

**SAUK CENTRE CITY COUNCIL
REGULAR MEETING
WEDNESDAY, DECEMBER 16, 2009**

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

The Sauk Centre City Council met in a Regular Meeting on Wednesday, December 16, 2009 at 6:30 p.m. in the City Hall Council Chambers pursuant to due notice being given thereof. Present were Mayor Brad Kirckof, 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, Police Chief Bryon Friedrichs and Administrative Assistant Nicki Vogt. Mayor Kirckof presided thereat.

2. APPROVAL OF AGENDA

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

3. APPROVAL OF MINUTES

The December 2, 2009 Regular Meeting Minutes were approved by general consent.

4. PUBLIC OPEN FORUM

None.

5. PUBLIC HEARINGS

None.

6. REPORTS/PRESENTATIONS

- a. Police Chief Friedrichs stated that there were a total of 450 calls in November 2009 with 243 ICR and 207 warnings. He also reported that the Ford Expedition has its emergency lights and is now winterized.
- b. City Planner Morton reported on the December 8, 2009 Planning Commission meeting as follows:
 - Coborn's Addition Plat recommendation for preliminary and final plat approval. See Action Item 7i.
 - In November, a total of 10 permits have been issued as follows: 9 residential, 1 commercial.
 - The Commission is reviewing a Body Art (formerly known as Tattoo & Body Piercing) Ordinance.

7. ACTION ITEMS

- a. In 2008 the City granted a Franchise to Centerpoint Energy. This was the renewal of a franchise that has been in existence for fifty years. For the past fifty years, there has not

been a fee. At the time, the City Council proposed a franchise fee to be charged. A fee is currently charged for the electric and cable franchises in the City.

The Ordinance establishing the fee failed to pass. As a part of the 2010 budgeting process, the City Council brought up the franchise fee for reconsideration and staff presented the proposal to Centerpoint Energy and received revenue projections in return after revising the address lists. Those projections were provided to the Council.

The Council previously proposed a flat percentage of gross gas sales volume as the fee. Centerpoint has presented an alternate proposal with a flat meter charge per meter.

The City Council will need to determine if they wish to establish the fee based on a percentage or flat meter charge and also determine which percentage to use.

A representative of Centerpoint asked the Council to consider a flat meter rate charge as opposed to a revenue based charge which they feel impacts the lowest economic base in the City.

A motion was made by Council Member Coenen to adopt Ordinance 669 establishing a 1% fee for the granting of a Non-Exclusive Franchise to Centerpoint Energy. The motion failed due to lack of a second.

A motion was made by Council Member Stone and was seconded by Council Member Thomas to adopt Ordinance No. 669 establishing a 1.5% fee for the granting of a Non-Exclusive Franchise to Centerpoint Energy and to change the language of Section 3 to read as follows:

SECTION 3: PERIODIC REVIEW

The City Council shall review this ordinance every two years in whatever manner the City Administrator then determines to be appropriate, including, but not limited to, review by the City Council in either a work session or a regular session. Failure to review this Ordinance shall not in any way invalidate or limit it.

The foregoing ordinance was duly passed and adopted by the Council of the City of Sauk Centre, Minnesota, at its regular meeting on the 16th day of December, 2009.

A vote being recorded as follows: For: Council Members Stone, Thomas, Johnson and Mayor Kirckof. Against: Council Member Coenen. The motion passed.

b. Bid quotes were received for 2010 fuel and vehicle washes as follows:

Holiday Super Stop	0.06	0.06	0.06	0.06	10 free washes per month
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Northstar	0.05	.05	.05	.05	One for One – Washable Vehicle
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Georges Food-n-Fuel	.07	n/a	n/a	n/a	Free washes when requested or needed
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Truckers Inn	0.05	.05	.05	.05	n/a
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Council Member Thomas introduced Resolution No. 2009-80, Resolution Awarding 2010 Fuel/Vehicle Was Bid with Diesel being awarded to Holiday and Gas being awarded to Food-N-Fuel. The motion was seconded by Council Member Stone. A vote being recorded as follows: For: Council Members Thomas, Stone, Johnson, Coenen and Mayor Kirckof. Against: None. The motion passed.

Staff was asked to clarify car washes with Holiday.

- c. The Council considered the following Board/Commission openings:

Hospital Board: 1 position to be appointed for a 2 year term and 1 position to be appointed for a 5 year term.

The following have submitted nominations: Dr. Diane M. Kelly, Joe Uphus, Charles (Chip) Kortan, Jamie Shoutz, Dr. Keith Olson, Kevin Uphoff, Lois Pelkey and Heidi Leach.

Mayor Kirckof recommended appointing Joe Uphus to the 2 year term and Dr. Keith Olson to the 5 year term.

A motion was made by Council Member Stone to appoint Joe Uphus to the 2 year Hospital Board term expiring December 31, 2011 and Dr. Keith Olson to the Hospital Board 5 year term expiring December 31, 2014. The motion was seconded by Mayor Kirckof. A vote being recorded as follows: For: Council Member Stone, Mayor Kirckof and Council Member Coenen. Against: None. Abstain: Council Members Thomas and Johnson (Reason: Personal). The motion passed.

Park Board: 1 position to be appointed for a two year term.

The following submitted nominations: Mike Beilke.

A motion was made by Council Member Stone and was seconded by Council Member Thomas to appoint Mike Beilke to the Park Board for a 2 year term expiring December 31, 2011. A vote being recorded as follows: For: Council Members Stone, Thomas, Johnson, Coenen and Mayor Kirckof. Against: None. The motion passed.

Planning Commission: 1 position to be appointed for a 3 year term.

The following submitted nominations: Roy Walz.

A motion was made by Council Member Stone and was seconded by Council Member Thomas to appoint Roy Walz to the Planning Commission for a 3 year term expiring December 31, 2012. A vote being recorded as follows: For: Council Members Stone, Thomas, Johnson, Coenen and Mayor Kirckof. Against: None. The motion passed.

Public Utilities Commission: 1 position to be appointed for a 3 year term.

The following submitted nominations: Roy Walz.

A motion was made by Council Member Thomas and was seconded by Council Member Stone to appoint Roy Walz to the Public Utilities Commission for a 3 year term expiring December 31, 2012. A vote being recorded as follows: For: Council Members Thomas, Stone, Johnson, Coenen and Mayor Kirckof. Against: None. The motion passed.

Senior Center Board: 2 (or more) positions to be appointed for a 3 year term.

The following submitted nominations: Gayle Brewer and Elaine Meyer.

A motion was made by Council Member Johnson and was seconded by Council Member Thomas to appoint Gayle Brewer and Elaine Meyer to the Senior Center Board for a 3 year term expiring December 31, 2012. A vote being recorded as follows: For: Council Members Johnson, Thomas, Stone, Coenen and Mayor Kirckof. Against: None. The motion passed.

EDA Board: 1 position to be appointed for a 2 year term, 1 to be appointed for a 4 year term and 1 for a 6 year term.

The following submitted nominations: Dennis Heinen (Chamber of Commerce), Kevin Uphoff (S.C. Opportunity) and Gary Gamradt (At Large).

A motion was made by Council Member Johnson and was seconded by Council Member Thomas to appoint Dennis Heinen to the EDA for a 4 year term expiring December 31, 2013, Kevin Uphoff to the EDA for a 6 year term expiring December 31, 2015 and Gary Gamradt to the EDA for a 2 year term expiring December 31, 2011. A vote being recorded as follows: For: Council Member Johnson, Thomas, Stone, Coenen and Mayor Kirckof. Against: None. The motion passed.

CVB: 3 positions to be appointed for a 3 year term.

The following submitted nominations: JoAnn Thorson and Kelley Freese.

A motion was made by Council Member Stone and was seconded by Council Member Thomas to appoint JoAnne Thorson and Kelley Freese to the CVB for a 3 year term expiring December 31, 2012. A vote being recorded as follows: For: Council Members Stone, Thomas, Johnson, Coenen and Mayor Kirckof. Against: None. The motion passed.

Staff will re-advertise for the 1 remaining vacancy on the CVB.

Airport Commission: 1 position to be appointed for a 3 year term.

The following submitted nominations: Butch Wessel.

A motion was made by Council Member Johnson and was seconded by Council Member Thomas to appoint Butch Wessel to the Airport Commission for a 3 year term expiring December 31, 2012. A vote being recorded as follows: For: Council Members Johnson, Thomas, Stone, Coenen and Mayor Kirckof. Against: None. The motion passed.

Mayor Kirckof thanked those that submitted an application to be on a City Board/Commission.

- d. Annually at year end, the City Council approved interfund transfers to transfer funds for payment of debt service, payment of TIF obligations, transfer to Capital Project Funds and to sinking funds.

Council Member Johnson introduced Resolution 2009-81, Resolution Authorizing Transfer of Funds. The motion was seconded by Council Member Thomas. A vote being recorded as follows: For: Council Members Johnson, Thomas, Stone, Coenen and Mayor Kirckof. Against: None. The motion passed.

- e. At the December 2, 2009 meeting the Council was presented with 3 options to select for the establishment of a Park Dedication fee for the proposed plat of Hedin Point First Addition.

The 3 options are as follows:

1. Base land value of additional two lots times ten percent	\$10,030.00
2. None (the number of homes will be less than previous)	\$0.00
3. Adjusted base for off lake comparison for two lot increase	\$3,897.53

Each of the three proposals were offered by motion, each of which failed by a two to three vote.

Because the City Attorney has excused himself from representing the City on this issue, the LMC was contacted to determine if the lack of a decision would constitute the fee to revert strictly to the Ordinance and the answer was that the lack of decision would revert to Option 1, \$10,030.

The Developer requests that the City Council waive the park dedication fee requirement due to the fact that he has cleared up a multitude of nuisance violations, is proposing final resolution to the ownership and long term care of Shady Lane and also that the ultimate final number of homes/cabins will be less than previously existed on the same tract of land.

Mayor Kirckof stated that he feels that the Park Dedication fee should be waived since the developer has improved the facility, among other things.

A motion was made by Council Member Coenen to approve Option #1 of \$10,030. The motion failed due to lack of a second.

A motion was made by Council Member Stone and was seconded by Council Member Thomas to waive the Park Dedication fee for the plat of Hedin Point First Addition. A vote being recorded as follows: For: Council Members Stone, Thomas, Johnson and Mayor Kirckof. Against: Council Member Coenen. The motion passed.

- f. Bonestroo has submitted Final Pay Request No. 9 of behalf of Larson Excavating in the amount of \$44,400.18. This is the final payment for the Ash/Pine Street project which results in total payment to Larson Excavating in the amount of \$1,258,909.61.

A motion was made by Council Member Johnson and was seconded by Council Member Thomas to approve final payment voucher no. 9 to Larson Excavating in the amount of \$44,400.18. A vote being recorded as follows: For: Council Members Johnson, Thomas, Stone, Coenen and Mayor Kirckof. Against: None. The motion passed.

- g. The following pay rate adjustments are being requested by department heads for the part time and volunteer positions in the City for 2010.

Ambulance Training Coordinator – requesting increase from 10 to 15 hours per month.

The following ambulance rates reflect a 2% increase:

Ambulance Driver	\$10.00	\$10.20
Probationary EMT	\$10.50	\$10.71
EMT-B(1) 1-5 years	\$11.99	\$12.23
EMT-B(2) 5-20 years	\$13.25	\$13.52
EMT-B(3) 10-15 years	\$14.50	\$14.79
EMT-B(4) 15+ years	\$15.68	\$15.99
EMT-I	\$15.68	\$15.99
Firemen (calls/training)	\$10.00	\$11.00
Library Janitor	\$10.87	-----

A motion was made by Council Member Thomas and was seconded by Council Member Stone to approve pay adjustments effective January 1, 2010 as noted above for the EMT/Ambulance and to approve no increase for the Library Janitor. A vote being recorded as follows: For: Council Members Thomas, Stone, Johnson, Coenen and Mayor Kirckof. Against: None. The motion passed.

A motion was made by Council Member Stone and was seconded by Council Member Thomas to approve the pay adjustments effective January 1, 2010 for the Firemen (calls/training). A vote being recorded as follows: For: Council Members Stone, Thomas, Johnson and Coenen. Against: None. Abstain: Mayor Kirckof. (Reason: Personal). The motion passed.

- h. At a previous City Council meeting they approved offering a Phased Retirement Option Program and also entering into an agreement with Public Works Director Wessel who wishes to enter into the program.

The Personnel Committee and City Administrator met with Wessel on how the transition to part time and eventual retirement will proceed.

An agreement outlining the details of work hours, pay, work delegation and transition along with reiteration of the previously approved benefits was presented for ratification.

A motion was made by Council Member Thomas and was seconded by Council Member Johnson to approve the Agreement with Public Works Director Wessel at 40 hours per pay period. A vote being recorded as follows: For: Council Members Thomas, Johnson, Stone, Coenen and Mayor Kirckof. Against: None. The motion passed.

- i. Coborn's, Inc. has submitted an application for approval of a Preliminary Plat and Final Plat to plat their property into three commercial lots. Action on the Preliminary and Final Plat were taken simultaneously because the proposal was part of a previously approved ghost plat at the time of the initial development.

The Planning Commission recommends approval with conditions outlined on the resolution. Incomplete items include the submission of a title opinion for review by the City Attorney, receipt of plat check from Stearns County Surveyor, receipt of easements and payment of fees including park dedication fees, engineering and attorney fees. Fees are typically collected at the time of release of the executed hard shells for recording.

Council Member Stone introduced Resolution No. 2009-82, Resolution Approving Preliminary and Final Plat of Coborn's Addition, conditioned on the following:

1. Submittal of Title Opinion for review.
2. Plat check completion by County Surveyor.
3. Easement for ingress and egress over Lot 1 for benefit of Lots 2 & 3.
4. Easement for water/sewer utility access to Fairlane Drive over Lot 2 for benefit of Lot 3.
5. Payment of fees to include attorney, engineer and park dedication (\$8,043.40).

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

- j. The Sauk Centre VFW contacted the City asking for support in assisting the Osakis VFW in establishing a 97 mile scenic drive to be known as Veterans Scenic Drive. The Sauk Centre VFW requested that the drive include the City of Sauk Centre which could be accomplished on Highway 17 from Fairy Lake. The route could then come into town on Sinclair Lewis Avenue to the boyhood home or to the park by the Veterans monument (cannot go on state highway at this point). Todd and Douglas Counties are supporting the proposal. Don Otte from Stearns County has also been solicited for support from Stearns County. Signs designating the route as a scenic drive will be put up at no cost to the City. It is the eventual goal that the Drive becomes a State Scenic Byway as part of Explore Minnesota.

Sylvester Uphus stated that the streets will not be changing their names. They will be placing Veterans Scenic Drive signs along the route.

Council Member Johnson introduced Resolution No. 2009-83, Supporting the Efforts of the Veterans of Foreign Wars in Establishing Veterans Scenic Drive, with appropriate changes adding Post 2853. The motion was seconded by Council Member Thomas. A vote being recorded as follows: For: Council Members Johnson, Thomas, Stone, Coenen and Mayor Kirckof. Against: None. The motion passed.

- k. The final grant application for the Healthy Communities Partnership Program has been completed and was sent to the Initiative Fund. If selected, the City will receive up to \$10,000 in grant proceeds for the purpose of leadership training and visioning sessions.

A motion was made by Council Member Johnson and was seconded by Council Member Thomas to ratify the submittal of the grant application to the Initiative Fund for the Healthy Community Partnership Grant. A vote being recorded as follows: For: Council Members Johnson, Thomas, Stone, Coenen and Mayor Kirckof. Against: None. The motion passed.

- l. At the November City Council Meeting the Council approved payment of the 2009 Pay As You Go TIF Payments.

During the verification process prior to release of the check, it was discovered that the Agreement with Sauk Centre Opportunities has a clause that limits the number of years of payments to eight, ending on December 31, 2008. Under the current Agreement, the 2009 payment is not earned.

Because the funds are not due to Sauk Centre Opportunities, it is recommended that the payment approval in the amount of \$5,613.41 be retracted.

Sauk Centre Opportunities has been notified. The EDA will be revisiting the contract at their next meeting.

A motion was made by Council Member Stone and was seconded by Council Member Thomas to retract the prior approval to release the Pay As You Go Payment to Sauk

Centre Opportunities in the amount of \$5,613.41. A vote being recorded as follows: For: Council Members Stone, Thomas, Johnson, Coenen and Mayor Kirckof. Against: None. The motion passed.

- m. In order to comply with State Statute on the maximum term for a Contract for Deed, the City Auditor recommends that the note to Betty Schneider be re-written for the balance of the term in order to comply with MN Statute which limits the length of a contract by a City to five years. The note was originally written August 23, 2003.

The balance of the term is three years and seven months. The note will be rewritten with the same terms. The payment will not change.

Council Member Thomas introduced Resolution No. 2009-85 Authorizing Signature. The motion was seconded by Council Member Stone. A vote being recorded as follows: For: Council Members Thomas, Stone, Johnson, Coenen and Mayor Kirckof. Against: None. The motion passed.

8. UNFINISHED BUSINESS

None.

9. NEW BUSINESS

None.

10. CONSENT AGENDA

The Council then considered the following consent agenda:

- a. Schedule of Claims – Total of unpaid claims \$79,671.17 and paid claims \$9,574.71 for a total of \$89,245.88.
- b. List of November checks totaling \$210,025.13 (Check No. 29558 through No. 29659).
- c. Resolution No. 2009-84, Resolution Accepting Contributions. The contributions totaled \$278.93 from the Men's Card Playing Group to be used towards the Senior Center and \$10.00 from Eugene Faulhaber to be used towards the Park Board Fund.

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

11. INFORMATION ITEMS

- a. Approved October 1, 2009 Safety Committee meeting minutes and December 10, 2009 draft Safety Committee meeting minutes.

12. ADJOURNMENT

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

With no further business to come before the Council, Mayor Kirckof adjourned the meeting at 8:05 p.m.

Respectfully submitted,

Mayor Brad A. Kirckof

City Administrator Vicki M. Willer