

**City of Stewartville
City Council Meeting Minutes
Stewartville City Hall
September 12, 2017**

I. PLEDGE OF ALLEGIANCE

II. CALL TO ORDER – ROLL CALL Deputy Mayor Anderson called the meeting to order on September 12, 2017 at 7:00 pm. Present: Anderson, Uptagrafft, Beyer and Oeltjen. Absent: King. Also Present: City Administrator Schimmel, Finance Director Neubauer, City Engineer Obernolte, Public Works Supervisor Hale and City Clerk Roeder

III. APPROVAL OF AGENDA

Motion by Beyer, second by Oeltjen to approve the agenda. Unanimously approved.

IV. APPROVAL OF COUNCIL MEETING MINUTES

Motion by Uptagrafft, second by Oeltjen to approve the Council minutes of August 22, 2017. Unanimously approved.

V. FINANCE AND BUDGET –

Accounts Payable - Motion by Oeltjen, second by Uptagrafft to approve the accounts payable listing. Unanimously approved.

VI. GENERAL BUSINESS

A. Outdoor Event – DC Dash- 8th Grade parents, Julie Watters and Michelle Henderson appeared before the Council to get approval of third annual Trick or Treat DC Dash to be held on October 28th. The event will be held at Florence Park and will include a run/walk, bake sale, photo booth and costume contest.

Motion by Uptagrafft, second by Oeltjen to approve the Outdoor Request for the DC Dash. Unanimously approved.

B. Conditional Use – Fence 424 1st Ave SE- Gerald Owen, 424 1st Ave SE applied for a conditional use permit in order to put up a fence in the B1 Commercial District.

The Planning Commission held a public hearing regarding the conditional use permit and opposition was heard by Tom Johnson who is the owner of the garage to the north of Owen's. See attached mapping.

Owen is selling his property and his realtor has recommended that he place a fence between his property and the garage as a buffer. Johnson acknowledges that there is no recorded easement for him to access the property but that the former property owner, Jim Kuhn was in agreement and Owen has allowed his for almost 20 years.

The Planning Commission failed to get a motion on the approval as they felt that although there was no recorded easement in place, Johnson was allowed to access the garage and when Owen blacktopped his parking lot, he had the apron to the garage done and was reimbursed for it by Johnson's mother-in-law (currently living in the house).

The Planning Commission urged the two property owners to work together to come up with a solution prior to the Council meeting.

Jerry Owen appeared before the City Council reading from a prepared statement from a packet of information that was presented to the Council and available for review by the public. He highlighted that he and his wife have owned the building for 22 years and are wanting to sell the property. He stated that the fence would indicate a separation of properties or that an easement does not exist. He noted that it wasn't the Council's responsibility to make decisions regarding property or easement issues.

Tom Johnson appeared before Council stating that he bought the property in 1993 from Jim Kuhn and when it was decided to build the garage, Kuhn offered his driveway to use for access. Johnson stated that it was a gentlemen's agreement and no official easement was obtained. He also stated that it's been 20 years and Owen never has had an issue with him accessing thru the property.

Uptagrafft questioned as to why only a fence in front of the garage and not all the way around the property, noting that the trailer park also accessed his property. Anderson questioned as to why when the area was blacktopped in 2005 it was done as one job and flowed together. Oeltjen stated that it was disheartening to see this and explained the Planning Commission's desire to have the property owners work together and felt that Owen's allowed access for 20 years and they struggled with him denying access now. Beyer stated that he's been in a similar situation and it's a civic dispute but hoped that the two parties could work together on a solution.

Motion by Uptagrafft, second by Beyer to table the issue until October 10, 2017, encouraging Owen and Johnson to work out a solution. Unanimously approved.

- C. Final Plat – Petersen 7th Sub.** - During the platting process of the Petersen Addition, a one lot parcel was left out of the plats. Since the street and utilities are already in, we've allowed Radcliffe to skip the preliminary plat process and get approval on the Final Plat. No items of concern were noted by City Engineer Obernolte.

Deputy Anderson opened a public hearing to consider the Final Plat of the Petersen 7th Subdivision. As there was no one present to comment, the hearing was closed.

Motion by Beyer, second by Oeltjen to approve the Final Plat for Petersen 7th Subdivision. Unanimously approved.

- D. Dog Park Rules** - Taskforce members, Julie Ristau and Wendy Timm appeared before the Council and presented the dog park rules for their consideration. They noted that for the most part, the park will be policed by the other users. They stated that only aggressive dog behavior would need to be reported to the Sheriff's Dept & City Hall. Hale stated that we will be monitoring the tree dump and dog park with a camera, once the treatment plant is finished.

Motion by Oeltjen, second by Anderson to approve the dog park rules as submitted. Unanimously approved.

- E. 2018 Tax Levy & TNT Hearing-** The proposed 2018 budget of \$7,651,627 resulted in a proposed levy of \$3,058,065 – an increase of \$205,209 from the 2017 certified levy. The levy is made up of the operating levy of \$2,790,264, the swimming pool referendum levy of \$132,378 and fire hall referendum levy of \$135,423. Staff is recommending that the Truth & Taxation Hearing be set for Tuesday, December 5th at 7pm.

Motion by Beyer, second by Uptagrafft to adopt Resolution 2017-20, A Resolution Approving the 2017 Proposed Tax Levy Collectible in 2018. Unanimously approved.

Motion by Oeltjen, second by Beyer to approve the TNT for December 5th at 7:00pm. Unanimously approved.

- F. DEED Grant Application (TEDI)** - Staff is proposing to submit an application for a \$770,000 grant with the State of MN Department of Economic Development for an infrastructure project in the Schumann Business Park. The proposed street and utility infrastructure project would extend 2nd Ave. NW to the north edge of the Schumann property. With the installation of the street and utilities and platting of the property, the Schumann Family would be able to market the land for development.

Motion by Oeltjen, second by Beyer to adopt Resolution 2017-21, A Resolution Approving the TEDI grant for the Schumann Business Park Street & Utility Improvement Extension of 2nd Ave. NW. Unanimously approved.

- G. 2018/2019 Law Enforcement Contracts-** The 2018 general contract amount is \$428,347 up \$16,475 from 2017. The 2019 general contract amount will be \$441,197, which is an increase of \$12,850. The Community Oriented Policing Officer contract for 2018 is \$108,475 with no increase from 2017. The contract for 2019 will be \$109,017, which is an increase of \$542.

Motion by Beyer, second by Oeltjen to approve the contracts for 2018/2019. Unanimously approved.

MAYOR, STAFF AND CONSULTANTS REPORTS

- A. Mayor-** Deputy Mayor Anderson commented on the following:
- Sympathy to Families of: Burdene Jacobson, Gary Simenson and Earl Meredith
 - September 23rd will be busy in Stewie -
 - 10th Annual Trash & Treasure Day – last chance before winter to sell your unwanted items!
 - Morning Lions Fall Fest – Strikers & American Legion parking lot from 8-3
 - Stewartville Foundation’s – Bear Cave Backyard BBQ Bash from 8-11pm
 - Sending well wishes to Mayor King and hoping he’s back in the Mayor’s chair soon!
- B. City Administrator–**
- Bi-Weekly Report
- C. Finance Director -**
- No Report
- D. Public Works Supervisor –**
- Bi-Weekly Report
- E. Library Director -**
- No Report
- F. Fire Chief Report –**
- No Report
- G. City Engineer –**

- Monthly Report and updated the Council on the 2017 CIP, Schumann Dr NW Project, Golfview Village 5th and WWTP projected.

VII. COMMITTEE, COMMISSIONS AND BOARD REPORTS

- A. Chamber of Commerce: No Report
- B. EDA/HRA: SE MN Capital Fund Info
- C. Finance: No Report
- D. Library: No Report
- E. Park Board: No Report
- F. Personnel: No Report
- G. Planning & Zoning: Minutes of Sept 5th
- H. Public Safety/Safety Committee: August Call Log
- I. Public Works: No Report
- J. RAEDI: Stetson Update Info & Minutes of June 27th
- K. ROCOG: Minutes of June 30th
- L. STEW180: No Report
- M. Transit Advisory Committee: No Report

VIII. COMMUNICATIONS

- A. SEMLM Update

IX. RECOGNITION OF GUEST(S) OPEN MIC

- X. ADJOURN** – Motion by Uptagrafft, second by Oeltjen to adjourn. Unanimously approved.

Respectfully submitted,

Cheryl Roeder, City Clerk