

**SAUK CENTRE CITY COUNCIL
REGULAR MEETING
WEDNESDAY, NOVEMBER 18, 2009**

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

The Sauk Centre City Council met in a Regular Meeting on Wednesday, November 18, 2009 at 6:30 p.m. in the City Hall Council Chambers pursuant to due notice being given thereof. Present were Council Members David Thomas, Warren Stone, Keith Johnson and Al Coenen. Also present were City Administrator Vicki Willer, Public Works Director Butch Wessel, City Planner Sarah Morton, Ambulance Director Kathy Struffert, Police Chief Bryon Friedrichs and Administrative Assistant Nicki Vogt. Acting Mayor David Thomas presided thereat. Mayor Kirckof was absent.

2. APPROVAL OF AGENDA

The agenda was approved with deletions by general consent.

3. APPROVAL OF MINUTES

The November 4, 2009 regular meeting minutes were approved by general consent.

4. PUBLIC OPEN FORUM

Betty Keenan, 1016 State Road, Sauk Centre, MN 56378. Ms. Keenan stated that she is opposed to marketing the Sinclair Lewis Foundation/Chamber of Commerce Property. She feels that its current use is both useful and attractive and that both kids and parents enjoy it because of the sledding in the winter. She feels that the City should work harder to market existing commercial property within the City.

Lucille McClain, 603 Pine St. S., Sauk Centre, MN 56378. Ms. McClain stated that she feels the City has something special on the corner with the existing Sinclair Lewis Foundation/Chamber of Commerce property. She stated that people come from all over the world to visit this property. She questioned if the property is put up for sale, what would the City do with the Sinclair Lewis Foundation/Chamber of Commerce?

Acting Mayor Thomas stated that the area is not currently being marketed. The EDA has asked for a marketing analysis to determine the value of the property.

5. PUBLIC HEARINGS

None.

6. REPORTS/PRESENTATIONS

- a. Police Chief Friedrichs reported that there were 239 Warnings and 239 ICR's in the month of October for a total of 478.

The Police Department completed a total of 6 hours in the month of October for the Safe and Sober program.

On Monday, November 23, 2009 the Expedition will be fully equipped and ready for use as a back-up vehicle.

b. City Planner Morton reported on the November 10, 2009 Planning Commission meeting as follows:

- Public Hearings. See Action Items 7f, 7g, 7h and 7i.
- In November, 15 building permits were issued as follows: 13 residential and 2 commercial.
- The Planning Commission recommended that the Council proceed with the HCP Grant. See Action Item 7j.
- Discussion was held regarding adoption of a Tattoo and Body Piercing Ordinance.

c. The EDA met in regular session on Friday, November 13, 2009. The EDA approved payment of the second of the 2009 Pay As You Go TIF Payments. See Action Item 7l.

The EDA also approved entering into a Revolving Loan Fund Agreement with Evy Schilling for \$50,000 for seven years at 4%. The City will have a mortgage recorded against the property and possibly another property owned in fee simple by the applicant. The city is helping to fill the gap between conventional financing, SBA financing and owner equity investments to assist Ms. Schilling in the purchase of the Palms Motel to include equipment upgrades to qualify for franchise. The EDA Committee met with the primary lender on the loan to review the proposal, including financial evaluation.

City Policy on Revolving Loan Fund projects requires approval by the City Council to enter into the contract which will be drawn up by City Attorney Tom Mayer. Action on this item will come to the Council at a future meeting.

7. ACTION ITEMS

a. Removed from agenda.

b. Removed from agenda.

c. On October 7, 2009 the City Council authorized the advertisement for licensed EMT's for the Ambulance Department. The request by the Ambulance Department is to appoint three licensed EMTs to the roster on a probationary status at the run time rate of \$10.50/hour, training at \$7.25/hour and on call rate of \$2.00/hour.

1. Crystal Wilson
2. Jason Proell
3. Monique Woida

A motion was made by Council Member Johnson and was seconded by Council Member Stone to appoint Crystal Wilson, Jason Proell and Monique Woida as Probationary EMTs at the Probationary EMT rate of \$10.50/hour. A vote being recorded as follows: For:

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

- d. The following have been invoiced through the accounting system and are being recommended to be removed/written off for various reasons.

<u>NAME</u>	<u>DESCRIPTION OF CHARGE</u>	<u>AMOUNT</u>
SEND TO COLLECTIONS		
Anderson, Louise	Fire/Rescue Call (#2092)	\$ 150.00
Big Sauk Resort	PW Revenue (#2132)	\$ 21.30
Clinton, Angela M.	Fire/Rescue Call (#2066)	\$ 245.00
Gaardner, Crystal R.	Fire/Rescue Call (#2065)	\$ 245.00
Peterson, Oliver	Fire/Rescue Call (#2163)	\$ 380.00
Thieschafer, Paul	PW Revenue (#2078)	\$ 349.75
IN COLLECTIONS		
Linvell, Kenneth	Fire/Rescue Call (#1970) (Collected 3/09)	\$ 290.00
United Locating Svc.	Fire/Rescue Call (#1957)	\$ 500.00
REVENUE RECAPTURE		
I-94 Raceway, Inc.	2008 Amb. Standby Svc.(#'s 1981, 1955, 1997)	\$ 2,475.00
ASSESSED TO PROPERTY TAXES		
Peterson, Julie	Ice/Snow Removal (#1790)	\$ 40.00
Jauss Properties	P&Z Fees (Original bill prior to adj.) (#1967)	\$ 112.00
Jauss Properties	P&Z Fees (Original bill prior to adj.) (#1966)	\$ 1,001.13
Blahut, Jerry	Snow Removal (#2076)	\$ 50.00
Bleese, Joyce	Snow Removal (#2073)	\$ 50.00
Felling, Tad	Street (#2192)	\$ 1,310.28
		\$ 7,219.46
WRITE OFF		
First Lutheran Church	Park Rental – Canceled (#2131)	\$ 31.95
Hentges, James	Fire/Rescue Call (#2046)	\$ 1,270.00
Krusmark, Dave	Ice/Snow Removal (#1830)	\$ 45.00
Otte, Marlene	Park Rental – Canceled (#1888)	\$ 31.95
Sauk Centre Twp.	Fire Svc. Assessment (#1989 & 1826)	\$ 620.14
Stearns Co. Human Svc.	City Hall Rental in 2007 (#1705)	\$ 15.45
Stearns Co. Park Dept.	City Hall Rental in 2007 (#1783)	\$ 15.00
		\$ 2,029.49
INVOICED IN ERROR		
Jauss Properties	Assessment Negotiation Fees/Joe Heinen (#1967)	\$ 5,035.00
Jauss Properties	Assessment Negotiation Fees/Joe Heinen (#1966)	\$ 428.13
		\$ 5,463.13
PAID BUT NOT APPLIED TO INV.		
Fobbe, Matthew	Fire/Rescue Call (#1936)	\$ 195.00
L.P. Packing, LLC	Fire/Rescue Call (#1994)	\$ 350.00

Mitchell, Ann	GnGvt – Spec. Assmnt. Srch (#2006)	\$ 10.00
S.C.P.U.C.	Street/Chipper Repair (#2002)	\$ 38.07
Trident Develop. Corp.	P&Z Fees (#1870)	<u>\$ 300.00</u>
		\$ 893.07

TOTAL TO BE REMOVED **\$15,605.15**

Summary

Invoiced in Error	\$5,463.13
Write off as uncollectible	\$2,029.49
Sent to collections/revenue recapture/property taxes	\$7,219.46
Paid but receipted as cash and not applied to invoice	<u>\$ 893.07</u>
	<u>15,605.15</u>

A motion was made by Council Member Stone to approve Resolution No. 2009-74 adjusting Accounts Receivable by \$15,926.64 to include writing off as uncollectible \$4,656.05 to send to collections or revenue recapture, removing invoices assessed to property taxes of \$7,219.46, writing off invoices totaling \$2,014.49 as uncollectible, removing invoices invoiced in error of \$5,463.13 and removing invoices collected as cash receipts of \$1,229.56. The motion was seconded by Council Member Johnson. A vote being recorded as follows: Council Members Stone, Johnson, Coenen and Acting Mayor Thomas. Against: None. Absent: Mayor Kirckof. The motion passed.

- e. Each year the City Council solicits proposals for the purchase of fuel and vehicle washes from local vendors for the City vehicles.

Past bidders include the Truck Stop, Holiday, Northstar and Food-n-Fuel. Potential bidders include Holiday (Gas and Diesel), Truck Stop (Gas and Diesel), Northstar (Gas and Diesel), Food-n-Fuel (Gas), Casey’s (Gas) and Friedrichs Tire & Oil (Gas and Diesel).

The current provider for 2009 is Holiday Super Stop.

A motion was made by Council Member Johnson and was seconded by Council Member Stone to authorize for the solicitation of Fuel and Vehicle Wash Bids for 2010. A vote being recorded as follows: For: Council Members Johnson, Stone, Coenen and Acting Mayor Thomas. Against: None. Absent: Mayor Kirckof. The motion passed.

- f. The Planning Commission has been working to establish an ordinance regulating wind energy conversion systems pursuant to the City’s moratorium. The commission held a public hearing on November 10, 2009 to consider the proposed ordinance and they recommend its adoption.

This ordinance establishes guidelines if a citizen would be interested in installing a wind energy conversion system on their property.

Acting Mayor Thomas directed staff to page 31 of the packet and asked that letter T. be changed from the following:

- T. If a WECS is not maintained in operational condition and poses a potential safety hazard, the owner shall take expeditious action to correct the situation.

To the following:

- T. If a WECS is not maintained in operational condition and poses a potential safety hazard, the owner shall take action within 30 days to correct the situation.

A motion was made by Council Member Stone and was seconded by Council Member Johnson to approve Ordinance No. 682 Adding Section 156.088 Regulating Wind Energy Conversion Systems to the Sauk Centre City Code, with changes noted above. A vote being recorded as follows: For: Council Members Stone, Johnson and Acting Mayor Kirckof. Against: Council Member Coenen. Absent: Mayor Kirckof. The motion passed.

- g. City Administrator Willer presented Ordinance No. 683, An Ordinance of the City of Sauk Centre Authorizing Summary Publication of Ordinance 682 Adding Section 156.088 to the Sauk Centre City Code Regulating Wind Energy Conversion Systems. She stated that approval of this Ordinance allows summary publication of Ordinance No. 682. This requires a 4/5ths vote.

A motion was made by Council Member Johnson and was seconded by Council Member Stone to approve Ordinance No. 683, An Ordinance of the City of Sauk Centre Authorizing Summary Publication of Ordinance 682 Adding Section 156.088 to the Sauk Centre City Code Regulating Wind Energy Conversion Systems. A vote being recorded as follows: For: Council Members Johnson, Stone, Coenen and Acting Mayor Thomas. Against: None. Absent: Mayor Kirckof. The motion passed.

- h. Interim Use Permits are a tool commonly used by the Planning Commission to allow a specific use of property for a short term that may not be appropriate in the long term. Ordinance 684 provides for that authority in the City. An example of an appropriate Interim Use Permit would be to allow a home occupation in a residential district for a small business that may no longer be appropriate when the business grows and has outside employees and takes delivery of product by a semi. At that point the Interim Use Permit would expire and the business would need to relocate to a commercial area.

Issuing an Interim Use Permit is the same as issuing a Conditional Use Permit with a sunset clause.

After approval of the Ordinance, a subsequent change to the Land Use Chart in the Zoning Ordinance indicating which uses are appropriate Interim Uses will be forthcoming.

The Planning Commission, at their November 10, 2009 meeting, held a public hearing and recommend Council approval of this Ordinance.

A motion was made by Council Member Stone and was seconded by Council Member Johnson to approve Ordinance No. 684, An Ordinance Adding Section 152.09 Providing for Interim Use Permits. A vote being recorded as follows: For: Council Members Stone, Johnson and Acting Mayor Thomas. Against: Council Member Coenen. Absent: Mayor Kirckof. The motion passed.

- i. The Planning Commission held a Public Hearing on November 10, 2009 to consider an amendment to the City Code to further determine when a Certificate of Survey is required for a permit application and provides for waivers in certain instances.

Ordinance 685 changes the City Code to give latitude to waive the requirement when the new structure is located on a lot with an existing structure and where the new structure is clearly further from the lot line with an existing structure, if there is a Certificate of Survey on file with known measuring points and a structure exists on the lot and if the structure is readily movable.

Acting Mayor Thomas asked that Section A(1) the word “maybe” be changed to “may be”.

A motion was made by Council Member Stone and was seconded by Council Member Johnson to approve Ordinance No. 685, An Ordinance of the City of Sauk Centre Amending City Code Section 156.0106 Defining Submittal Requirements. A vote being recorded as follows: For: Council Members Stone, Johnson, Coenen and Acting Mayor Thomas. Against: None. Absent: Mayor Kirckof. The motion passed.

- j. The Planning Commission is making recommendation to the City Council that the City pursue the Healthy Communities Partnership (HCP) grant through the Initiative Fund. The first step in the process is to create a team of fifteen individuals who will be willing to attend workshops and help facilitate the process. Four training sessions are involved, along with a city wide visioning session, goal selection, planning and action. Following assembly of the team, a grant application will come before the City Council for approval.

It was noted that the matching grant can be City funds, in-kind, etc.

A motion was made by Council Member Johnson and was seconded by Council Member Stone to authorize the Planning Commission to assemble a team of fifteen individuals to participate as the core team for the Healthy Communities Partnership Project. A vote being recorded as follows: For: Council Members Johnson, Stone, Coenen and Acting Mayor Thomas. Against: None. Absent: Mayor Kirckof. The motion passed.

- k. Annually, the City reviews its Snow Removal Policies. The revisions to the Snow Removal Policy and Downtown Snow Policy further clarify the existing policies and the Policy Committee is recommending their adoption.

In addition, City Code states that the City should cause the snow to be removed for any sidewalk where the snow is not removed within 24 hours of a snow event. Historically, the City has sent notice and given an extra five days to remove the snow. Staff is requesting clarification if they should follow the code and have snow removed or continue with the five day notice provision. If the Council decides to continue with the five day notice provision, the Code should be changed. The Policy Committee recommends the Code be followed as written.

A motion was made by Council Member Coenen and was seconded by Council Member Stone to adopt the revised Snow Removal Policy, Downtown Snow Removal Policy and to confirm that staff follows § 95.001 as written for sidewalk snow removal. A vote being recorded as follows: For: Council Members Coenen, Stone, Johnson and Acting Mayor Thomas. Against: None. Absent: Mayor Kirckof. The motion passed.

Council Member Coenen suggested that landlords and tenants have an agreement on who is responsible for snow removal.

1. At the EDA's November 13, 2009 meeting they recommended Council approval of the following TIF Pay As You Go Payments:

PAYGO Pmts.

a.	St. Michael's Hospital (Clinic)	17,899.80
b.	Mississippi Flats	18,378.93
c.	Sauk Centre Opportunities	5,613.41
d.	Roach Center Crossing	24,818.87
e.	Riverview Townhomes	4,820.58
f.	Coborn's	14,482.24

Payment of PAYGO Loans

a.	RTS (Formerly Fitness Guru-Interfund Loan)	10,936.93
b.	Walters Trucking (Interfund Loan)	9,469.60
c.	Cabinet Components (Revenue Bond)	10,202.86

Transfer of Prior PAYGO to Bond Fund

a.	Sauk Centre Welding (Felling)	18,805.62
----	-------------------------------	-----------

TOTAL PAYMENTS **135,428.84**

Acting Mayor Thomas noted that these are contractual obligations.

A motion was made by Council Member Stone and was seconded by Council Member Johnson to approve the 2009 payments for \$135,428.84. A vote being recorded as follows: For: Council Members Stone, Johnson and Acting Mayor Thomas. Against: Council Member Coenen. Absent: Mayor Kirckof. The motion passed.

- m. The City Council offered eligible employees the option to enter into a Phased Retirement Option (PRO) which is a program offered by PERA to allow employees eligible for retirement to retire for the purposes of their PERA benefits, yet be retained by the City on a part time basis.

The program was offered to qualifying employees. Butch Wessel has requested to enter into a PRO agreement with the City and end his full time employment on December 31, 2009 and enter into a one year agreement with the City beginning on January 1, 2010.

This arrangement meets the requirements of a PRO with PERA and is within the parameters outlined by the City.

A motion was made by Council Member Coenen and was seconded by Council Member Johnson to accept the full-time resignation of Harold (Butch) Wessel effective December 31, 2009 and authorize entering into a PRO (Phased Retirement Option) Agreement effective January 1, 2010. A vote being recorded as follows: For: Council Members Coenen, Johnson, Stone and Acting Mayor Thomas. Against: None. Absent: Mayor Kirckof. The motion passed.

8. UNFINISHED BUSINESS

None.

9. NEW BUSINESS

- a. Staff has received a request from the All School Reunion Committee to change our Ordinance to allow the closure of Sinclair Lewis Avenue for a street dance to be held next year for the 2010 All School Reunion on August 14th. 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.

§ 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”. The dates of the celebrations as established by the Sauk Centre Chamber of Commerce and the organization promoting Sinclair Lewis Days shall be submitted to the City Council for approval.

This request will be sent to the Policy Committee for their review. Recommendation is to be made at the Council’s first meeting in January 2010.

10. CONSENT AGENDA

The Council then considered the following consent agenda:

- a. Schedule of Claims – Total of unpaid claims \$45,584.50 and paid claims \$1,358.68 for a total of \$46,943.18.
- b. List of October checks totaling \$385,840.67.
- c. Resolution No. 2009-75, Resolution Accepting Contribution. The contribution totaled \$1,000.00 from the Wal-Mart Foundation to be used for the Sauk Centre Fire Department fund.

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

Council Member Coenen questioned the payment to the three Fire Department members attending the Fire Chief's Convention and asked that prior to the next Fire Chief Conference that the Council be given notice. He questions the need for three members to attend at a cost of over \$500 each.

City Administrator Willer noted that all Department Heads are given the authority to approve training within their budget.

11. INFORMATION ITEMS

- a. A Thank You letter was received from Dan Brooks, Superintendent of Schools thanking the City of Sauk Centre for allowing them to use the City's election machines and a special thank you to City Administrator Willer for facilitating this cooperation.

12. ADJOURNMENT

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

With no further business to come before the Council, Acting Mayor Thomas adjourned the meeting at 7:43 p.m.

Respectfully submitted,

Acting Mayor David Thomas

City Administrator Vicki M. Willer