

**SAUK CENTRE CITY COUNCIL
REGULAR MEETING
WEDNESDAY, NOVEMBER 7, 2018**

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

The Sauk Centre City Council met in a Regular Meeting on Wednesday, November 7, 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, Keith Johnson and Mayor Warren Stone. Also present was City Administrator Vicki Willer, City Planner Sarah Morton, Police Chief Bryon Friedrichs and City Engineer Chuck Boser. Mayor Stone presided thereat. Council Member Leach was absent.

2. APPROVAL OF AGENDA

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

3. APPROVAL OF MINUTES

A motion was made by Council Member Kelly and was seconded by Council Member Thomas to approve the October 17, 2018 Regular Meeting Minutes as presented. A vote being recorded as follows: For: Council Members Kelly, Thomas, Johnson and Mayor Stone. Against: None. Absent: Council Member Leach. The motion passed.

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

None.

5. REPORTS/PRESENTATIONS

a. Ambulance Director Kathy Struffert presented the July – September 2018 Quarterly Report as follows:

- 206 total calls
- Total billed out of \$216,000
- 74 total no-loads
- Events in 3rd Quarter include West Union Parade, SL Days Parade, Greenwald Parade, Stearns County Fair, demo derby, Nite to Unite,
- Three hospital contract transfers to nursing home/private residence, which are billed to the hospital through contract
- New ambulance arrived 11.07.18

b. City Administrator Willer presented the Public Works Department Report as follows:

- Paving complete at the Airport entrance road.
- Materials have been ordered for the Dog Park. Posts have been installed.
- Trucks have been out salting/sanding

- Ice has been installed in arena.
- Figure Skating is seeing large class numbers

c. Removed from agenda.

6. PUBLIC HEARINGS

None.

7. ACTION ITEMS

- a. During budget meetings, staff was directed to research and possibly identify a new employee health insurance plan that could potentially save the City some dollars for the upcoming budget years.

A new Plan was researched and reviewed by the Personnel/Finance Committee and presented to the Unions. An Agreement has been reached to switch to the new Plan with an estimated cost savings to the City of \$95,000.

The City is proposing to switch from a Health Partners High Deductible HSA Compliant Plan to a PEIP Plan (Public Employees Insurance Plan) through the State of Minnesota.

A motion was made by Council Member Johnson and was seconded by Council Member Kelly to enter into an Agreement with Public Employees Insurance Plan for employee health insurance benefits. A vote being recorded as follows: For: Council Members Johnson, Kelly, Thomas and Mayor Stone. Against: None. Absent: Council Member Leach. The motion passed.

- b. The City currently has Agreements with Teamsters Local 320 for the Public Works and Police Unions. Those Agreements outline the City's contribution to Health Insurance.

Due to the new change in Health Insurance including a higher deductible, the Union and the City have negotiated a change to the Union Agreement that is beneficial to both parties.

These changes were discussed by the City Council in Closed Session on October 17, 2018.

The changes include increasing the City's Contribution to each employee's HSA or VEBA Account by \$2,200 and also contributing 85% of the premium for Dental.

With these changes, the net savings to the City on an annual basis for the employee health insurance benefit is \$95,000 as indicated previously.

A motion was made by Council Member Thomas and was seconded by Council Member Kelly to approve Memorandums of Understanding with the Public Works and Police Teamsters Local 320 Bargaining Unit. A vote being recorded as follows: For: Council Members Thomas, Kelly, Johnson and Mayor Stone. Against: None. Absent: Council Member Leach. The motion passed.

- c. In Closed Session on October 17, 2018, the City Council discussed negotiating strategy on the potential sale of the City Railroad Property on Railroad Avenue. Specific discussion was relative to a Purchase Agreement that was received by the EDA for the Property.

The City Council outlined a counter offer on the property which was presented to the potential Buyer and accepted.

The City Council should now formally approve the execution of the Purchase Agreement.

The Purchase Price is \$30,000. The Property is to be under development within two years of sale or the City has the option to purchase the property back at 95% of the sale price.

Council Member Johnson introduced Resolution No. 2018-91, Resolution Authorizing Execution of Purchase Agreement. The motion was seconded by Council Member Thomas. A vote being recorded as follows: For: Council Members Johnson, Thomas, Kelly and Mayor Stone. Against: None. Absent: Council Member Leach. The motion passed.

- d. The City Code does not provide clear direction on how a driveway location and curb cut construction is determined. The Policy Committee discussed various issues relating to curb cuts including maximum size and separation.

The Ordinance has been developed to insert a Section into the Streets and Highways Chapter of the Code to provide guidance in the issuance of permits.

Details include:

- Maximum residential width of 24' for residential (currently in Code)
- Maximum Commercial width is 36'
- Curb must have a three foot taper and a four foot concrete driveway approach
- Openings must meet five foot side yard setback (with exceptions for duplex type development)
- Driveway must be set back twenty feet from a residential intersection and thirty feet from a commercial intersection. (City streets)
- All properties are entitled to at least one driveway
- A second driveway may be allowed on larger residential lots with separation requirements
- Commercial properties may be allowed two driveways with separation requirements and a third for a loading dock
- City may deny a permit for public safety reasons such as sight lines, turn lanes, etc.

Council Member Kelly introduced Ordinance No. 782, An Ordinance Updating Section 96 of the Sauk Centre City Code Adopting Driveway Access Approval Procedures and Standards within the City of Sauk Centre, MN. The motion was seconded by Council Member Johnson. A vote being recorded as follows: For: Council Members Kelly, Johnson, Thomas and Mayor Stone. Against: None. Absent: Council Member Leach. The motion passed.

e. The Policy Committee met regarding potential amendments to the City's Tobacco Ordinance. The primary changes to the Ordinance relate to the regulation of E-Cigarettes which are subject to the Clean Indoor Air Act.

- Adds Definitions including Electronic Delivery Devices and Electronic Cigarettes.
- Updates definition of Tobacco or Tobacco Related Products
- Adds Definitions related to Vaping and Vapor Products Shops
- Defines Prohibitions including preserving right of the City Council to designate public areas near Youth Oriented Facilities as tobacco free zones.
- Prohibits Self Service Sales
- Describes Procedures on Hearing Rights for Suspected Violators of License

A copy of the Existing Tobacco Ordinance with language to be deleted struck through and language to be added underlined was presented to the Council for their review.

Council Member Kelly introduced Ordinance No. 780, An Ordinance Updating Section 111 of the Sauk Centre City Code Adopting Updated Regulations on the Possession, Sale and Consumption of Tobacco and Tobacco Related Devices and Products within the City of Sauk Centre, MN. The motion was seconded by Council Member Thomas. A vote being recorded as follows: For: Council Members Kelly, Thomas, Johnson and Mayor Stone. Against: None. Absent: Council Member Leach. The motion passed.

f. Due to the length of Ordinance 780, the City Council is authorized to approve an Ordinance allowing for Summary Publication only.

Summary Publication is allowed when the Council approves by a 4/5ths vote and if the title of the summary Ordinance clearly indicates what the Ordinance is about.

Council Member Thomas introduced Ordinance No. 781, An Ordinance of the City of Sauk Centre Authorizing Summary Publication of Ordinance 780 Updating the City Tobacco Ordinance No. 111 to Include Definitions, Licensing and Regulation of Electronic Cigarettes and Related Devices. The motion was seconded by Council Member Kelly. A vote being recorded as follows: For: Council Members Thomas, Kelly, Johnson and Mayor Stone. Against: None. Absent: Council Member Leach. The motion passed.

g. The Council was presented with a Resolution that formally adopts the assessments for the Getty Street project.

The City Engineer, Mayor Stone and City Administrator Willer met with the two property owners who have objected to the Assessment prior to the meeting.

The City Council were given the options adopt the original Assessment or an Amended Assessment. This will start the time clock for any further appeals in District Court. In the meeting, both parties were open to negotiation; however, they felt that the values of their property did not increase to the proposed assessed amount.

Council Member Thomas introduced Resolution No. 2018-84, Resolution Adopting Assessment Roll for Getty Street Improvement Project. The motion was seconded by Council Member Kelly. A vote being recorded as follows: For: Council Members Thomas, Kelly, Johnson and Mayor Stone. Against: None. Absent: Council Member Leach. The motion passed.

- g-1. The assessments for the North Project were approved at the October 17th meeting. Since that time, one appeal has been received for Parcel No. 94.58217.0000. In their appeal letter, they state that according to Statute 429.081, proposed assessment does not bring enough value to property. Their assessment value is \$10,065.97.

It was noted that the average assessment for the North Project was \$8,177.63.

A motion was made by Council Member Thomas and was seconded by Council Member Kelly to reduce the assessment for Parcel No. 94.58217.0000 in the amount of \$1,600 (10 Hours of legal work @ \$160/Hour). A vote being recorded as follows: For: Council Members Thomas, Kelly and Mayor Stone. Against: Council Member Johnson. Absent: Council Member Leach. The motion passed.

- h. Easements are being obtained for work to be done in the alley between Lakeshore Drive and Elm Street. Property owners have been contacted and are in the process of returning signed easements.

The disbursement of funds for payment is expected to occur with the payment of claims at the November 21, 2018 City Council meeting. The total disbursement will be \$24,875.38, which is based upon Stearns County estimated value per square foot.

An Easement Agreement was presented to the Council, which will be modified for each specific property owner, amount, and legal description.

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

- i. Stantec submitted Pay Request #5 to Breitbach Construction Co. for work completed through October 5, 2018 for the 2018 CIP Project.

Original Contract	\$3,200,203.28
Change Orders	<u>4,996.02</u>
Revised Contract	\$3,205,199.30
Completed to Date	\$1,540,299.33
Material on Hand	<u>\$87,322.52</u>
Amount Earned	\$1,627,621.85
Less Retainage 5%	<u>(\$81,381.09)</u>

Subtotal	\$1,546,240.76
Less Previously Paid	<u>(\$1,206,984.29</u>
Amount due this Request	<u>\$339,256.47</u>

A motion was made by Council Member Thomas and was seconded by Council Member Kelly to approve Pay Request No. 5 to Breitbach Construction Co. for \$339,256.47. A vote being recorded as follows: For: Council Members Thomas, Kelly, Johnson and Mayor Stone. Against: None. Absent: Council Member Leach. The motion passed.

- j. Stearns County Attorney’s Office has released to the Sauk Centre Police Department property declared forfeited. The Department seeks to sell the property.

Excam 22 Caliber Handgun

Statute requires the sale of a handgun be concluded through a licensed FFL Dealer.

Resolution No. 2018-92 declares the property as excess and authorizes advertisement for sale.

Council Member Kelly introduced Resolution No. 2018-92, Declaring Property as Excess and Authorizing Advertisement for Sale. The motion was seconded by Council Member Thomas. A vote being recorded as follows: For: Council Members Kelly, Thomas, Johnson and Mayor Stone. Against: None. Absent: Council Member Leach. The motion passed.

- k. The City Council, by Resolution 2018-25, declared a 2003 Ford Explorer that was forfeited to the Police Department as excess property and authorized it be sold.

The vehicle has been offered for sale through the State of Minnesota’s online bidding system.

The highest bidder is:

Vehicle	Purchaser	Amount
2003 Ford Explorer	Jamie Luberts	\$1,501.00

Council Member Johnson introduced Resolution 2018-93, Resolution Authorizing Sale of Excess Vehicle. The motion was seconded by Council Member Kelly. A vote being recorded as follows: For: Council Members Johnson, Kelly, Thomas and Mayor Stone. Against: None. Absent: Council Member Leach. The motion passed.

- l. Removed from agenda.
- m. Minnesota State Statute requires that the Governing Body of a jurisdiction that had positions or questions voted upon at a General Election to meet and declare the results official. The Board must meet between three and ten days following the election.

By general consent, the Council will meet November 9th at 7:00 a.m. to Canvass votes.

8. UNFINISHED BUSINESS

- a. The Planning Commission will meet on Tuesday, November 13, 2018, to consider the input given by the City Council at its October 17th meeting relative to the Parking Outside Storage of Recreational Vehicles and definition updates.

A proposed Ordinance may be presented to the Council at its meeting on November 21.

- b. City Engineer Boser presented the Council with the following information regarding the 2018 CIP Projects:

North Project:

- Reached substantial completion October 16
- Main Street Pond under construction, with lakeshore pond to follow
- Project will sit dormant for winter
- Phase 2 will begin 2019 and all property owners will be notified of the schedule

Getty Street Project:

- Reached substantial completion on October 3
- Pavement is complete, excluding final wear which will be completed in 2019

9. NEW BUSINESS

None.

10. CONSENT AGENDA

The Council considered the following Consent Agenda Items:

a.	Schedule of Claims	Unpaid Claims	\$628,640.04
		Paid Claims	<u>\$143,533.00</u>
		Total	<u>\$772,173.04</u>

- b. Resolution No. 2018-94, Accepting Contributions. The contributions are as follows:

Birchwood Resort	\$170.00	Dog Park
Anonymous Donors	\$816.19	Dog Park
Men's Card Playing Group	\$195.00	Senior Center
MN National Bank	\$200.00	Fire Dept.
Darlene Zirbes	\$25.00	Police Dept.

- c. Gambling Application for Exempt Permit Request from Sauk Centre Lions Club for a raffle on February 27, 2019 at the American Legion.

A motion was made by Council Member Johnson and was seconded by Council Member Thomas to approve the Consent Agenda as presented. A vote being recorded as follows: For: Council

Members Johnson, Thomas, Kelly and Mayor Stone. Against: None. Absent: Council Member Leach. The motion passed.

The Council thanked Birchwood Resort, Anonymous Donors, Men's Card Playing Group, MN National Bank and Darlene Zirbes for their donations.

11. INFORMATIONAL ITEMS

- a. The Artify Sauk Centre subgroup of the Sauk Centre Community Foundation is currently working on the development of a life size bronze statue of Sinclair Lewis.

The proposed location for the statue would be outside in the landscape/lawn area of Sinclair Lewis Library where individuals will be able to access it to take pictures etc.

Staff has met with representatives of the Artify Sauk Centre group. Members of the City Council are invited to meet and provide input on how the statue could be incorporated into the Sinclair Lewis Library grounds.

Formal acceptance would come at a later date with a dedication ceremony planned for 2019, preferably during Sinclair Lewis Days.

12. ADJOURN

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