

March 12, 2019

The regular meeting of the City Council of the City of Sleepy Eye was held in the Council Chambers, 200 Main Street East, Sleepy Eye, MN at 7 p.m. on the 12th day of March 2019 per due call and notice. Mayor Wayne Pelzel and Councilors Gary Windschitl, Nathan Stevermer, Douglas Pelzel, Joann Schmidt and Larry Braun were present. Also present were City Manager Kelli Truver, City Attorney Alissa Fischer, Public Works Director Bob Elston, City Engineer Dave Palm, Police Chief Matt Andres, EDA Director Kurk Kramer and City Clerk Linda Tiedeken.

Councilor Windschitl moved to approve the minutes of the February 12, 2019 regular meeting and February 27, 2019 special meeting. Councilor Stevermer seconded the motion and the motion carried.

Mayor Pelzel opened the public hearing on the application of Haala Developments Inc. by David Haala for a zoning variance for the property located at 413 Ellsworth Street SE (Lot 1, Block 2, Haala's 6<sup>th</sup> Addition) to allow the placement of a modular house on pillars with a skirt of concrete style panels around the circumference of the house. Councilor Pelzel moved to deny the zoning variance because the zoning ordinance states that all houses shall be placed on a permanent lateral foundation and which complies with the Uniform Building Code as adopted in Minnesota, and which are solid for the complete circumference of the house and this will set a precedent for the future. Councilor Braun seconded the motion. City Attorney Fischer also added that the following undue hardships must be met to grant a variance 1. Property cannot be put to a reasonable use 2. Circumstances are unique to the property are not created by the landowner 3. Will not alter the essential character of the locality. All in favor, motion carried.

Councilor Braun moved to approve the following permits to sell and display fireworks:

1. Sleepy Eye Fire Department to display fireworks on July 4, 2019 at Sleepy Eye Lake
2. Sleepy Eye Fireworks LLC, 617 Main Street West to sell fireworks
3. Freedom Station, 400 Main Street West to sell fireworks

Councilor Schmidt seconded the motion and the motion carried.

Councilor Schmidt moved to recertify city costs for mowing, snow removal and demo of house at 221 Water Street SE. Property will be sold at sheriff sale in 2019 for forfeiture of property taxes and previous expenses certified need to be recertified in order to be collected. Councilor Windschitl seconded the motion and the motion carried.

City Attorney Fischer reported on the following:

- A. Discussion was held on the new rental ordinance, inspections, rental permit fees and fines. Fees will be set by resolution. Mayor Pelzel asked to call for the first reading with a change to exclude renting to family members. Councilor Schmidt called for the first reading of Ordinance # 147, Second Series Rental Ordinance
- B. Councilor Pelzel called for the first reading of the Ordinance #148, Second Series Right of Way Ordinance. This ordinance will allow the city to regulate and register the structures (small cell towers) along the right of ways.
- C. Councilor Pelzel moved to approve an easement with Home Cemetery for a 66-foot-wide easement along the south side of Home Cemetery in exchange that if a sidewalk is constructed on the north side it will be next to the curb and if trees are removed it will be the city's responsibility to replace them and that all assessments would be covered by the city. The city would be able to annex the cemetery property into the city. Councilor Stevermer seconded the motion and the motion carried.

D. Councilor Windschitl called for the first reading of Ordinance No. 149, Second Series, An Ordinance to Sell Real Estate for Lots 5,6 and 7, Block 1, Nelson's Second Addition to Charles Hauser.

City Engineer Dave Palm reported on the following:

A. 2020 Street & Utility Improvements Project

- a. Design Work is continuing on Kiefer Street from 3<sup>rd</sup> Avenue to 2<sup>nd</sup> Avenue, 3<sup>rd</sup> Avenue NE by the water tower, service roads on 3<sup>rd</sup> Avenue NW (Hwy 4), to add sidewalk on the south side of School Street and remove and replace sidewalk on east side of Allison Park.
- b. Publish Notice in paper letting residents know a petition required to blacktop an alley.
- c. Field work on topo survey and existing conditions plans set is complete for segments 1, 2, 3, 5, 6, 7, & 12 Orange / Reconstruct Streets. Work on other segment as weather

B. 12<sup>th</sup> Ave NE & St. Mary's St. Project

- a. Discussion on the keeping the sidewalk along 12<sup>th</sup> Avenue NE in the project was held. Councilor Windschitl moved to keep planned sidewalks in the project. Councilor Schmidt seconded the motion and voting in favor were Councilors Windschitl, Stevermer, Pelzel and Schmidt. Against was Braun. Motion carried.
- b. Still working on cost and funding summary to include DEED & LRIP. Checking that the city is eligible for both and all eligible grant funds.
- c. Still no correspondence with Canadian Pacific Railroad about the RR crossing.
- d. Construction Schedule:
  - 2019 RR to do work on the tracks
  - 2020 Utilities, Grade and Gravel
  - 2021 Curb & Gutter and Bituminous Surfacing
- e. 2019 Airport Lighting Project. Submit engineering agreement for consideration and approval. Request authorization to prepare plans and specifications, take the bids on May 14, 2019 and complete the grant request by May 15, 2019. Total project cost is \$80,000, 95% to be paid with the MNDOT aeronautics grant and the remaining 5% would be the city responsibility. Councilor Pelzel moved to authorization the preparation of the plans, specs, invitation for bids and submit the grant application. Councilor Braun seconded the motion and the motion carried.

C. 12<sup>th</sup> Avenue SE (Adjacent to proposed Frontier Labs). Award was given to MR Paving.

E. Upcoming Brown County Highway Imp. within City Limits. No update since last period.

F. Brown County Ditch Systems, Re-determinations. No further update since last period.

Miscellaneous correspondence was included in agenda packets.

Councilor Schmidt moved to file the January Police Report and the January Cash Fund Balances as of February 28, 2019. Councilor Stevermer seconded the motion - motion carried.

Councilor Pelzel moved to approve and allow payment of the monthly bills in the amount of \$271,691.18 as presented. Councilor Windschitl seconded the motion and the motion carried.

There was no other business.

The meeting was properly adjourned at 8:30 p.m.

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Wayne Pelzel, Mayor

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Linda Tiedeken, City Clerk