

# St. Stephen City Council Agenda – May 4, 2022



2 6<sup>th</sup> Avenue SE  
St. Stephen, MN 56375  
320-251-0964

## CITY OFFICIALS

Lisa Marvin  
Mayor

Gene Skaj  
Council Member

Danita Traut  
Council Member

Steve Trobec  
Council Member

Tom Vouk  
Council Member

Kurt Niemeyer  
Treasurer

Julie Jacobs  
City Clerk

Website:  
[cityofststephen.com](http://cityofststephen.com)

Call to Order: 6:30 PM

Pledge of Allegiance

Approval of Agenda

Approval of April Meeting Minutes

Finances

Reading of Claims

Reading of Receipts

Treasurer's Report

Petitions, Requests and Communication

St. Stephen Lions Club – Gun Raffle Permit

Church of St. Stephen – Gambling Permit for Labor Day Festival

Edward Peternell – 9<sup>th</sup> Avenue NW Concern

Jim Honer – Drainage Issue

## **7 PM ~ PROPOSED ADOPTION OF RIGHT OF WAY ORDINANCE**

St. Stephen Fire & Rescue

Emergency Management

Reports

Road & Bridge

Planning Commission

Park

Personnel

Sheriff's Report

Health Committee

Unfinished Business

Permit Application/Form work performed in the Public Street Right of Way

Rodenwald Developer Agreement – nothing new to report

National Night Out: August 2<sup>nd</sup>

12<sup>th</sup> Avenue Update

Air BNB or VRBO

Brush and Ditch Cutting Bid

6<sup>th</sup> Avenue SE Road Restrictions

New Business

Liquor License Renewals: July 1, 2022 – June 30, 2023

Resolution Accepting a Donation to the City

Miscellaneous Announcements

Newsleaders Publication: *May 13 & 27, June 10 & 24, July 8 & 22, Aug. 5 & 19, Sept. 2, 16 & 30, Oct. 14 & 28, Nov. 11 & 25, and Dec. 9 & 23.*

Meeting Adjourned

## St. Stephen City Council Minutes

May 4, 2022

Page Six

### NEW BUSINESS:

**Liquor License Renewals: July 1, 2022 – June 30, 2023.** Julie Jacobs stated the fees for last year, \$1,650.00 for on sale intoxicating, \$100 for off sale intoxicating (include Sunday), \$200 on sale Sunday, \$100 on sale non-intoxicating. Games of Skill is at \$15 per game. Inquired if these fees should be kept where they are at. A motion was made by Gene Skaj, seconded by Danita Traut, to keep liquor licenses the same as last year \$1,650.00 for on sale intoxicating, \$100 for off sale intoxicating (include Sunday), \$200 on sale Sunday, \$100 on sale non-intoxicating. Games of Skill is at \$15 per game. All in favor, motion carried.

**A Resolution Accepting a Donation to the City.** A Resolution Accepting a Donation to the City was presented to the City Council members. Julie Jacobs explained the City received a donation through Community Giving, which was received from a St. Stephen resident who wanted the donation to go to the St. Stephen Fire Fighters Association Support. With this being received by the City and being donated to St. Stephen Firefighters Relief Association it was unclear how to handle this donation. This was shared with Liz Halet and she recommended using this resolution. Steve Trobec inquired who's accepting the donation. The City of St. Stephen is accepting the donation and it will be going into the St. Stephen's Fire Fighters Relief. Steve stated this isn't a City fund. Sue Dege, attorney, reviewed the resolution. Steve commented everyone should realize the City has a Fire Department General Fund, a Fire Department Truck Fund, and a Fire Department Equipment Fund. Steve stated the Relief Association is a separate organization that deals with the pension primarily. Steve shared in the past people have gotten the Relief Association confused with the City. One's a private organization and one the City, which is taxpayers money. Steve wants to make sure when there's donations to the City its legal for the City to donate to a private organization. Sue stated the resolution makes it clear why the City is accepting it where it's going. and there's nothing inappropriate in doing this. Discussion held. A motion was made by Tom Vouk, seconded by Danita Traut, to accept the signing A Resolution Accepting a Donation to the City. All in favor, two abstained, motion carried.

**Flag Order.** Gene Skaj shared the City needs more flags and poles. Consensus of council members is for Gene to place an order for flags and flag poles.

**Plow Truck Maintenance.** Steve Trobec inquired if the salt in the plow truck was taken care of. Gene Skaj will follow up with Roger Bellinger.

**Generator Maintenance.** Steve Trobec questioned about the generators at City Hall and the Church. The generator at the Church wasn't running. Paul Ritter looked at the generator and added coolant.

**Stop Signs at the Crossing.** Steve Trobec shared there's been concerns about bigger trucks going through the 4-way stop signs by the bank and Trobec's. Especially trucks coming from the south going north. It happens all day long. Sheriff Deputy Kellan Hemmesch will share this concern with Stearns County Sheriff Office staff to watch for this. Recommended to have yellow warning lights before the stop signs. Also recommend a "Stop Ahead Sign". Kellan will review this and make a recommendation at next month's meeting.

### MISCELLANEOUS ANNOUNCEMENTS:

Lisa Marvin shared there are several Road Restrictions Ordinance examples in the council members packets. This will be placed on next month's agenda unless there are questions tonight. Council members please review these for next month. Decide if the City wants an ordinance and if so what will this look like. Shared many cities that Liz looked at, didn't have an ordinance.

Tom Vouk inquired about the letter council received regarding 9<sup>th</sup> Avenue NW. Lisa Marvin stated that a garbage truck and buses are turning around in this resident's driveway. Randy Sabart shared there was an effort to

## St. Stephen City Council Minutes

May 4, 2022

Page Five

for the rest of the roads. Tonight, the decision for Sixth Avenue is only being made. Randy made a clarification there's two talking points relative to Sixth Avenue, permanent and spring load restrictions postings. Inquired if it was what posted less than 9-ton are the farmers able to work around this and be able to use the road. Randy stated the reason cities have a spring restriction posting is their trying to protect the road. Inquired with milk haulers they can receive a special permit. Randy stated they can on County and State roads. Jodi Teich from Stearns County referenced Pilgrim's Pride, they have an annual permit for each of their trucks to allow hauling poultry. County and State addressed this by having a gross vehicle weight of 80,000 pounds is the limit. Randy stated with 80,000 pounds you would have a seven axle.

Discussion if the City decides to have a different road limit during the spring road restrictions. Randy shared how MnDOT configures this, generally its mid-March to mid-May. Most counties and cities post this on their websites. Randy explained the posting requirements. Commented always better to build a road better than it's supposed to be. Asked to explain the husbandry. Randy stated the typical ag equipment would fall under this definition. Sue Dege shared it's the equipment used with planting, cultivating, etc. Equipment used in farming. Sheriff Deputy Kellan Hemmesch commented this is complicated when someone's using equipment for a profit. An example was given. Inquired about posting restrictions on the City's website. Does it need to be in sign. Randy reiterated it would need to be a sign posted. Noted the City would leave the 9-ton sign up, as it was designed, and then put the spring load restriction sign up also. Lisa commented the council has options. It could be 9-ton or whatever tonnage is decided the whole time. Would like to resolve this tonight so the farmers know what is going on and can get back to farming and they want to comply. Inquired for some guidance that it is set high enough for the farmers and low enough to protect the road. Randy stated looking at the soil borrowings that were collected there was a combination of clay, stilted sands, soil types that contain water. These are vulnerable soils. There is legitimate reason to have a spring loading restriction. This isn't well drain sand and gravel that the road is built on. Geogrid was added just to get a stable base. Inquired what the County spring restrictions are on County Road 5. Randy stated typically they are designed to a 10-ton road, and in many cases reduce to a 9-ton road. Same kind of analysis, how vulnerable are the soil types. Lisa commented there were all kinds of answers all over the board. Inquired if they maintain a 10-ton road all year round, was it built heavier. Randy stated a 10-ton road is the limit. Commented to keep in mind this was a major project for the City and it was very expensive. Keep the road wear and tear at a minimum, one semi is like 3,600 cars going on this road. Does St. Stephen want to be a cut across from Motley, Staples, Duluth and so forth. Doesn't believe we do. If we must fix it again it goes on our taxes. Randy shared there was a lot of discussion that this road serves as a collector, connecting other cities. Commented the other part of this road is in horrific condition, which is troublesome and challenging for us. Commented how surprise he was that other towns have that low of weight limit. Randy shared this is a reflection due to the lack of documentation. He doesn't want to pick on townships, but a lot of times there's no record of how the road was built. Lisa commented the discussion for next month will be difficult, the City has some troubling roads. Comment made would like to see the road limit go down in the spring, that's when the road is most vulnerable. A motion was made by Tom Vouk, seconded by Gene Skaj, to place 6<sup>th</sup> Avenue at 7-ton during spring road restriction, resumes to 9-ton limit outside of spring road restrictions. Asked several times if there was any further discussion. All in favor, motion carried. Someone wanted to ask a question, mayor reminded there's no questions during council. Suggested that he emails the clerk his question. He stated he wanted to know where he could get a permit for the road in case of an emergency. Mayor stated email the clerk and she'll give you guidance.

Kurt Niemeyer asked if council could go back to Parks, Ken Lahr mentioned the blocks on the concession stands at Smoley Field. Lisa stated we can't go back, need to go forward.

**Brush and Ditch Cutting Bid.** A bid from Chuck's Brush and Ditch Cutting, LLC, was received. Julie Jacobs stated she was asked to see if there were any other companies doing this kind of work. She looked briefly and was unable to find any other companies, and no companies were suggested by council members. Last year bids from Chuck's Brush and Ditch were reviewed. Gene Skaj commented the bid is reasonable. A motion was made by Steve Trobec, seconded by Gene Skaj, to approve Chuck's Brush and Ditch Cutting, LLC Bid. All in favor, motion carried.

**6<sup>th</sup> Avenue SE Road Restrictions.**

Lisa Marvin stated she was going to begin by giving the Council updated correct information she received from her meeting with the City Attorney and City Engineer:

- 1) We do not need an ordinance to have a City owned road posted at for example 5-ton. We got this approved from multiple sources including our attorney and MnDOT. The City could choose to do an ordinance later, but right now is not required.
- 2) The predeterminations for the concerns over this road and having a lower ton limit came up during design phase and during construction. Council members did a great job finding their old minutes showing multiple areas it was noted there were marginal soils. The discussion was extensive, and this makes the road vulnerable. Again, this was noted during design and construction phases. Which is hard to remember all the conversations we have about multiple issues.
- 3) For example, hypothetically, council contemplated changing the road to a seven ton during road restrictions. Either way the City will want to permanently post nine ton, it's not what the road can handle, hypothetically is the thought, so running 10 ton and more would not because we have marginal soils that were documented during design and construction. The City would want to hold those accountable who go over that. The City wants to consider the farmers and the City concerns regarding their issues when we discuss this because that will be of most importance.

Lisa Marvin stated she will be asking each council member for questions for Randy Sabart or Sue Dege regarding this. Then Lisa will go back to council for thoughts or if there's a possible motion. After this is completed, the council will have a brief discussion about adding an ordinance. The City doesn't want to repeat the last 30 days.

Regarding farmers they are allowed a 10% weight allowance when transporting their produced crop from the field to the farm and from the farm to the elevator. Does this apply here locally? Randy Sabart shared not to his knowledge. The 10% defines either exemptions or conditions. Stearns County will allow load increases as to gross vehicle weight, which is 80,000 pounds. Stearns County will allow overloads but not axle limits. When the road is posted nine-ton or whatever tonnage, the gross vehicle weight needs to be spread over enough axles, so the axle load isn't increased. Stearns County does have provision for farmers which Randy briefly explained. Randy stated transporting product still is subject to a permit in Stearns County. Randy shared there's not a permit process in St. Stephen and him not aware of cities that have this process.

Lisa confirmed with the council members that the City had the right to have the road posted at a 5-ton weight limit. Ideas or thoughts about this road. How does the City assist the farmers, the concerns, and issues with the marginal soils, and if the City does something during road restrictions? If the City does something during road restrictions it involves signing of this task. The council has been careful not to add so many tasks to this small group of volunteers and individuals. Commented the City needs to address the farmers concerns. Lisa Marvin stated the five ton would not assist the farmers. Randy confirmed this would not assist the farmers. Lisa shared with the discussion with Randy and Liz they came to the strong conclusion because of the change in statue we would want the council to consider posting the road at nine ton for sure, not wanting individuals to go 10-ton when the City knows they have concerns about the road. If this was decided, it would be posted permanently. The City Council will be discussing other roads next month and having a complete discussion to deal with this, so it is said and done

## St. Stephen City Council Minutes

May 4, 2022

Page Three

Jerome stated Burski will be blading 12<sup>th</sup> Avenue and 9<sup>th</sup> Avenue soon. Noted this has been completed.

2. **Planning Commission:** Dan Schultz inquired about the publication of ordinance 41. Julie Jacobs stated she's had the updated ordinance copies, but there hasn't been any Planning Commission meeting to hand this out for months. Process of this discussed. Recommended copies be mailed to Planning Commission members and City Council members. No meeting this month. Dan shared he will be unavailable early June. Lisa shared Tom, Amanda and she will cover for him.

3. **Park:** No report.

4. **Personnel:** No report.

SHERIFF'S REPORT: Sheriff Deputy Kellan Hemmesch reported 35 hours of service for April. Quiet report, one assault, individual was arrested. Burglary at a residence. Flashlights at the cemetery was an individual walking their dog. A civil complaint about a tree. They stopped at the Easter Egg hunt. A \$350 drop hitch stolen, provided 16 traffic stops and four citations. Speed is an issue in the State of Minnesota.

HEALTH COMMITTEE: No report.

### UNFINISHED BUSINESS:

**Proposed Adoption of Right of Way Ordinance.** Lisa Marvin read the Notice of Proposed Adoption of Right of Way Ordinance published. No emails or phone calls were received. This ordinance has been worked on for months. It's been finalized with no further changes. Randy Sabart reviewed this a couple of times. It is a robust ordinance. Tried to limit areas since the City does not have public work staff. Still has the necessary elements and a permit process. Randy shared with this in place it will avoid the problem the City had with Sixth Avenue when a utility business put in cable. This will regulate this kind of activity. Inquired if this is common in other cities. Randy shared examples of other cities using this process, and noted most cities have this process in place. Lisa Marvin stated this ordinance was developed in the attempt to not make this cumbersome for staff. Sue Dege shared she sees this ordinance in most cities she works and have some Right a Way management. Discussion held. Inquired if fees are common. Randy shared the fees are to cover staff time, they are modern fees. This will be managed by the council annually with the fee schedule. Sue shared that Liz Halet did a survey of fees in the area. Remember this isn't only for staff time, but for the City Engineer's time as well. A value with this ordinance is the bond amount, this may vary in cities. A motion was made by Gene Skaj, seconded by Danita Traut, to approve the Proposed Adoption of Right of Way Ordinance. All in favor, motion carried. Inquired if council members could receive a copy of this. Copies will be provided. Julie Jacobs inquired about the chapter number. This will be received from Liz. Randy shared as for Julie and the process going forward, if a utility company is planning to repair or an installation, they come to her for an application. Randy recommended she shares this ordinance with utility companies.

**Rodenwald Developer Agreement.** Nothing new to report.

**National Night Out.** Nothing new to report.

**12<sup>th</sup> Avenue Update.** Randy Sabart shared there's a special meeting scheduled with the developer on Monday, May 9, 2022, at 6:30 p.m. at the City Hall.

**Air VNB or VRBO.** Nothing new to report. Lisa Marvin commented that Liz Halet was doing some work with this so this will be placed on next month's agenda.

## St. Stephen City Council Minutes

May 4, 2022

Page Two

**Joe Lahr with Joe's Excavating Inc. – 6<sup>th</sup> Avenue Road Weight Restrictions.** Joe Lahr presented a handout to council members. Joe read mostly from the handout which was given to the council member during his allowed four minutes. This handout is attached to the original minutes. Joe stated on both ends on the City of St. Stephen roads are posted for 10-ton roads.

**St. Stephen Lions Club – Gun Raffle Permit.** Wayne Kostreba of the St. Stephen Lions Club is applying for a gun raffle permit which will be held at Trobec's Bar on October 15, 2022. A motion was made by Tom Vouk, seconded by Steve Trobec, to approve the Gun Raffle Permit for the St. Stephen Lions Club on October 15, 2022. All in favor, motion carried.

**Church of St. Stephen – Gambling Permit for Labor Day Festival.** Julie Jacobs, City Clerk, stated the Church of St. Stephen is applying for a gambling permit for the Annual Church Festival on September 5, 2022. A motion was made by Steve Trobec, seconded by Gene Skaj, to approve the Gambling Permit for the Church of St. Stephen on September 5, 2022. All in favor, motioned carried.

**Edward Peternell – 9<sup>th</sup> Avenue NW Concern.** Edward Peternell was not in attendance.

**Jim Honer – Drainage Issue.** Jim Honer stated he lives at 306 Main Street W, St. Stephen west of County Road 2. Jim shared all the water run-off from County Road 2 runs down Half Street SW, melts, and drains into his property and is eroding his hill. He has been dealing with this for a long time. He's had a skid loader back there many times trying to build the hill back up. Last fall with the skid loader he put stumps up, but nothing is working. He would like some help from someone here if there is any way to stop this. Lisa Marvin explained nothing will happen at tonight's meeting this will be placed on next month's agenda under unfinished business. This will give the council time to review this issue.

**ST. STEPHEN FIRE & RESCUE:** Gene Skaj reported there were six calls in April, totaling 45 calls in 2022. There's been two calls in May. Training this month will be on modern fire tactics. Gene shared four individuals have requested applications. Inquired if the Fire Department is in need of staff. Stated they could use one more staff. They have 25 staff but could go up to 35.

**RELIEF ASSOCIATION:** Gene Skaj shared \$12,500 was received for the St. Stephen fire equipment fund. The audit is still in process.

**EMERGENCY MANAGEMENT:** No report.

### REPORTS OF BOARDS AND COMMITTEES:

1. **Road and Bridge:** Jerome Supan stated that 12<sup>th</sup> Avenue, North of Second Street there is one spot in the road that becomes a pothole every year. Jerome inquired if placing some class five or class two here to build this up so the water runs off. Lisa Marvin stated this will be discussed later on the agenda. Randy Sabart shared this area is not scheduled to be tarred. There are three solutions, a road improvement project, a road reconstruction, or maintenance activity. Over the years this has been a maintenance activity of either hauling gravel, grading, or culvert repair. Jerome stated that no one wants to spend the money to fix this eye sore. Jerome, Randy, and Lisa will schedule a time to look at this. This will be on next month's agenda.

Jerome shared Joe Paggen was the maintenance guy in town but will no longer be doing this due to his health. Joe could find help if the city needs him to do something. Stated this is up to him how he runs his business.

**MINUTES**  
**ST. STEPHEN CITY COUNCIL**  
**MAY 4, 2022**

CALL TO ORDER: 6:30 P.M.

PLEDGE OF ALLEGIANCE: Led by Lisa Marvin

MEMBERS PRESENT: Lisa Marvin – Mayor, Gene Skaj, Danita Traut, Steve Trobec, and Thomas Vouk

ALSO PRESENT: Kurt Niemeyer, Treasurer, and Julie Jacobs, City Clerk

GUESTS: Sue Dege, Attorney standing in for Liz Halet, Randy Sabart, City Engineer, Joe Lahr, Dan Schultz, Jerome Supan, Wayne Kostreba, and Jim Honer

APPROVAL OF AGENDA: Lisa Marvin stated under Petitions, Requests and Communication Joe Lahr will be added. The 7 p.m. Proposed Adoption of Right of Way Ordinance will be moved to Unfinished Business in place of Permit Application/Form work performed in the Public Street Right of Way. Under New Business flags to be order, plow truck maintenance, generator maintenance, and stop signs at the crossing. A motion was made by Gene Skaj, seconded by Steve Trobec, to approve the amended agenda. All in favor, motion carried.

MINUTES OF APRIL MEETING: April City Council Meeting minutes were reviewed. A motion was made by Gene Skaj, seconded by Steve Trobec, to approve the amended April 6, 2022, minutes. All in favor, motion carried.

READING OF THE CLAIMS: A motion was made by Steve Trobec, seconded by Danita Traut, to approve the claims. All in favor, motion carried.

READING OF RECEIPTS: March receipts were reviewed. Some discussion. A motion was made by Gene Skaj, seconded by Danita Traut, to accept the receipts. All in favor, motion carried.

TREASURER’S REPORT: For the period: 3/1/2022 to 3/31/2022

Beginning Balance	\$1,537,682.65
Total Receipts	\$34,530.17
Total Disbursed	\$33,589.41
Ending Balance	\$1,538,623.41
Less Deposits in Transit	\$0.00
Plus Outstanding Checks	\$19,805.26
<b>Total Per Bank Statement</b>	<b>\$1,558,428.67</b>

Treasurer’s report was reviewed. Kurt Niemeyer stated the fire protection funds from Brockway Township of \$59,931.50 were received. Kurt and Ken Lahr worked on the State and Local Fiscal Recovery Funds, which were submitted on time. Lisa Marvin thanked them for their time with this report. Kurt shared the IRS sent another letter stating this issue was forwarded on to another person and they are requesting another 60 days to respond. The United State Commerce Census Bureau payroll request was submitted. Lisa Marvin inquired if the City paid the full amount for the new computers. Kurt clarified the City paid \$4,392 in February, but the check has not cashed. Kurt will follow up on this. A motion was made by Gene Skaj, seconded by Danita Traut, to approve the treasurer’s report. All in favor, motion carried.

PETITIONS, REQUESTS AND COMMUNICATIONS:

Lisa Marvin reminded that all Petitions, Requests, and Communications are four minutes or less will be honored and there will be no discussion that occurs.

**St. Stephen City Council Minutes**

**May 4, 2022**

**Page Seven**

formalize a Right of Way on 9<sup>th</sup> Avenue, but one property owner was not willing to dedicate the Right of Way plat. So, this process was suspended. Discussion held. Sue Dege stated this is a matter of private property use, the city has no leverage being the City doesn't have a City garbage contractor. Randy Sabart suggested inviting him to council so questions can be answered. Suggested contacting the resident asking that we need more information and would like you to come to next month's meeting. Inquired if the City could still get the Right of Way. Legal was completed, just not recorded. More discussion about this Right of Way.

New City Signs are posted, and they look great. A thank you to Gene Skaj and Ken Lahr for hanging these signs.


Tom Vouk inquired about the question asked about getting a permit for 6<sup>th</sup> Avenue in case of an emergency. Lisa Marvin stated last month it was shared with her that during petitions the council members are not supposed to be having the discussions that they did. Lisa will be sure to not have this happen anymore, to stay on course. This was corrected last month, and plus wrong information was given. So, when questions come into the clerk, she can be directed by Lisa, Liz or Randy and residents will not be abusing the City Attorney and City Engineer's time.

Jerome Supan reminded that the Legion is having a Steak Fry this Friday.

**Newsleaders deadline dates for 2022:** May 13 & 27, June 10 & 24, July 8 & 22, Aug. 5 & 19, Sept. 2, 16 & 30, Oct. 14 & 28, Nov. 11 & 25, and Dec. 9 & 23.

ADJOURNMENT: A motion was made by Gene Skaj, seconded by Danita Traut, to adjourn the meeting. Meeting adjourned at 8:15 p.m.

Respectfully submitted,

  
\_\_\_\_\_  
Julie Jacobs, City Clerk

  
\_\_\_\_\_  
Lisa Marvin, City Mayor