

St. Stephen City Council Agenda – July 6, 2022



2 6th 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

Call to Order: 6:30 PM

Pledge of Allegiance

Approval of Agenda

Approval of June Meeting Minutes

Finances

Reading of Claims

Reading of Receipts

Treasurer's Report

Petitions, Requests and Communication

St. Stephen Fire & Rescue

Emergency Management

7 PM ~ Public Hearing: Proposal to Adopt a Designation of Road Weight Restrictions

Reports

Road & Bridge

Planning Commission

Park

Personnel

Sheriff's Report

Health Committee

Unfinished Business

Rodenwald Developer Agreement

National Night Out: August 2nd

12th Avenue Update

9th Avenue Right of Way

Jim Honer Drainage Issue

Third Avenue SE Road Issue

New Business

Appoint 2022 Election Judges

Karen Rudolph – Temporary Fencing for Daycare

Brian Dockendorf – East Crest Development Lots

Smoley Addition Curbing

Proclamation request

Miscellaneous Announcements

St. Stephen Sportsmen's Club – Frank Vouk

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

Meeting Adjourned

This agenda has been prepared to provide information regarding an upcoming meeting of the St. Stephen City Council. This document does not claim to be complete and is subject to change at any time.

MINUTES
ST. STEPHEN CITY COUNCIL
JULY 6, 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: Liz Halet, City Attorney, Randy Sabart, City Engineer, Dan Schultz, and Lieutenant Shawn Widmer of Stearns County Sheriff's Office

APPROVAL OF AGENDA: A motion was made by Gene Skaj, seconded by Steve Trobec, to approve the agenda. All in favor, motion carried.

MINUTES OF JUNE MEETING: June City Council Meeting minutes were reviewed. A motion was made by Danita Traut, seconded by Gene Skaj, to approve the June 1, 2022, minutes. All in favor, motion carried.

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

READING OF RECEIPTS: May receipts were reviewed. A motion was made by Gene Skaj, seconded by Steve Trobec, to accept the receipts. All in favor, motion carried.

TREASURER'S REPORT: For the period: 5/1/2022 to 5/31/2022

Beginning Balance	\$1,559,116.78
Total Receipts	\$1,634.76
Total Disbursed	\$35,118.26
Ending Balance	\$1,525,633.78
Less Deposits in Transit	\$0.00
Plus Outstanding Checks	\$16,120.30
Total Per Bank Statement	\$1,541,753.58

Treasurer's report was reviewed. Kurt Niemeyer shared the generators are taken care of by Total Energy Systems. Kurt stated regarding the booster reels two bills were paid, but one was credited. Frontline who services the sirens was paid. The City received \$47,264.56 from the ARP Cares Funds. Kurt shared that Julie Jacobs has received her new computer, and he will be receiving his on Monday. Inquired about the Astech bill, this has been received. 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: None

ST. STEPHEN FIRE & RESCUE: Gene Skaj reported 11 calls in June, totaling 70 calls in 2022. Training this month is on bloodborne pathogens and the right to know, and the NFPA fit test. Chris Hoeschen has 15 years of service.

RELIEF ASSOCIATION: Gene Skaj shared nothing to report. Their meeting is on Monday.

EMERGENCY MANAGEMENT: Nothing to report.

REPORTS OF BOARDS AND COMMITTEES:

1. **Road and Bridge:** Lisa Marvin shared with talking with Randy Sabart regarding the Smoley Addition curbing not being completed last fall. Randv shared Jerome coordinated with Burski's last fall which was too late in the

season to fix the curbs, but should have been fixed in this past spring. This was overlooked. Restoration of the top of the turf.

Randy Sabart explained the culvert on 12th Avenue in the Developers agreement. Jason inquired is this needs to occur. There is a slight pitch in the culvert, which is Jerome's concern. Hydraulically is this significantly. Reason to suspect otherwise. Randy opinioned if the fix may cause more of a problem. Inquired if a drive around was done about seal coating. This will be done when Jerome returns. Randy shared we are up to the seven year mark for seal coating.

2. **Planning Commission:** Dan Schultz shared there will be a meeting this month to discuss a land split. Dan gave a brief description of this request. Discussion held. Dan needs a copy of Ordinance 41.
3. **Park:** Julie Jacobs reported for Ken Lahr the bleachers at Smoley Fields need another coat of paint, there's paint at City Hall just unsure if the paint is still good after 11 years. Ken inquired if council members knew when the boards were replaced last. Danita Traut suggested contacting Janelle. Recommended to replace only the boards that are bad. Unsure about paint, recommend to take bid with code to buy new paint.
4. **Personnel:** No report.

SHERIFF'S REPORT: Lieutenant Shawn Widmer shared there were 34 contract hours, a total 24 calls of service. Calls highlighted were citizen contacts, wallet found and returned, firework complaints, medical calls, suspicious vehicle, a theft, and 21 traffic stops with six citations for speed. A speed sign was deployed on Sixth Avenue for seven days. Higher speeds were recorded in the 60s and high 50s. A Community Service Officer has been deployed here and at the four-way stop sign to try to detour speeding.

7 PM ~ Public Hearing: Proposal to Adopt a Designation of Road Weight Restrictions

Lisa Marvin opened the public hearing Proposal to Adopt a Designation of Road Weight Restrictions at 7 p.m. Lisa read **Proposed Ordinance 31.04 Designation of Road Weight Restrictions:**

The Council of the City of St. Stephen hereby ordains:

That the St. Stephen Code Book is amended by the addition of Ordinance 31.04. Ordinance 31.04 shall state as follows:

“Section 31.04: DESIGNATION OF WEIGHT RESTRICTIONS

Subd. 1. As authorized by Minn. Stat. § 169.87, as it may be amended from time to time, the City Council may by resolution designate streets on which travel by commercial vehicles in excess of seven (7) tons prohibited. The City shall cause appropriate signs to be placed as necessary. A person may not operate a vehicle on the designated streets in violation of the restrictions stated.

Subd. 2. Exemptions The weight restrictions established in Subdivision 1 shall not apply to city or emergency vehicles, public school buses, garbage and refuse trucks making regular collections within the city, recycling trucks used exclusively for collection of recycling materials within the city, public or private utility vehicles, implements of husbandry operated in compliance with Minn. Stat. § 169.801, as it may be amended from time to time, and City, county and state road authority vehicles engaged in snow and ice removal or flood control operations on behalf of a state or local government, nor shall the weight restrictions in Subdivision 1 apply if a commercial vehicle must use the particular street in question for the purpose of a local pick-up or delivery at a local residence.

Subd. 3. Seasonal Weight Restrictions. The City Engineer and/or the City Council may, by resolution, prohibit the operation of vehicles upon any street under their jurisdiction or impose weight restrictions on vehicles to be operated on such street whenever the street, by reason of deterioration, rain, snow or other climatic conditions, will

be seriously damaged or destroyed unless the use of vehicles on the street is prohibited or the permissible weights thereof reduced. The City shall cause appropriate signs to be placed as necessary.

Subd. 4. Penalty. Any person violating any provision of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$1,000.00 or by imprisonment of not more than 90 days, or both, plus the costs of prosecution in either case.”

This Ordinance is adopted the 6th day of July, 2022, and shall be effective upon publication.

Lisa Marvin asked if there were any questions or comments. Jason Ferche asked for clarification, will this be on all city streets or just posted streets. He is especially interested in 6th Avenue. Randy Sabart explained the council has not decided which streets will be designated with what road tonnage and some City streets aren't built to hold five-ton. There is a plan as for 6th Avenue with spring road restrictions and Randy gave the specifics. Jason suggested to take the standards the streets are built and allow those streets to be used for that designation. Lisa explained the City has some really old streets and they are not made for 10-ton, thus the reason for this ordinance so this is clear in the future.

Lisa asked a second time if there were any questions or comments. Lisa asked a third and final time if there were any questions or comments. Lisa closed the public hearing. Open for council discussion. Randy Sabart inquired with Subd 2. the last sentence “nor shall the weight restrictions in Subdivision 1 apply if a commercial vehicle must use the particular street in question for the purpose of a local pick-up or delivery at a local residence”. If this has appeared in the earlier models. Randy's concern with commercial vehicle this takes away the protection the City is trying to enforce. Liz Halet stated she erred on the side to list all of the concerns with the exemptions tonight and allowing that this may change. Discussion held. Consensus is to strike this sentence per Randy's recommendation.

Inquired “excess of 7 ton prohibited” followed by otherwise posted. Discussion held. If there are roads needing a lower tonnage the City, with this ordinance, can post these roads. Inquired how 6th Avenue is posted, being this is posted at 9-ton. More discussion and a scenario given. Jason Ferche was asked his experience on the developer's side. Jason explained if posted 5-ton from a developer's side nothing will be driving on this road, if posted 7-ton an excavator will not be coming on this road either. Tough decision for the City. Inquired what other cities are doing with new roads. Randy shared majority are 9-ton. Discussion held. East Crest and Rodenwald Development roads are being built to 7-ton. Lisa reminded there will be another meeting to discuss what roads will be posted at. If there are restrictions on roads, the roads need to be posted. Randy explained the options the City could do with posting. A motion was made by Danita Traut, seconded by Tom Vouk, to accept Proposed Ordinance 31.04 Designation of Road Weight Restrictions, with the last sentence removed Subd. 2. Exemptions, and the change in the year. All in favor, motion carried.

HEALTH COMMITTEE: No report.

UNFINISHED BUSINESS:

Rodenwald Developer Agreement. Liz Halet has been in contact with the developer's attorney of the previous owner and now the new owner. New owners are TLC Properties LLC. There's been brief discussions regarding the developer's agreement. Liz stated at this time the competition dates will need to be changed. Liz has notified the developer of the letter of credit, park dedication fee, etc., the checklist that was provided before. She inquired if they would be in attendance at tonight's meeting, but did not hear from them. On the prior conditional approval of the final plat, it did not reference a particular owner, so this could be possibly used as it is, but the final plat did expire July 7, 2022. Lisa confirmed with Liz that she checked with Kurt Niemeyer regarding the fund in escrow. This was discussed also with the new attorney and Liz is waiting on a response. White Oaks is the development's name and will be referred as this in the future.

National Night Out: August 2nd. Danita Traut shared meeting on June 8th, no new clubs attended. Start time 6 p.m., Jon's will serve refreshments, booth placement was discussed. Lion's working on having a helicopter. Danita asked the firefighters' if the marquee sign could be used a couple of weeks before this event for advertisement. This was posted in the Church's bulletin, and the Lion's digital sign. Been placed on Facebook, and in the Newsleader. Danita will e-mail information to the clerk.

12th Avenue Update. Randy Sabart shared the council received an update on the 12th Avenue North improvements bid. Jason Ferche explained the bid is the detail of what his understanding of the improvement to 12th Avenue. Jason explained in detailed the bid, a copy of this bid is attached to the original minutes. Jason's attorney was present and has reviewed the bid. Lisa Marvin inquired what should happen tonight. Liz Halet stated the City isn't in a position to make a decision tonight, but the City could be willing to hear more about the proposed bid. Inquired what the council wants. Liz Halet will contact Peter Doely to discuss further the bid and this will be on next month's agenda. Peter Doley comments he understands there's a difference of opinion, him and Liz will talk and hopefully make some progress on this.

9th Avenue Right of Way. Liz Halet shared per the council's request, she checked on the memorandum of understanding and signed easement documents and this has all been completed. This can be removed from the agenda.

Jim Honer Drainage Issue. Lisa Marvin shared there is a draft letter for the council's review, with some information that needs to be completed. Lisa inquired why the resident wants a letter from the City, what's the intent. Liz Halet doesn't want to speculate why he wants a letter. Add to the letter the study that was conducted, and that residents don't want the pay to improve this issue. Discussion held regarding the letter. Consensus of council is to send the letter. Liz will submit a new draft with the added language and Julie Jacobs will sign and send.

Third Avenue SE Road Issue. Julie Jacobs shared at last month's meeting the council wanted to receive the video of the garbage truck that leaked hydraulic fluid last fall on Third Avenue SE. There's no video available. Discussion held. Astech individual shared with Julie that this will not be able to be cleaned up after this amount of time. Hydraulic fluid does cause the road to weaken and will cause future pot holes. Randy Sabart will look at this. Lisa Marvin shared this can also be looked at when the city roads are reviewed. This can be removed from the agenda.

NEW BUSINESS:

Appoint 2022 Election Judges. Julie Jacobs shared there's resolution in the council's packets for the election judges for the 2022 State Primary and 2022 General Elections. Julie explained the training process and the new election judges this time. A motion was made by Gene Skaj, seconded by Steve Trobec, to accept the Resolution Appointing Election Judges for the 2022 State Primary and 2022 General Elections. All in favor, motion carried.

Lisa Marvin inquired of the two City Council members terms that will expire and the process for them. Julie explained that process.

Karen Rudolph – Temporary Fencing for Daycare. Travis Rudolph, son of Karen Rudolph, and is speaking on behalf of his father who is out of town. Travis shared the Fire Marshal and Daycare Licensee will be coming on July 12th. Per the license requirements they need a fence, and is requesting permission to put up a temporary snow fence to start the process, and then will put up a permanent one. Lisa Marvin commented it's exciting to see a daycare coming to St. Stephen and the council wants to be helpful if they can. Shared to follow the fencing ordinance when placing the permanent fence. Travis inquired if a permit is needed to pour the fencing concrete or for the sidewalks. No permit is needed. Thanks for attending and inquiring about these items. Consensus of council members that this is fine.

Brian Dockendorf – East Crest Development Lots. Jason Ferche attended in place of Brian Dockendorf. Jason inquired if the council received the East Crest plat document, which they did. Jason thanked council for placing them on the agenda. They have a potential buyer who would like to purchase lot 1 and lot 4, and would like to have access to each lot without going on the street. Jason shared Randy Sabart and himself had email correspondence and found this is not allowed in the City ordinances. Jason is requesting if they could vacate part of Outlot D, and implement an access point the same width on the west side of lot one. Drainage will be maintained through a drainage easement. The potential owner is present, Trevor Mciver, who introduced himself. Trevor explained the want direct access from one lot to the other, one for housing and storage, and the other for a garden and bigger play area for their children. The easement located in the middle of the lots prevents them from going from one to the other. Discussed placing a culvert there with a bridge crossing over it. Lisa Marvin reiterated that lot four is for the house, and lot one for more planting and a bigger lawn. Lisa explained that no building can be built on lot one. Inquired if having one or two lots. This doesn't matter to the owner as long as they have access to both lots. Dan Schultz shared leaving as two lots, lot one will have no buildings on it, if combining the two lots, this would allow to place buildings. This process would start with the Planning Commission. Owner confirmed there's no intention of building on the other lot.

Randy Sabart stated everything is agreeable. Randy stated because of the public drainage easement, the City would prohibit anything inside the drainage easement. Randy understands there to be a culvert and a land bridge, and he has no concern with this. The City would still have access to this public drainage easement through the corridor. Understand that no private property can obstruct the City's usage to this. From Randy's perspective this arrangement could work. Jason inquired putting in a culvert, if the City would allow this. Randy inquired is the City interest in putting a 100 foot culvert in. Trevor explained to have fair access to both lots, looking at 20 to 40 feet, more natural look. Randy stated this is a question for the council, would this be a public or private culvert, it's the principal drainage way for all the street drainage to get into the northern pond. Particular interest to the City. Discussion held. Jason suggested giving Trevor an easement. Randy shared he builds a private improvement, now the City has a potential for adverse possession here He's using public property for some duration. Randy gave examples of this. Lisa inquired what is the simplest way the council can help. Randy stated that it is replated, needs to be a drainage easement. Culvert is still private property. City helps by allowing him to construct the culvert in the drainage easement. Jason asked if easier to give the owner an easement to cross the outlot and not allow parking, like the City does now. Discussion held. Randy is confident we could come to agreement, but might complicate access for the City. City would need to figure out how to drive over a culvert. Discussion held with potential buyer. Randy stated this is a reasonable ask, feel more comfortable with the dedication of the outlot. Dan Schultz inquired with lots five and one, after the reconfiguration, what is the size, it needs to be at least two acres. Discussion held. Inquired the width of easement. Randy stated at least 20 feet. Jason stated this requires platting. Randy suggested providing council consensus.

Council comments. No issues as long as engineering aspects are addressed for drainage and lot sizes are as required. Inquired if the culvert freezes, who is responsible. Randy shared the culvert is private, so property owner would be responsible, this would be stated in the legal. Consensus of the council members' support. Planning process was shared with Jason. Planning Commission meeting dates were shared.

Smoley Addition Curbing. This was discussed under roads.

Proclamation Request. Lisa Marvin shared a proclamation request was received. Lisa explained what was learned about proclamation requests to council. Liz Halet shared nothing is noted under an ordinance how a proclamation request is handled. Liz shared what was found with other cities. Proclamation is a vote by council to take action. Action meaning the council accepts the proclamation. Lisa referred to the last page Recognizing National Pregnancy and Infant Loss Remembrance Day, and gave a brief definition that bereaved parents around the world remember

their children annually on October 15th with candle lighting at 7 p.m. Liz shared other cities place a post on the City page on the particular day, or place under the event of the City with a link. Lisa asked for a motion. Inquired if this is annually. Suggested that we accept this. A motion was made by Gene Skaj, seconded by Steve Trobec, to accept the proclamation and have it perpetual. Discussed how to handle this in the future. All in favor, motion carried.

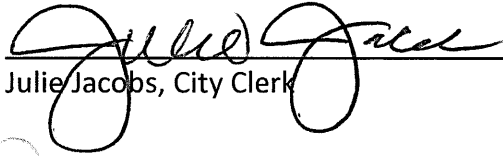
MISCELLANEOUS ANNOUNCEMENTS:

St. Stephen Sportsmen's Club – Frank Vouk. Danita Traut shared Frank Vouk didn't have any updates on the St. Stephen's Sportsmen's Club. Lisa Marvin shared WJON contacted the City to do an article. She asked them to contact the St. Stephens organizations. A wonderful article was done interviewing Frank Vouk and Leo Supan.

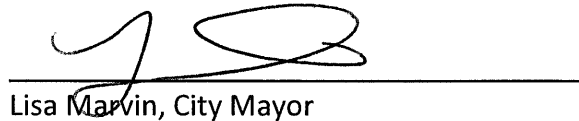
Newsleaders deadline dates for 2022: July 8 & 22, Aug. 5 & 19, Sept. 2, 16 & 30, Oct. 14 & 28, Nov. 11 & 25, and Dec. 9 & 23.

ADJOURNMENT: A motion was made by Gene Skaj, seconded by Danita Traut, to adjourn the meeting. Meeting adjourned at 8:40 p.m.

Respectfully submitted,



Julie Jacobs, City Clerk



Lisa Marvin, City Mayor

City of St. Stephen
Stearns County
State of Minnesota
Resolution No.07062022

**A RESOLUTION APPOINTING ELECTION JUDGES FOR THE
2022 STATE PRIMARY AND 2022 GENERAL ELECTION**

WHEREAS, Minnesota State Primary: Tuesday, August 9, 2022, and General Election:
Tuesday, November 8, 2022; and

WHEREAS, Minnesota Statute 204B.21, subd. 2, requires election judges for precincts in a
municipality be appointed by the governing body of the municipality; and

WHEREAS, the City of St. Stephen has one precinct; and

WHEREAS, the following State of Minnesota residents have applied to serve as election judges
and will meet the qualifications established by the State of Minnesota

NOW THEREFORE BE IT RESOLVED, that the City of St. Stephen Council, in accordance with
State Law, hereby appoints the following persons to serve as election judges for the 2022 State
Primary and 2022 General Election, approves payment per the 2022 City of St. Stephen Salary
Schedule, during election judge training and time served on election day.

Julie Jacobs ~ Head Judge
Diane Blonigen
Tiana Jestus
Marilyn Schumer
Rick Swenson
Joyce Zimmerman

Jessica Hommerding ~ Head Judge
Marian Fischer
Theresa Lalim
Dolores Supan
Nancy Vouk

BE IT FURTHER RESOLVED, that in case an appointed judge is unable to serve, the City Clerk
is authorized to find a substitute judge of the same political party for the judge who cannot
serve.


BE IT FURTHER RESOLVED, additional judges may be appointed upon completion of
necessary election judge training.

Adopted by the City Council of the City of St. Stephen, on July 6, 2022, by a vote of 5 Yes
and 0 No.



Lisa Marvin, Mayor

ATTEST:



Julie Jacobs, City Clerk

PROPOSED ORDINANCE 31.04
DESIGNATION OF ROAD WEIGHT RESTRICTIONS

The Council of the City of St. Stephen hereby ordains:

That the St. Stephen Code Book is amended by the addition of Ordinance 31.04. Ordinance 31.04 shall state as follows:

“Section 31.04: DESIGNATION OF WEIGHT RESTRICTIONS

Subd. 1. As authorized by Minn. Stat. § 169.87, as it may be amended from time to time, the City Council may by resolution designate streets on which travel by commercial vehicles in excess of seven (7) tons prohibited. The City shall cause appropriate signs to be placed as necessary. A person may not operate a vehicle on the designated streets in violation of the restrictions stated.

Subd. 2. Exemptions The weight restrictions established in Subdivision 1 shall not apply to city or emergency vehicles, public school buses, garbage and refuse trucks making regular collections within the city, recycling trucks used exclusively for collection of recycling materials within the city, public or private utility vehicles, implements of husbandry operated in compliance with Minn. Stat. § 169.801, as it may be amended from time to time, and City, county and state road authority vehicles engaged in snow and ice removal or flood control operations on behalf of a state or local government.


Subd. 3. Seasonal Weight Restrictions. The City Engineer and/or the City Council may, by resolution, prohibit the operation of vehicles upon any street under their jurisdiction or impose weight restrictions on vehicles to be operated on such street whenever the street, by reason of deterioration, rain, snow or other climatic conditions, will be seriously damaged or destroyed unless the use of vehicles on the street is prohibited or the permissible weights thereof reduced. The City shall cause appropriate signs to be placed as necessary.

Subd. 4. Penalty. Any person violating any provision of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$1000.00 or by imprisonment of not more than 90 days, or both, plus the costs of prosecution in either case.”

This Ordinance is adopted the 6 day of July, 2022, and shall be effective upon publication.

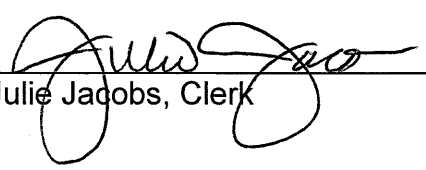
CITY OF ST. STEPHEN

By



Lisa Marvin, Mayor

By



Julie Jacobs, Clerk