

**MINUTES OF THE CITY COUNCIL
ST. AUGUSTA, MINNESOTA
June 2, 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, Schulzetenberg and Genereux; Attorney Couri, Engineer Boots; Engineer Ostendorf, Fire Chief Tabatt, Assistant Chief Orth, Fire Captain Kramer, Fire Lieutenant Claseman, Fire Lieutenant Voigt, Stearns County Deputy Hemmesch, Planner Cindy Nash and Clerk/Administrator McCabe.

OTHERS PRESENT: Keith Laudenbach, Andy Kenning, Chad Erdmann, Gary Meyer, Haley Garberg, Dan Janski, Matt Janski, Brad Bacon, Leigh Lenzmeier, Rodney Parrott, and Levi

CONSENT AGENDA: A motion was made to approve the consent agenda items 3A – 3D by Mr. Backes, second by Mr. Genereux. Motion carried unanimously.

The following items were approved with the consent agenda:

City Council Minutes, May 19, 2020.

Bill Payable, Receipts and Treasurer's Report dated April June 2, 2020 and for US Bank payment and Checks #23436-23479.

City Council Agenda, June 2, 2020

City Council Minutes, May 29, 2020

SHERIFF'S REPORT: Lt. Hemmesch was in attendance and presented the report for May. He indicated there were 39 contract hours spent and he reviewed the call types and indicated there were 13 citations issued. He answered questions from the Council.

A motion was made to approve the Sheriff's report as presented by Mr. Reinert, seconded by Mr. Backes. Motion carried unanimously.

Mayor Zenzen inquired about enforcement of the outdoor dining rules. Lt. Hemmesch responded they would respond to complaints.

BUILDING INSPECTOR'S REPORT:

The May Building Inspector's report was presented in spreadsheet form. Mr. McCabe indicated the last month included 2 single family dwelling permits.

A motion was made to approve the building inspector's report as presented by Ms. Schulzetenberg, seconded by Mr. Backes. Motion carried unanimously.

**FIRE DEPT.
REPORT:**

Chief Tabatt presented the monthly report for April indicating there were 10 calls, bringing the total for the year to 41. Monthly training was done via Zoom and was the annual right to know training and updated protocols due to COVID-19.

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

Lt. Voigt presented a quote from Fire Safety USA for improvements to Engine 1 totaling \$1,421. He explained the pump panel doesn't light up very well and this would help illuminate the panel on night calls. Mayor Zenzen questioned if another quote was received. Lt. Voigt stated they chose to get the quote from them because of warranty. Mr. Backes wondered if we could take the truck to them and was told then it would be out of service.

A motion was made to approve the improvements by Fire Safety USA in an amount of \$1,421 by Mr. Backes, seconded by Mr. Reinert. Motion carried unanimously.

Lt Voigt presented a quote for relay pumping equipment from Emergency Response Solutions for an amount of \$869.85 plus shipping. Lt. Voigt again explained this will send water from Engine 2 to Engine 1 on a long driveway situation.

A motion was made to approve the request by Mr. Backes, seconded by Ms. Schulzetenberg. Motion carried unanimously.

Lt. Claseman presented a quote for new tee shirts for the members. He indicated this is included in the budget annually.

A motion was made to approve purchasing the tee-shirts from Aspen Mills in an amount of \$1,227 by Ms. Schulzetenberg, seconded by Mr. Genereux. Motion carried unanimously.

OPEN FORUM:

Dan Janski along with his brother Matt were in attendance and wanted to discuss the patch that was done on 215th Street. The City awarded this patch job along with another to Diversified Paving at their meeting on May 5. Mr. McCabe had indicated after the meeting he sent a letter to Mr. Janski's father indicating he was responsible for the damage and requesting he sign the letter and return it as his acknowledgement and agreement to pay the cost. Mr. Janski indicated that instead of returning the letter, he fixed the road himself. The City explained why this isn't allowed, citing the fact that what they did is unknown, they weren't bonded or insured and there was a contract in place to do the

patch. Dan Janski indicated that they had done the patch for significantly less than the contracted price and Mr. McCabe explained there were three separate quotes for the patch and the lowest quote was contracted. He said minimally we should charge a ROW permit fee of \$300 and watch to make sure the patch doesn't break up.

A motion was made to charge a \$300 ROW permit fee from Mr. Janski by Mr. Backes, seconded by Ms. Schulzetenberg. Motion carried 4-0 with Mr. Reinert abstaining.

**ENGINEER'S
REPORT:**

Mr. Boots introduced Tara Ostendorf from their office and indicated she has been working on our MS4 annual report and putting the training together to train staff in what needs to be done moving forward. Ms. Ostendorf briefly reviewed a summary and findings memo on the MS4 Program Review. She shared a website (sharepoint) that can be used to document everything that is done for the MS4/stormwater system.

Mr. Boots presented a drainage issue in Emerald Ponds. Mr. McCabe stated there were complaints and he referred it to the engineer. Mr. Boots presented a drawing and explained how the drainage in the effected area was supposed to work. Discussion continued on items that are potentially altering the drainage in the area and Mr. Couri suggested we do something sooner rather than later to stop additional issues. Mr. Reinert wondered if we had a policy on vacating or requiring anything within the easement be moved and Mr. Couri explained property owners are supposed to know the requirements. He further explained that if they don't comply, the City can do the work and certify it to the property taxes. Ms. Schulzetenberg wondered if there is a way we could put a lien on the property in case the non-compliant property owner sold or moved. Mr. Couri said we certainly can do something and he would have to consider the best alternative. Ms. Schulzetenberg indicated she believed we are ready for certain actions starting with notifying property owners of their responsibility. Mr. McCabe was directed to come up with a letter to send to all property owners in the subdivision and an additional separate letter to those who have items within the easement. The first letter will be displayed on our website and the MS4 Sharepoint site for access to other property owners throughout the City.

**VACATING A PORTION
OF 250TH STREET:**

Mr. McCabe introduced Resolution #2020-07, stating this is because Pleasureland owns all the property adjacent to the road from the proposed cul-de-sac in the 2020 Street Project. He explained there is a land swap necessary for the area where the cul-de-sac will be constructed and there is also an outlot the City owns in fee title that will be deeded to Pleasureland. There was discussion on retaining easement for utilities on the street portions being vacated. Mr. Couri suggested we could adopt the resolution subject to a reservation of

utility and drainage easement being identified and incorporated into the resolution.

A motion was made to approve Resolution #2020-07 subject to reservation of drainage and utility easement by Mr. Genereux, seconded by Mr. Backes. Motion carried unanimously.

**PLANNING COMMISSION
RECOMMENDATION**

DOLLAR GENERAL: Planner Nash indicated the planning commission at their meeting last night unanimously recommended we grant variances (30 parking stalls rather than 42, 30 foot rear yard setback, rather than 35 foot, and a 5 foot separation rather than 15 foot from the drive lane to parking) for the construction of a Dollar General Store. Ms. Nash reviewed the changes recommended by the planning commission and indicated there are some other minor adjustments that will need to be made to comply with comments offered by her and the City Engineer. Mayor Zenzen wondered if the curb shown on the plan was existing or would be new in the parking lot. Ms. Nash indicated it is new curb. Mr. Genereux wondered if there was room to add sidewalk on County Road 115 and was told there is approximately 17-18 feet of right-of-way between the existing road edge and property.

A motion was made to approve Resolution #2020-08 and #2020-09, by Mr. Backes, seconded by Ms. Schulzetenberg. Motion carried unanimously.

**PLANNING COMMISSION
RECOMMENDATION
RICE CONTRACTING**

IUP: Mr. McCabe indicated the planning commission unanimously recommended approval of a three year renewal for an IUP for a mining/filling permit on the Kenning Land. He explained they added a one year review along with the requirement the knob on County Road 136 be removed by the end of the summer and dust control measures are included in the permit.

A motion was made to approve the IUP by Ms. Schulzetenberg, seconded by Mr. Backes. Motion carried unanimously.

**PARKING ORDINANCE
DISCUSSION:**

Mr. McCabe indicated he had included in the packets the ordinances pertaining to parking. He asked what members liked in these ordinances and what they wanted to see changed. After finding out only one ordinance was included, Mr. McCabe shared the others on his screen. Mr. Genereux stated the property owner who facilitated this discussion will do what it takes to not get cited but continually push the boundaries. Ms. Nash wondered if it was a business and was told there isn't any definitive proof that it is a business. Mr. Backes

wondered if he continually fixed potential violations but had new violations, would we be able to cite the property owner. Mr. Couri stated he cannot be a habitual violator. Consensus was there was enough in the existing ordinances, Mr. McCabe was directed to send violation notices.

**COUNCIL MEMBER
PURVIEW:**

Mr. Reinert indicated he had a neighbor contact him about having chickens in her yard on a residentially zoned lot. He indicated he is aware of cities that allow this with certain conditions. Mr. McCabe explained our ordinance defines chickens as a farm animal and thus they are only allowed in agricultural zoned areas. Mr. Reinert explained what some of the conditions might be. Mayor Zenzen wondered if we wanted to allow them in residential areas, especially the more urbanized residential areas. Mr. McCabe indicated we have budgeted to do a review of our Comprehensive Plan and our Zoning Ordinance starting later this year, he wondered if that would be the time to look at this closer, consensus was to review with those other reviews.

Ms. Schulzetenberg inquired about the audit comment on uncashed checks. Mr. McCabe responded that each year immediately after the audit they focus on this for a brief time and always let it slip until the next audit. He and Teresa will put a focus onto clearing this out.

Ms. Schulzetenberg also inquired about the credit card comment in the audit and Mr. McCabe responded that this has been implemented.

Ms. Schulzetenberg wanted to again discuss the easement issues and how we can better inform the residents. Mr. McCabe suggested we can utilize the MS4 Sharepoint site.

Mayor Zenzen indicated he has gotten more nuisance complaints about the Winkelman property in Pine View. Mr. McCabe was directed to send a nuisance letter to Mr. Winkelman.

Mayor Zenzen stated he has also been receiving complaints about dogs running at large in Pine View. He asked that staff monitor the situation.

**CITY ADMINISTRATOR
REPORT:**

Mr. McCabe presented a proposed COVID-19 Preparedness Plan indicating this is suggested prior to reopening city hall. He indicated he has been meeting with area administrators and all are planning to open at the same time, currently scheduled for June 15. He stated he plans on a new normal with only the lobby being available to the general public and the office and Council Chambers will be posted "Authorized Personnel Only." Appointments will be suggested for those needing to

meet with staff, or those individuals will need to be invited to the office or Council Chambers. He also stated as long as the Governor is limiting gatherings to 10 people or less, the park shelters will remain closed as most area cities are also dealing with their shelter rentals in this manner.

A motion was made to adopt the COVID-19 Preparedness Plan by Ms. Schulzetenberg, seconded by Mr. Backes. Motion carried unanimously,

ADJOURMENT: A motion was made to adjourn at 9:45pm by Mr. Reinert, seconded by Mr. Genereux. Meeting Adjourned.

Approved this 7th day of July, 2020.

Michael G. Zenzen, Mayor

Attest:

William R. McCabe, Clerk/Administrator