

**MINUTES OF THE CITY COUNCIL
ST. AUGUSTA, MINNESOTA
July 7, 2020**

CALL TO ORDER: The meeting was called to order by Mayor Zenzen via Zoom Meeting at 7:00 PM.

PRESENT: Mayor Zenzen, Council Members Backes, Reinert, Schulzetnberg and Genereux; Attorney Couri, Engineer Boots; Fire Chief Tabatt, Assistant Chief Orth, Fire Captain Kramer, Fire Lieutenant Claseman, Fire Lieutenant Voigt, Fire Lieutenant Sandhurst, Stearns County Deputy Hemmesch, Building Official Mark Harren, Street Supervisor Kiffmeyer, and Clerk/Administrator McCabe.

OTHERS PRESENT: Steve Hartkopf, Father Richard Voigt, Rich Feneis, Jesse George,

CONSENT AGENDA: Mr. McCabe indicated he added a revised resolution to the consent agenda as we have a few changes to our election judges.

A motion was made to approve the consent agenda items 3A – 3E by Ms. Schulzetnberg, second by Mr. Reinert. Motion 4-0.

The following items were approved with the consent agenda:

City Council Minutes, June 2, 2020.

Bill Payable, Receipts and Treasurer's Report dated April July 7, 2020 and for US Bank payment and Checks #23480 – 23581.

City Council Agenda, July 7, 2020

Gambling Permit Request, St. Augusta Sports, Inc.

Resolution #2020-10, Appointing Election Judges.

SHERIFF'S REPORT: Lt. Hemmesch was in attendance and presented the report for June. He indicated there were 37 contract hours spent and he reviewed the call types and indicated there were nine citations issued. He answered questions from the Council. Lt Hemmesch reported they have been collecting speed data in Eagle's Landing. He believes there will be enough data collected and brought to City Hall to be analyzed.

A motion was made to approve the Sheriff's report as presented by Mr. Reinert, seconded by Ms. Schulzetnberg. Motion carried 4-0.

**BUILDING INSPECTOR'S
REPORT:**

Mr. Harren was in attendance to present the June Building Inspector's report. He indicated the last month included 5 single family dwelling permits along with one new commercial permit.

A motion was made to approve the building inspector's report as presented by Ms. Schulzetenberg, seconded by Mr. Genereux. Motion carried 4-0.

**PUBLIC WORKS
UPDATE:**

Street Supervisor Kiffmeyer was in attendance and indicated he is having more issues with the backhoe (radiator blew out again, second time in 2 years, brakes are shot and the pump is bad). He indicated we don't use it real often, but we use it to bury dead deer and whenever we have to dig out small clay pockets on gravel roads. He stated he is looking for a used machine and has found a sampling of them in the price range of \$30,000 to \$45,000. Mr. Reinert wondered if rental would be an option and Mr. Kiffmeyer stated he wasn't sure there would always be one available when needed. Mr. Reinert agreed that the existing machine is ready for the scrapyards and suggested we try the rental option for a year. Ms. Schulzetenberg agreed and inquired if we have started budgeting for a replacement. Mr. Kiffmeyer stated not as we don't use very often. Mr. Reinert suggested we put the existing machine up for sale with a starting price of \$10,000. Mr. McCabe indicated he would see to it that it happens.

Mr. Kiffmeyer reported our new plow truck (chassis only) is in and will be picked up and stored until Tow Master is ready to finish but it will probably be later than expected and we should consider ourselves lucky if we have it by spring.

**FIRE DEPT.
REPORT:**

Chief Tabatt presented the monthly report for May indicating there were 12 calls, bringing the total for the year to 53. Monthly training was done in house and was on pumper training for both engines.

A motion was made to approve the report by Mr. Genereux, seconded by Mayor Zenzen. Motion carried unanimously.

Lt. Claseman reported the department had been awarded a Center Point Energy Grant in the amount of \$2,500 to be used for portable radio batteries and pagers. Said we also applied to DNR for the other half the cost.

Chief Tabatt indicated with the COVID-19 issues he thought it would be best to cancel the National Night Out event this year. Ms. Schulzetenberg agreed with it being cancelled. Asst. Chief Orth indicated they would have to disinfect and entirely clean after the event if it were to be held. Ms. Schulzetenberg wondered if a different form of the event were being discussed and Lt. Claseman stated it really would be difficult to meet the spirit of National Night Out virtually.

Mr. Couri stated code allows the cities to dictate what type of fitting is necessary for any building with a sprinkler system and our department

would like it to be a 5" Storz fitting. A motion, second and vote is all that needs to be done now with an amendment to our policies to follow.

A motion was made by Mr. Reinert, seconded by Ms. Schulzetenberg to mandate building with sprinkler systems utilize the 5" Storz connection. Motion carried 4-0.

Lt. Claseman inquired about the trees on Fallow Road and Mr. McCabe stated the guys have looked at them and they are on the list to be trimmed.

OPEN FORUM:

Father Richard Voigt was in attendance and wanted to discuss his plans to build a shed. He referenced a letter he had sent to the Council members, Mr. McCabe and Mr. Couri and requested they allow him to build his shed before the other buildings are removed and corrected. Mr. Harren stated it is standard practice to not approve a new building permit when there are non-compliance issues with another permit. Mr. Couri stated that we typically require compliance before issuing a permit. Father Voigt stated the prior permit issue will be the contractor's responsibility and he requested the Council allow him to correct the other two issues once his building is complete. Mr. Reinert wondered if we could allow the building with those conditions. Mr. Harren wondered what our leverage would be after the building is completed. Mr. Couri stated he could draft a simple agreement that usually is pretty enforceable. Mr. Zenzen indicated that because this was open forum, a decision didn't need to be made tonight and wondered if it should be added to the next agenda. Mr. Genereux thought tabling wasn't necessary as it just puts the decision off another month. Mr. McCabe stated the issue he is having is with the continued deceit. Besides the building without a permit, he stated that he was initially told the lot was 5 acres when in fact it is only 2.5 acres and he stated Father Voigt said he never met with Mr. Harren to discuss building this as a church building when in fact Mr. Harren sent an email detailing the discussion as he specifically told Father Voigt he wasn't going to answer questions about fire exits, pew spacing and the like because a church isn't allowed in this zoning district. Mr. Genereux wondered what it would take to convert the building to a church once it was built. Mr. Couri indicated they are separate issues as we cannot hold a building permit based on what we believe they will use for after construction. Ms. Schulzetenberg indicated she believed pole sheds go up quickly and she thought we could allow one of the canvas shed/car port removed, issue the permit and then remove the other. Mr. Harren confirmed pole sheds can be constructed quickly. Mayor Zenzen stated he would like to see the unpermitted issue taken care of prior to the issuance of the new permit and to then enter into the agreement Mr. Couri referred to earlier. Father Voigt indicated he uses the space to teach and pray with others both individually and in groups. Mr. Couri stated from a legal perspective this sounds like a church and would not be allowed as a permitted use in this zoning district. Father

Voigt said it is not a church, it is an oratory. Mr. Genereux wondered if the number in attendance mattered. Consensus was the permit could be issued after the prior permit issue is taken care of and the agreement drafted by Mr. Couri gets signed.

Mr. Harren asked to revisit the Storz connection item as he looked up the code and that typically isn't done. Mr. Couri explained the city doesn't have the typical system and this is allowed. Mr. Harren thanked him as it will apply when he is conducting inspections. Chief Tabatt indicated more municipalities are going to this system and as it allows for more water and Mr. Reienert indicated surrounding communities that also use this system.

ENGINEER'S REPORT:

Steve Hartkopf and Jesse George were in attendance to discuss the drainage ditch near their homes. Mr. Boots indicated he along with Mr. Kiffmeyer and Mr. Blashack had met with Mr. Hartkopf on site and inspected the drainage swale and in his opinion it is performing as designed. Mr. Hartkopf stated he was at the January 2 City Council meeting and requested they look at the elevations of the ditch. He discussed a little of the history (ditch being re-graded in 2011 and the installation of the new pipe) and said it worked for a while after the work was done but there have been issues for the last two and a half years with water standing in the ditch prior to the drought we have existing. Mr. McCabe and Mr. Kiffmeyer questioned this as Mr. Kiffmeyer checks after every large rain and they don't recall that being the case. Mr. Hartkopf stressed that he would like to see the ditch resurveyed. Mr. George indicated he didn't believe anyone had walked behind his house and Mr. McCabe said he and Mr. Halter, the engineer at the time had. Mr. Genereux indicated he would like to gather additional data.

******* Mr. Backes entered the meeting at approximately 8:00pm.**

Mr. Boots suggested the property owners could petition the city for an improvement project. Mr. Hartkopf referred to the 2011 easement agreement and said he just wants that followed. Mr. Couri stated it is a standard agreement that gives the City the ability to maintain the easement, not an agreement stating the City is obligated to maintain to a certain standard. Mr. Boots indicated he would put together an estimate of what it would cost to get those elevations and have options.

Mr. Boots updated the Council on the 2020 Street project indicating the parking lot has been torn up; Mr. McCabe explained they hit our building when doing the milling. He has one quote for the repairs and will be soliciting another to turn over to the contractor.

**250TH STREET REAL ESTATE
EXCHANGE**

AGREEMENT: Mr. Couri presented a proposed real estate exchange agreement explaining that Pleasureland would be giving up land for our 250th Street cul-de-sac in exchange for Outlot A of Kiffmeyer Addition.

A motion was made to approve the 250th Street Real Estate Exchange Agreement by Mr. Backes, seconded by Ms. Schulzetenberg. Motion carried unanimously.

**PLANNING COMMISSION
KO/ST. CLOUD**

STORAGE: Mr. McCabe indicated the planning commission recommended approval of the site plan. He presented Resolution #2020-11 which included all the recommendations from the planning commission.

A motion was made to approve Resolution #2020-11 approving the KO Self Storage Site Plan by Mr. Backes, seconded by Ms. Schulzetenberg. Motion carried unanimously.

NUISANCE LETTER RESPONSE

DISCUSSION: Mr. McCabe indicated he had not received any contact from Mr. Moreno and each of the Council members should have received a letter from Mr. Winkelman. Starting with the Moreno nuisance, Mr. Couri suggested this is a curable nuisance and suggested someone from the City visit with the property owner.

As to the Winkelman nuisance, Mr. Genereux indicated he appreciated the letter from Mr. Winkelman as he didn't know the history. Mr. McCabe stated the site was not that bad when he started 15 years ago. Mayor Zenzen said his father never allowed the site to look this way and it has progressively worse. Mr. Couri explained the difference to zoning ordinances and nuisance ordinances and suggested we look at old aerial photos to determine when things started piling up. Mr. Reinert pulled up aerial photos and indicated both the 2005 and 2010 aerial showed some materials outside, but nothing like what exists today. He stated if the storage were returned to the 2010 level, he doesn't believe we would have the complaints. Mr. Couri requested both letters be sent to him.

AED SAVE STATION

DISCUSSION: Rich Feneis was in attendance presenting an opportunity for us to purchase AED Save Stations for each of the parks. He stated they are starting to go up throughout the region and explained the different types of units. Mr. McCabe asked if they were concerned with or had experienced any vandalism. Mr. Feneis reported there hasn't been any and also stated there is a maintenance/monitoring contract that you could purchase. Ms. Schulzetenberg and Mr. Reinert suggested this go to the Park Board and Mr. Feneis agreed to attend on of those.

**COUNCIL MEMBER
PURVIEW:**

Ms. Schulzetenberg asked if there has been any further discussion with the group home on 43rd Avenue as a resident has contacted her. She asked Mr. McCabe to reach out to the employees of the group home to see how we can enable a connection between them and the residents.

Mr. Genereux asked that the sign on the corner of the church property be moved.

**CITY ADMINISTRATOR
REPORT:**

Mr. McCabe presented a draft letter he would like to send to all people renting the park shelters. He stated that the intent would be to tell renters, that even though the shelters are cleaned daily, they should still use caution and maybe paper table coverings on the picnic tables. There was also discussion on the emergency declaration. Mr. Couri stated we could continue to hold Zoom meetings if we lifted it. The Council felt it best to leave it in place as long as the States is in place.

Mr. McCabe reported the City received \$268,437 in Cares Act funding. He is working on determining how the money can be spent and tracking existing expenditures.

Mr. McCabe provided the state demographer's population estimate as of April 1, 2019 at 3,612 and household count at 1,257.

Mr. McCabe presented a request for a contribution to the Initiative Foundation. Consensus was this isn't the time.

ADJOURMENT: A motion was made to adjourn at 9:25pm by Mr. Reinert, seconded by Mr. Genereux. Meeting Adjourned.

Approved this 4th day of August, 2020.

Michael G. Zenzen, Mayor

Attest:

William R. McCabe, Clerk/Administrator