

July 14, 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 GoToMeeting and in the Council Chambers, 200 Main Street East, Sleepy Eye, MN at 7:00 p.m. on the 14th day of July 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 Stevermer made a motion to approve Resolution 19-2020.

RESOLUTION # 19-2020

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.

7/14/2020
Date

/s/Wayne Pelzel
Mayor

Attest:

/s/Michelle Strate
City Clerk

Councilor Schmidt seconded the motion and the motion carried.

Councilor Pelzel moved to approve the minutes of the June 9, 2020 Regular Meeting. Councilor Schmidt seconded the motion and the motion carried.

Rose Martinka requested a Conditional Use Permit for dog boarding at 421 2nd Ave SE. 4 letters were given to the City opposing the Conditional Use. Letters were received from Dennis/Janice Schueller; Gerald Anderson; Bob/Rita Weiss; Mike/Kathy Ahlrich. Those attending in opposition were: Jason Mattes; Mary Mullry; Donna Augustin; Shari Pelzel and Renata Konopka. Those in attendance for support were Laura Horman and Kevin Selheim. Reasons for opposition given: business in residential area against city ordinance, property values will decrease and noise. Councilor Pelzel made a motion to deny the Conditional Use Permit. Councilor Schmidt seconded the motion and the motion carried.

Craig Murphy was present to request closing the alley located next to his property at 649 3rd Ave NW, Sleepy Eye. The request died due to lack of motion.

Councilor Pelzel made a motion to accept the recommendation from the EDA regarding the Small Cities Development Program Loan, to allow Zinniel's to pay the Small Cities Loan and they can sell the building as they wish. Councilor Schmidt seconded the motion and the motion carried.

Councilor Schmidt called for First Reading for satisfaction of the mortgage loan.

Councilor Stevermer made a motion to approve to close the street for the Servicemens Street Dance on September 11, 2020. Councilor Pelzel seconded the motion and the motion carried.

Attorney Groen reported on the following:

- A. Councilor Stevermer called for First Reading of Ordinance #169 An Ordinance for Selling Real Estate to Thomas and Allison Hillesheim for purchase price of \$24,000.00.
- B. Councilor Schmidt called for First Reading of Ordinance #170 An Ordinance for Selling Real Estate to Brian and Michelle Strate for purchase price of \$32,000.00

Councilor Schmidt made a motion to approve Resolution 20-2020.

RESOLUTION 20-2020

DECLARATION OF RESTRICTIVE COVENANTS

These declarations are made and established this 14th day of July, 2020, by the City of Sleepy Eye (Declarant), for and with respect to the following described real property in the City of Sleepy Eye, Brown County, Minnesota, to-wit:

Lots 1, 2, 3, 4, 5, 6, 7 and 8, Block 4, Sleepy Hollow 5th Addition, City of Sleepy Eye, Brown County, Minnesota (hereinafter "Properties")

RECITALS

1. The above-described Properties are zoned General Industrial.
2. The Properties are neighboring an area zoned General Residential.
3. Due to its proximity to the residential dwellings and in order to protect the residential nature of neighboring properties, Declarant is willing to impose restrictions with respect to the Properties.

RESTRICTIVE COVENANTS

Based on the above, the Properties, as above described, shall be subject to the following protective covenants, restrictions, and servitude, and every subsequent owner of said Properties, including individual lots, shall be bound to said covenants, restrictions and servitude, and shall accept title subject thereto.

1. The use of the Properties shall be restricted to private, personal, and non-commercial storage buildings.
2. The sidewalls of any storage structure shall not exceed 16 feet.
3. Storage of personal property outside of the storage structure shall not be permitted.
4. The property may not be used for assembly and fabrication of previously manufactured parts and welding operations; automobile, truck and farm machinery repair garages; industrial offices; manufacturing, except limited manufacturing; and no on-site storage of flammable, explosive or hazardous materials, except fuel for incidental use or fuel in gas tanks in vehicles, boats, snowblowers, 4-wheelers, lawn mowers; and no truck or bus terminals and construction equipment storage yards.
5. Each lot must blend in aesthetically with the adjacent residential neighborhood and provide a "green space" with the planting of trees, shrubs, and grasses.

6. These restrictive covenants are perpetual, non-revocable, run with the land, and are binding on the successors and assigns of Declarant.

7. These covenants may be enforced by the owners of the Properties, by adjacent residential property owners, and by the City of Sleepy Eye.

IN WITNESS WHEREOF, the Declarant has hereunto set its hand the day and year first above written.

Dated: 7/14/2020

/s/ Wayne Pelzel

Wayne Pelzel, Mayor

Dated: 7/14/2020

/s/Russell Elston

Russell Elston, City Manager

Councilor Braun seconded the motion and the motion carried.

City Engineer David Palm reported on the following:

- A. 12th Avenue Project. Mathiowetz Construction is working and the partial pay estimate 3 is due.
- B. 2020 Project. MR Paving is working on the project. Partial pay estimate 3 is due.

City Manager Elston reported on the following:

- A. Proposed Finance Meetings for July 22; July 29; and August 5 at noon for budget workshops.
- B. Rental Inspections. Suggest that we commit to not enforcing until the end of this year, due to COVID-19.

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

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

There was no other business.

The meeting was properly adjourned at 8:43 p.m.

Wayne Pelzel, Mayor

Michelle Strate, City Clerk