follows: For: Council Members Kelly, Fuechtmann, Leach, Wilber and Mayor Stone. Against: None. The motion passed.

- d. Minnesota Statutes, as a cost saving measure, allows the City to publish Ordinance Amendments in Summary Form when the title of the Summary clearly describes what is being amended in the body of the Ordinance.

Staff recommended that a Summary Publication of the Permits and License Fees Ordinance be authorized.

A motion was made by Council Member Leach and was seconded by Council Member Fuechtmann to approve Ordinance 819 Authorizing Summary Publication of 818. A vote being recorded as follows: For: Council Members Leach, Fuechtmann, Kelly, Wilber and Mayor Stone. Against: None. The motion passed.

- e. The Council considered the following Board and Commission appointments: Mayor Stone reviewed each of the applications and presented his recommendations.

1.) Park Board – 3 positions vacant to be appointed for a 2-year term. According to City Code Section 37.21, the Park Board shall consist of five members, appointed by the council for two-year terms. The terms of Ashley Bruggeman, Barry Johnson and an open position will expire December 31, 2022. The following have submitted nominations:

Barry Johnson

Mayor Stone recommended Barry Johnson be appointed to the Park Board for a two-year term, effective January 1, 2023 and expiring December 31, 2024.

2.) Planning Commission – 2 positions to be appointed for a 3-year term. The Planning Commission shall consist of five (5) members of which are appointed by the City Council from among the residents of Sauk Centre, one (1) member will be appointed from the City Council and four (4) members shall be residents of the City. The terms of Barry Johnson and Linda Ragan will expire December 31, 2022. The following have submitted nominations:

Barry Johnson

Mayor Stone recommended appointing Barry Johnson to the Planning Commission for a three-year term, effective January 1, 2023 and expiring December 31, 2025.

3.) Airport Commission – 2 positions to be appointed for a 3 year term. According to City Code Section 32.05., the Airport Commission shall consist of five (5) members all of which shall be appointed by the City Council. One (1) member of the Commission shall be a member of the Sauk Centre City Council three (3) members may be residents of the City of Sauk Centre, eligible to vote in its General and Special Elections and one (1) member shall be a staff person of Sauk Centre Public Works Department. The terms of Mike Bushard, Jr. and Tom Wenker will expire on December 31, 2022. The following submitted nominations:

Mike Bushard Jr.
Tom Wenker

Mayor Stone recommended appointing Mike Bushard Jr. and Tom Wenker to the Airport Commission for a three year term, effective January 1, 2023 and expiring December 31, 2025.

4.) Convention & Visitor's Bureau – 2 positions to be appointed for a 3 year term. According to City Code §112.15, the Mayor with approval of the City Council shall appoint 8 members to serve on the Convention and Visitors Bureau, 1 of whom shall be a representative member of the Chamber of Commerce, 1 from the city who will represent the City Council and the remaining 6 from representative businesses and/or individuals within the community. The terms of Stephanie Knoebel and Stacie Michels will expire December 31, 2022. The following submitted nominations:

Stephanie Knoebel – (moving out of Sauk Centre)
Stacie Michels – (Conflict of interest)

Mayor Stone stated that he does not recommend appointing either applicant to the Convention & Visitor's Bureau for a three-year term, effective January 1, 2023 and expiring December 31, 2025 due to the above noted reasons

5.) Senior Center Board – 3 Members to be appointed for a 3 year term. According to the City Code Section 32.03, the Senior Center Board shall consist of 5 to 15 members. Two-thirds of the members shall be citizens of the City and one-third shall be residents of the

greater Sauk Centre area. Currently, there are 6 members on the board plus a Council Representative and staff member. The Code states that the Board may be expanded to fifteen members at any time. The terms of Nancy Kazlauckas, Kenneth Ritter and Deb Johnson will expire on December 31, 2022. The following have submitted nominations:

Nancy Kazlauckas
Deb Johnson – (lives outside of greater Sauk Centre)

Mayor Stone recommended appointing only Nancy Kazlauckas to the Senior Center Board for a one-year term, effective January 1, 2023 and expiring December 31, 2023 for the above noted reasons.

6.) CentraCare Sauk Centre Board – 1 position to be recommended for a 3-year term.

As part of the integration process with CentraCare, the City Council recommended three appointees to the new CentraCare Sauk Centre Board with staggered terms. The term of Tim Borgmann will expire on December 31, 2022. The following submitted nominations:

Tim Borgmann

Mayor Stone recommended appointing Tim Borgmann to the CentraCare Sauk Centre Board for a three-year term, effective January 1, 2023 and expiring December 31, 2025.

A motion was made by Council Member Kelly and was seconded by Council Member Fuechtmann to appoint Mayor Stone's recommendations to the above noted boards/commissions, and to allow Stacie Michels to fill a vacant term on the CVB. A vote being recorded as follows: For: Council Members Kelly, Fuechtmann, Leach, Wilber and Mayor Stone.

Mayor Stone removed himself from the Council and Acting Mayor Leach presided over discussion of Public Utilities Commission appointments.

7.) Public Utilities Commission – 2 positions to be appointed for a 3 year term. The term of Wayne Senst and John Egan will expire December 31, 2022. The following have submitted nominations:

Wayne Senst
John Egan
Warren Stone

Acting Mayor Leach recommend that Wayne Senst and Warren Stone be appointed to the Public Utilities Commission, each for a three year term, effective January 1, 2023 and expiring December 31, 2025.

A motion was made by Acting Mayor Leach and was seconded by Council Member Wilber to be appointed to the Public Utilities Commission, each for a three year term, effective

January 1, 2023 and expiring December 31, 2025. A vote being recorded as follows: For: Acting Mayor Leach and Council Member Wilber. Against: Council Members Fuechtmann and Kelly. The motion failed due to lack of majority vote.

A motion was made by Council Member Kelly to appoint all 3 applicants. Staff notified Council Member Kelly that that is not an option as there are only two positions available.

A motion was made by Acting Mayor Leach to repeal the first motion. A vote being recorded as follows: For: Acting Mayor Leach, Council Members Kelly, Fuechtmann and Wilber. Against: None. The motion passed.

A motion was made by Acting Mayor Leach and was seconded by Council Member Wilber to be appointed to the Public Utilities Commission, each for a three year term, effective January 1, 2023 and expiring December 31, 2025. A vote being recorded as follows: For: Acting Mayor Leach, Council Members Wilber and Kelly. Against: Council Member Fuechtmann. The motion passed.

- f. At the November 2, 2022 City Council meeting the Council declared the Fire Department's 1990 Chevy 3500 as excess equipment and authorized that it be advertised for sale. Addition excess equipment was also sold.

The vehicle and other items were advertised online with MinnBid. The auction has closed with the following results:

<u>BIDDER</u>	<u>Property</u>	<u>AMOUNT</u>
Greg Tomberlin	1990 Chevrolet 3500	\$17,775.00
Floren Brothers Repair	Blade Sharpener	\$265.00
Greg Tomberlin	Combination Fuel Tank	\$135.00
Terry Schritz	Excess Boiler Equipment	\$115.00
Innocent Lyimo Onan	4K Generator	\$262.00

A motion was made by Council Member Kelly and was seconded by Council Member Wilber to approve Resolution 2022-100 Authorizing Sale of Excess Vehicle and Equipment. A vote being recorded as follows: For: Council Members Kelly, Wilber, Leach, Fuechtmann and Mayor Stone. Against: None. The motion passed.

- g. The City Police Department has a 2015 Ford Taurus Interceptor squad car that has been retired. The Department wishes to sell the car to the highest bidder. The intent is to advertise the car online through MinnBid.

The car was not a forfeiture vehicle so the funds can be used for any lawful purpose.

A motion was made by Council Member Fuechtmann and was seconded by Council Member Kelly approve Resolution 2022-101 Declaring Property as Excess and Advertising for Sale. A vote being recorded as follows: For: Council Members Fuechtmann, Kelly, Leach, Wilber and Mayor Stone. Against: None. The motion passed.

- h. The City, as part of its annual sidewalk inspection process, contracted to have sidewalks inspected including those on Main St. As a result, repairs were needed adjacent to the old creamery building which is currently owned by the Sauk Centre Historical Society.

Those repairs were completed at the direction of the City, and an invoice was sent to the Historical Society. Representatives of the Historical Society have requested that the City Council consider including those costs as City Share and relieve the Society of the expense.

The invoice is for \$675.00.

A motion was made by Council Member Kelly and was seconded by Council Member Leach to deny the request to consider including the Historical Society Sidewalk Repair Expense as Part of the City Cost. A vote being recorded as follows: For: Council Members Kelly, Leach, Fuechtmann, Wilber and Mayor Stone. Against: None. The motion passed.

- i. The mural at the Arena has been completed by Artify. The City, in advance of the project completed several repairs. These included:

- Caulking for the seams: \$750.00
- Labor for Caulking (3 people/2 days) 48 hours \$1,440.00
- Lift Rental \$350.00
- Washing Building (Fire Truck 2 hours) \$100.00

Artify has requested that the City cover the cost of paint for priming the building. The cost is \$431.52.

A motion was made by Council Member Kelly and was seconded by Mayor Stone to deny the request to consider Covering Cost of Primer for Arena Mural Project for \$431.52. A vote being recorded as follows: For: Council Member Kelly, Mayor Stone, and Council Member Leach. Against: Council Members Wilber and Fuechtmann. The motion passed.

- j. CL Excavating was penalized four days (\$6,000) for work done after the deadline for the 2nd Street/Hickman Project. They have requested to reduce that penalty to two days as follows:

On Friday, September 9th, there was 0.5” of rain. Brian Hofmann’s crew was working on 120” storm structure and the sediment structure prior throughout the week. They could not finish the adjoining storm sewer pipe and manhole work due to the rain. No work occurred on September 9th. Brian’s crew completed the remaining work the following week on September 12th and 13th.

On Saturday, September 24th, there was 0.5” of rain. The day prior, September 23rd, KTE was blading and shaping the road. They planned to finish and do touch up work on the 24th, but were unable and had to do so the following week.

Chuck Boser, City Engineer offered the following for consideration stating that the 25-working day timeframe had rain delay days built into the duration. Additionally, working days were considered Monday-Friday, so Saturday, 9/24 was not a working day.

The number of days C&L or their sub-contractors worked on Phase 3 during the 25-working day period is estimated at around 15 days out of the 25-day period. With that, there were an estimated 10 days that work was not performed, but could have been.

A motion was made by Council Member Fuechtmann and was seconded by Council Member Kelly to deny the request to consider reduction in number of penalty days to two. A vote being recorded as follows: For: Council Members Fuechtmann, Kelly, Leach, Wilber and Mayor Stone. Against: None. The motion passed.

- k. The American Legion was assessed for 166' of frontage on Park Road. Because they have multiple frontages, this should have been considered a "corner side lot line" the same as the property to the West.

This would reduce their assessment from 166' to 16'. They would then be assessed for other frontages in the future when the projects occur. The Committee was in favor of reducing their assessment to 16'.

The Council was presented with three options:

1. Let the assessment stand
2. Apply the corner lot adjustment
3. Abate the assessment in its entirety

A motion was made by Council Member Kelly and was seconded by Council Member Wilber to approve Resolution 2022-102 Abating Special Assessment. A vote being recorded as follows: For: Council Members Kelly, Wilber, Leach, Fuechtmann and Mayor Stone. Against: None. The motion passed.

- 1. The Historic Broken Bar Stool (formerly Corner Bar) was sent notice that its liquor license was subject to revocation due to lapse of Liquor Liability Insurance. In addition, due to a change in the company, the license holder is no longer with The Historic Broken Bar Stool. Notification was sent that a transfer of liquor license needed to be accomplished.

The owner of the building has since shut down the bar due to concerns with the lapse of the insurance. The bar operator/owner is no longer operating, however, has not had any contact with the City regarding a potential re-opening in the future.

The City Council can revoke the license and any new license in the new name would need to be applied for and granted prior to opening.

If the Council chooses not to revoke the license, it should at a minimum be suspended until a transfer or new licensee makes application and is granted the license which would require the insurance as well.

A motion was made by Council Member Kelly and was seconded by Council Member Fuechtmann to approve Resolution 2022-103 Indefinitely Suspending Liquor License Issued to Alyssa Larson dba Historic Broken Bar Stool.

- m. The 8th pay application has been received from C&L Excavating for the 2022 Street Project (2nd Street):

1. Original Contract \$6,495,562.69
2. Change Order (reduce size of project) (1,821,101.67)
3. Revised Contract Amount \$4,674,461.02
4. Completed to Date \$3,943,257.54
5. Material on Hand 0.00
6. Amount Earned \$3,943,257.54
7. Less Retainage 5% (\$197,162.87)
8. Less Previously Paid (\$3,636,607.71)
9. Failed Tests (\$623.00)
10. Non-Compliance Charges (\$6,000.00)
11. Amount Due \$102,863.96

A motion was made by Council Member Fuechtmann and was seconded by Council Member Kelly to approve Pay Request #8 to C&L Excavating for \$102,863.96. A vote being recorded as follows: For: Council Members Fuechtmann, Kelly, Leach, Wilber and Mayor Stone. Against: None. The motion passed.

8. UNFINISHED BUSINESS

None.

9. NEW BUSINESS

None.

10. CONSENT AGENDA

The Council considered the following Consent Agenda Items:

- a. Schedule of Claims:

Unpaid Claims \$159,493.67
Paid Claims \$0.00
Total \$159,493.67

- b. November Checks Paid Claims/Payroll \$1,333,120.42

- c. Gambling Application for Exempt Permit request from Centre Mat Wrestling for bingo on February 17, 2023 at the American Legion Post 67.

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

11. INFORMATIONAL ITEMS

- a. Officer Grabmeier will be advancing to his next step on the pay scale, per Union Contract.

12. ADJOURNMENT

A motion was made by Council Member Kelly and was seconded by Council Member Leach to adjourn the meeting. A vote being recorded as follows: For: Council Members Kelly, Leach, Fuechtmann, Wilber and Mayor Stone. Against: None. The motion passed.

With no further business to come before the Council, Mayor Stone adjourned the meeting.

Respectfully submitted:

Mayor Warren Stone City Administrator

Vicki Willer