

February 9, 2021

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 Zoom at 7:00 p.m. on the 9th day of February 2021 per due call and notice. Mayor Wayne Pelzel and Councilors Nathan Stevermer, Douglas Pelzel, Scott Krzmarzick, Christina Andres and Gary Windschitl were present. Also, present were City Manager Bob Elston, City Attorney Alissa Groen, Public Works Director Mike Hardin, Chief of Police Matt Andres and City Clerk Michelle Strate.

Councilor Windschitl moved to approve the minutes of the January 12, 2021 Regular Meeting. Councilor Pelzel seconded the motion and the motion carried with roll call votes 5-0.

Mayor Pelzel appointed Alissa Fischer-Groen as City Attorney and grants permission for her to appoint Counsel for conflicts. Councilor Andres moved to approve the appointment as stated. Councilor Windschitl seconded the motion and the motion carried 5-0 with roll call votes.

Councilor Windschitl nominated Councilor Stevermer as Council President. Councilor Krzmarzick seconded the nomination and the motion carried with roll call votes 5-0.

Councilor Stevermer made a motion to accept Resolution 1-2021.

RESOLUTION #1-2021
ACCEPTING DONATION(S) TO THE CITY

WHEREAS, The City of Sleepy Eye, Minnesota, is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 465.03 for the benefit of its citizens, and is specifically authorized to accept gifts and bequests for the benefit of the City of Sleepy Eye and its citizens pursuant to Minnesota statutes Section 471.17; and

WHEREAS, The following persons and entities have offered to contribute the cash amounts set forth below to the City's Dyckman Free Library:

<u>Name of Donor</u>	<u>Amount</u>	<u>For/In Memory of</u>
Eva Hawk	\$250.00	Children's books
Amy and Peter Hinrichs	\$100.00	Les Peterson
Mark Rasmussen	\$50.00	general memorial
Jim and Deb Miesen	\$15.00	Les Peterson
Sheila Schmid	\$50.00	general donation
Jane Rasmussen	\$20.00	Les Peterson

WHEREAS, The City Council finds that it is appropriate to accept the donations offered.
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF SLEEPY EYE, MINNESOTA AS FOLLOWS:

1. The donation described above is accepted and shall be used for the expenses specified by the donor, and if no specific expense is stated, it shall be used for general expenses of the Dyckman Free Library.

I certify that the above resolution was adopted by the City Council of the City of Sleepy Eye on February 9th, 2021.

Wayne A. Pelzel, Mayor

I hereby certify and attest that the City Council of the City of Sleepy Eye Minnesota, did pass the above Resolution on February 9, 2021 in accordance with the Charter Provisions and state laws provided therefore.

Dated: February 9, 2021

Michelle Strate, City Clerk

Councilor Andres seconded the motion and the motion carried with roll call votes 5-0.

Councilor Windschitl made a motion to approve plumbing license for Jake's Plumbing. Councilor Pelzel seconded the motion and the motion carried with roll call votes 5-0.

Councilor Pelzel called for First Reading of Ordinance #179 Changing Part of the City Zoning from Residential to Business Industrial.

The Conditional Use Permit for Dale and Robin Schottle has been tabled until next month. Schottle's will provide more information.

Councilor Pelzel made a motion to not grant the variance for Brandon and Jessica Kuelbs to have 8'x12' utility shed, resulting in total square footage of all outbuildings being over 1008 square feet for a residential zone. Councilor Windschitl seconded the motion and the motion carried with roll call votes 5-0.

Councilor Stevermer made a motion not to object to Gambling Permit for Knights of Columbus for April 17, 2021 and St. Mary's Church on March 7, 2021. Councilor Pelzel seconded the motion and the motion carried with roll call votes 5-0.

Attorney Groen reported on the following:

- A. Councilor Windschitl called for First Reading of Ordinance #180 To Sell Real Estate to Gregory and Deborah Braulick.
- B. Councilor Pelzel called for Second Reading or Ordinance #176 To Sell Real Estate to Rod and Vickie Schumacher. The cost of the lot is \$58,000.00. Councilor Stevermer seconded the motion and the motion carried with roll call votes 5-0
- C. Councilor Stevermer called for Second Reading of Ordinance #178 To Sell Real Estate – City to John Pelzel. The cost is \$32,000.00 for each lot for total of \$96,000.00. Councilor Andres seconded the motion and the motion carried with roll call votes 5-0.
- D. Councilor Stevermer made a motion to approve Resolution 2-2021.

RESOLUTION #2-2021

WHEREAS, the City Code for the City of Sleepy Eye, Minnesota, provides that no division of an existing parcel of land within the City shall be filed, or accepted for filing, by the Brown County Recorder unless it is accompanied by a certified copy of a Resolution adopted by the City Council approving such division; and

WHEREAS, John Pelzel (hereinafter collectively "Pelzel") is in the process of purchasing from the City of Sleepy Eye the following legally described property: Lots 3, 4, and 5, Block 4, Sleepy Hollow Fifth Addition, Section 29, Twp. 110 North, Range 32 West, City of Sleepy Eye, Brown County, Minnesota; and

WHEREAS, Pelzel has requested permission from the City of Sleepy Eye to split the property as a contingency to their purchase of said lots.

NOW, THEREFORE, BE IT RESOLVED, the City Council for the City of Sleepy Eye, contingent on a successful sale and transfer of the said property to Pelzel, hereby approves the division of the real estate legally described as follows:

Lots 3, 4, and 5, Block 4, Sleepy Hollow Fifth Addition, Section 29, Twp. 110 North, Range 32 West, City of Sleepy Eye, Brown County, Minnesota

into FIVE separate parcels being legally described in the attached Exhibit "A", Exhibit "B", Exhibit "C", Exhibit "D", and Exhibit "E".

Said Resolution was passed on February 9th, 2021.

Wayne Pelzel, Mayor

Russell "Bob" Elston, City Manager

Councilor Krzmarzick seconded the motion and the motion carried with roll call votes

5-0.

City Engineer David Palm reported on the following:

- A. 12th Avenue Project. Working on slope by cemetery.
- B. 2020 Project
- C. 1st Ave/St. Mary's Street. Councilor Stevermer made a motion to approve Resolution 3-2021 .

RESOLUTION #3-2021

RECEIVING REPORT AND CALLING HEARING ON IMPROVEMENT

WHEREAS, a report has been prepared by Bolton and Menk with reference to the improvement of First Avenue between Walnut Street and St. Mary's Street, and this report was received by the council on February 9, 2021, and

WHEREAS, the report provides information regarding whether the proposed project is necessary, cost-effective and feasible,

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

1. The Council will consider the improvement of such street in accordance with the report and the assessment of abutting property for all or a portion of the cost of the improvement pursuant to Minnesota Statutes, Chapter 429 at an estimated total cost of the improvement of \$1,272,137.
2. A public hearing shall be held on such proposed improvement on the 8th day of March, 2021, at the Sleepy Eye Event Center at 7:00p.m. and the clerk shall give mailed and published notice of such hearing and improvement as required by law.

I certify that the above resolution was adopted by the City Council of the City of Sleepy Eye on February 9th, 2021.

Wayne A. Pelzel, Mayor

I hereby certify and attest that the City Council of the City of Sleepy Eye Minnesota, did pass the above Resolution on February 9, 2021 in accordance with the Charter Provisions and state laws provided therefore.

Dated: February 9, 2021

Michelle Strate, City Clerk

Councilor Andres seconded the motion and the motion carried with roll call votes 5-0.

Councilor Stevermer made a motion to approve Resolution 4-2021.

RESOLUTION NO. 4-2021

REQUESTING A VARIANCE FROM STANDARD FOR STATE AID OPERATION FOR PROJECT NO. S.A.P.008-635-015 (CSAH 35/1ST AVENUE)

WHEREAS, the City of Sleepy Eye and Brown County are preparing plans for CSAH 35 (1st Ave) Urban Grading, Storm Sewer, Sanitary Sewer, Water Main and ADA Improvements located between Walnut Street and CSAH 34 (St. Mary's Street NW) in the City of Sleepy Eye; and

WHEREAS, Minnesota Rules for State Aid Operation 8820.9961 requires 14 feet of distance between the traffic lane and the parking stall for a parking angle of 45-degrees with a present ADT of greater than 3000 vehicles; and

WHEREAS, the reasons for this variance request is increasing the existing 59-foot curb face to curb face street width to the required 62-foot curb face-to-curb face street would require the reconstruction of curb radii, storm sewer structures, and RRFB lights and controller on a recent MnDOT project (2018) at the TH 14 and CSAH 34 intersection, reduce the sidewalk width to a possible non-compliant PAR, extra costs to relocate street light standards and wiring and additional encroachment into the PAR.

NOW, THEREFORE BE IT RESOLVED, that the City of Sleepy Eye City Council does hereby request a variance from the Minnesota Department of Transportation State Aid Operations Rules Chapter 8820.9961 *Minimum Design Standards for 45-Degree and 60- Degree Pull-in Diagonal Parking (45-degree; ≥ 3000 ADT)* to allow 11 feet of distance between Traffic Lane and Parking Stall in lieu of the required 14-foot minimum distance between Traffic Lane and Parking Stall;

BE IT FURTHER RESOLVED, that the City of Sleepy Eye City Council hereby indemnifies, saves and hold harmless the State of Minnesota and its agents and employees of and from claims, demands, actions, or causes of action arising out of or by reason of improvements made from the proposed 2021-2022 CSAH 35 (SAP 008-635-015) Project in accordance with Minnesota Rules 8820.9961 and further agrees to defend at their sole cost and expense any action or proceeding commenced for the purpose of asserting any claim arising as a result of the granting of this variance.

Passed and approved this 9th day of February, 2021

Wayne Pelzel
Mayor, City of Sleepy Eye

Attest: _____
Michelle Strate,
City Clerk, City of Sleepy Eye

Councilor Andres seconded the motion and the motion carried with roll call votes 5-0.

City Manager Elston reported on the following:

A. Councilor Pelzel made a motion to adopt the Personnel Manual. Councilor Windschitl seconded the motion and the motion carried with roll call votes 5-0.

Councilor Stevermer made a motion to approve the Police Report and Cash Fund Balances. Councilor Pelzel seconded the motion and the motion carried with roll call votes 5-0.

Councilor Pelzel moved to approve and allow payment of the monthly bills. Councilor Krzmarzick seconded the motion and the motion carried with roll call votes 5-0.

There was no other business.

The meeting was properly adjourned at 8:16 p.m.

Wayne Pelzel, Mayor

Michelle Strate, City Clerk