

June 9, 2020

The regular meeting of the City Council of the City of Sleepy Eye was held electronically in accordance with MN Statute 13D.021. Meeting was held via WebEx and in the Council Chambers, 200 Main Street East, Sleepy Eye, MN at 7:00 p.m. on the 9<sup>th</sup> day of June 2020 per due call and notice. Mayor Wayne Pelzel and Councilors Nathan Stevermer, Douglas Pelzel, Joann Schmidt, Larry Braun and Gary Windschitl were present. Also, present were City Manager Bob Elston, City Attorney Alissa Groen, Public Works Director Mike Hardin, City Engineer David Palm, Chief of Police Matt Andres and City Clerk Michelle Strate.

Councilor Schmidt made a motion to approve Resolution 16-2020.

### **RESOLUTION # 16-2020**

#### **Resolution Establishing Unfeasibility of In-Person Meetings due to COVID-19**

##### **CITY OF SLEEPY EYE, MINNESOTA**

**WHEREAS**, on March 13, 2020, Minnesota Governor Tim Walz issued Executive Order 20-01, “Declaring a Peacetime Emergency and Coordinating Minnesota’s Strategy to Protect Minnesotans from COVID-19,” declaring a peacetime emergency under Minn. Stat. § 12.31, subd. 2;

**WHEREAS**, the Center for Disease Control has labeled COVID-19 as a pandemic illness;

**WHEREAS**, COVID-19 poses a risk to the health, welfare, and safety of the public;

**WHEREAS**, the Minnesota Department of Health has issued guidelines and recommendations to slow the spread of COVID-19 that include limiting social interaction;

**WHEREAS**, the City of Sleepy Eye, Minnesota provides important services related to transportation, public safety, economic development, critical infrastructure and protection of property;

**WHEREAS**, Minn. Stat. § 13D.021 permits open meetings to be conducted through telephone or other electronic means if:

1. The presiding officer for the governing body finds it not practical or prudent to meet in person because of a health pandemic or an emergency declared under Minn. Stat. Ch. 12;
2. All members of the body participating in the meeting, wherever their physical location, can hear one another and hear all testimony and discussion;
3. Members of the public present at the regular meeting location can hear all discussion, testimony, and votes of the public body, unless attendance at the meeting is not feasible due to health pandemic or emergency declaration;
4. At least one member of the body, chief legal counsel, or chief administrative officer is present at the regular meeting location, unless unfeasible due to health pandemic or emergency declaration; and
5. All votes of the body are conducted by roll call so each member’s vote can be identified and recorded; and

**WHEREAS**, the Mayor of the City of Sleepy Eye, Minnesota, finds that that in-person city council meetings are not practical or prudent because of the COVID-19 health pandemic, and that city meetings shall be held by telephone or other electronic means pursuant to Minnesota Statute, section 13D.021.

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF SLEEPY EYE, MINNESOTA AS FOLLOWS:**

1. Due to COVID-19 health pandemic and the public health emergency it is not feasible for members of the public to hear all discussion and testimony and all votes of the city council during meetings held by electronic means.
2. Due to the COVID-19 health pandemic and public health emergency, it is not feasible to have at least one member of the city council or other appropriate staff physically present at the regular meeting location during meetings held by electronic means.
3. All City meetings governed by Minnesota Statutes, Chapter 13D, will be conducted through telephone or other electronic means without members of the public or City officials present at the regular physical location so long as a health pandemic exists or an emergency is declared under Minnesota Statutes, Chapter 12.
4. City staff is directed, to the extent practical, provide means for the public to monitor City meetings held by telephone or other electronic means from a remote location.
5. City staff is directed to provide notice of all City meetings held by telephone or other electronic means in a manner consistent with state law.

5/12/2020  
Date

/s/Wayne Pelzel  
Mayor

Attest:

/s/Michelle Strate  
City Clerk

Councilor Pelzel seconded the motion and the motion carried.

Councilor Windschitl moved to approve the minutes of the May 12, 2020 regular meeting and the May 20<sup>th</sup> and May 27<sup>th</sup> Special Meetings. Councilor Stevermer seconded the motion and the motion carried.

Councilor Windschitl made a motion to approve Resolution 17-2020.

**RESOLUTION #17-2020**

**TEMPORARY OUTDOOR DINING PERMIT**

BE IT RESOLVED, the Mayor and the City Manager are hereby authorized and directed for and on behalf of the City of Sleepy Eye to execute and enter into an agreement with the Commissioner of Transportation as set forth and contained in the document entitled "PERMIT- TEMPORARY OUTDOOR DINING", a copy of which was before the City Council and which is made a part hereof by reference.

**CERTIFICATION**

STATE OF MINNESOTA

COUNTY OF BROWN

I hereby certify that the foregoing Resolution is a true and correct copy of the Resolution presented to and adopted by the City of Sleepy Eye at a duly authorized meeting thereof held on the 9th day of June, 2020, as shown by the minutes of said meeting in my possession.

/s/Michelle Strate  
City Clerk

Notary Public  
My Commission expires \_\_\_\_\_  
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Councilor Pelzel seconded the motion and the motion carried.

Councilor Windschitl made a motion to approve Resolution 18-2020

**RESOLUTION 18-2020**

**Authorizing City Manager to sign Temporary Outdoor Dining Permits**

WHEREAS, the City Council approved the Temporary Outdoor Dining Permit with MnDot on June 9, 2020, and

WHEREAS, the City Council understands the need to approve permits in a timely and efficient manor

NOW THEREFORE BE IT RESOLVED, that the City Council grants the authority to the City Manager to approve and sign Temporary Outdoor Dining Permits as they are applied for.

Dated June 9th, 2020

/s/Wayne Pelzel  
Wayne Pelzel, Mayor

ATTEST: /s/Michelle Strate  
Michelle Strate, City Clerk

Councilor Schmidt seconded the motion and the motion carried.

Councilor Braun made a motion to approve a variance for Jerome Wurtzberger property. His lot is 177x250 and he would move a 12'x16' storage shed onto the property. Councilor Pelzel seconded the motion and the motion carried.

Councilor Pelzel made a motion to deny the Conditional Use Permit for Glen and Lisa Schuster. Schusters requested to build a 12-16' high fence to help with the snow in the winter. Surrounding landowners, Reinarts, Hansen, Pelzel and Kjelshus were present to speak in opposition to the Conditional Use Permit. Schusters were also present at the meeting to speak in

favor of the Conditional Use Permit. Councilor Windschitl seconded the motion and the motion carried.

Councilor Pelzel made a motion to open the Aquatic Center as soon as possible. The MN Dept of Health has put out 8 pages of guidelines to comply with during the COVID-19 Pandemic, including maintaining social distancing and 50% capacity allowed. Councilor Windschitl seconded the motion and the motion passed 4-1, with Councilor Braun voting against.

Councilor Winschitl made a motion to approve the Sleepy Eye Lake as the first choice for the Fireworks display with an alternate location behind the Eagles Ball Park. Motion was seconded by Councilor Pelzel and the motion carried.

Councilor Pelzel made a motion to grant the permit to the Sleepy Eye Fire Department for the Fourth of July Fireworks Display. Motion was seconded by Councilor Windschitl and the motion carried.

City Attorney Groen asked the Council if they would like to consider increasing the allowable square footage of outbuildings on larger lots that are able to accommodate larger outbuildings. It was decided to leave the Ordinance as is and citizens would need to come with a variance.

City Engineer David Palm reported on the following:

- A. 12<sup>th</sup> Avenue Project. Mathiowetz Construction is working and the partial pay estimate 2 is due.
- B. 2020 Project. MR Paving is working on the project. Partial pay estimate 2 is due.

City Manager Elston reported on the following:

- A. Councilor Schmidt made a motion to approve the prices on lots of the Sleepy Hollow 5<sup>th</sup> Addition as proposed. Councilor Stevermer seconded the motion and the motion carried.

Councilor Schmidt made a motion to approve the Police Report. Councilor Stevermer seconded the motion and the motion carried.

Councilor Stevermer made a motion to approve the Cash Fund Balances. Councilor Pelzel seconded the motion and the motion carried.

Councilor Pelzel moved to approve and allow payment of the monthly bills. Councilor Schmidt seconded the motion and the motion carried.

There was no other business.

The meeting was properly adjourned at 9:05 p.m.

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Wayne Pelzel, Mayor

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Michelle Strate, City Clerk