

MINUTES
July 17, 2007
General Meeting

- 1) The meeting was called to order by Mayor Charles Neff at 7:00 p.m.
 - a) Council members present were Charles Neff, Bob Dablow, Lucy Fitzgerald, and Randy McFarland, Shelley Poehls came later.
 - b) Others present were Kim Johnson, Treasurer, Dan Hanson, Ronnie Fitzgerald, Rich Hayes, Stu Swandal, WaterSmith Inc., Jeff Kunze, FM Crusaders, Ed Wilson, Wilson Investments, Rick Evert and Bonnie Lund, Xcel Energy.

2) The pledge of allegiance was said.

3) Previous Minutes

- a) General Meeting, 6/19/07

A MOTION was made by Lucy Fitzgerald to approve the General Meeting minutes 6/19/07. It was 2nd by Randy McFarland and the motion carried.

4) Zenas Baer

- a) Former Fire Hall

- i) Did title opinion of property on May 29, 2007. One concern involves the North Western Bell property that is described two different ways in the deed. One way describes it as beginning in the Northeast corner of lot one and the other beginning in the Southeast corner of lot one. Both descriptions cannot be correct. Zenas suggests that a surveyor looks at property to give an accurate description of the land that is owned. This would be shown on a title objection if the property is ever mortgage, sold or used as bonding security. They title would not be "clear". The surveyor needs to be instructed to describe property using the two existing descriptions. Because the property is still jointly owned the cost of the surveyor needs to be paid by both the seller and the buyer. Bob will contact a surveyor.

A MOTION was made by Bob Dablow to direct surveyor to describe legal description of the North Western Bell Telephone property which is accepted from the deeds on the former fire hall. It was 2nd by Shelley Poehls and the motion carried.

It was asked if the City could proceed with the purchase prior to the title being clear in hopes of getting the Rescue Squad into the building. Zenas sees no reason that the city couldn't enter into a purchase agreement taking immediate possession. Once he gets the terms he will compose the agreement and get it to the city for signatures.

- b) b) Quarterline Crossing 3rd Addition Plat i) Zenas pointed out that the City Council has the final approval over approving or not approving a final plat. The only problem that may have arisen would have been IF the planning commission had made some changes or modification AFTER it was approved by the Council. Zenas seen no reason that the City doesn't need to re-do the plat because there is no legal reason to redraft the plat.
- c) ICNT Internet

- i) Zenas has not heard anything from them. He suggested that we stay on top of the issue and get it resolved. Since their antennas are on City property, if and their case would not hold up well in court without an agreement on file. If an agreement is not agreed upon, they would be trespassing. Zenas said that we have the right to give them an ultimatum and if they don't comply they have to have the equipment removed. Charles will send them a letter requesting them to be at the August meeting to issue them a 30 day ultimatum.
- d) Electric Franchise Ordinance
 - i) Zenas reviewed the ordinance and stated that it looks good and is a pretty standard agreement. Bonnie Lund from Xcel Energy was at the meeting to answer any questions of which there were none.

A MOTION was made by Randy McFarland to approve the Xcel Energy Franchise Ordinance #07/17/07-01. It was 2nd by Lucy Fitzgerald and the motion carried.

- e) Culvert Ordinance
 - i) Zenas found a code in building permits that deals with surface draining and water issues. Dan clarified that what the city was looking for is who is responsible to maintain culverts. Zenas stated that according to Title 8-1-6, if the culvert is in the right of way it is the City's responsibility to maintain and take care of any drainage issues. If the culvert is installed improperly it is the responsibility of the homeowner to correct the problem. The consensus of the Council is that the City should be responsible to maintain clear culverts. There were questions on what the City's rights were if someone voluntarily fills in a ditch or culvert and Zenas stated that this would be considered trespassing on the City's right of way and if they would not voluntarily rectify the situation the City could have the problem fixed and collect from the homeowner or put it on their taxes.
- f) Fitzgerald's Nuisance Resolution
 - i) Charles feels that Fitzgerald's Construction has held up to their end of the deal and that the resolution has been met. The only remaining issue is with the tires. According to the ordinance tires can not be left outside and need to be moved.
- g) Gerald Streifel house
 - i) If it is a regulation home the code states that it can only be used for 1 or 2 family homes and the area has to meet the zoning ordinance. All criteria has to be met before the zoning permit can be issued and then there can be no denial for issuing the zoning permit. The city only has to issue the owner a zoning permit for the move to occur. There was a lot of discussion and confusion on if the City of Sabin had delegated "zoning permits" to Rolan Holm and whether "zoning permits" and "building permits" are the same. Charles thinks the city eliminated zoning permits when they adopted the State Building Code.

5) New Business, part of new business was moved up the agenda.

- b) Street Dance, Friday, August 17, 2007

A MOTION was made by Shelley Poehls to allow the F.M. Crusaders to block the street and have their annual Street Dance on August 17, 2007. It was 2nd by Lucy Fitzgerald and the motion carried.

There was some discussion on moving the stage to the front of the Community Center to help satisfy a concern Krabby's Ale Hails & Pub has. There were other concerns that Krabby's had, but the Crusaders had already addressed those issues.

i) Crowbar liquor license

A MOTION was made by Shelley Poehls to grant the Crowbar & Grill a temporary liquor license for to serve on the street for the street dance on Friday, August 17,2007. It was 2nd by Bob Dablow and the motion carried.

ii) Krabby's liquor license

A MOTION was made by Shelley Poehls to grant Krabby's Ale Hails & Pub a temporary liquor license for to serve on the street for the street dance on Friday, August 17,2007. It was 2nd by Bob Dablow and the motion carried.

6) Ulteig Engineering - Dan Hanson

- a) New Well- There is no new well at this time. Stew from Water Smith was asked to join the meeting by Dan and give an explanation as to the status of getting the well put in. Stew gave a brief history of himself. The company that Water Smith partners with to get the license decided to go public and dropped Water Smith. The new company has not renewed the license for Water Smith and, even though they are ready and could do the drill right away, they have no license to legally drill the well. Dan stated that Water Smith does have a pump that they could bring incase our main well goes down that they can bring to help the City maintain a water supply until a new well driller can be lined up. Stew is willing to help the new driller in any aspect to get the City's well done. Stew apologized for the inconvenience that this caused. There was a question if changing drilling company's was going to be a problem for the state. Stew assured the City that it will not be a problem and will not cost the city anything to change the name of the company on the permit.

A MOTION was made by Shelley Poehls to reject the bid by Water Smith due to non compliance and move forward to have Dan Hanson find a qualified contractor to get here as soon as possible to drill the well. It was 2nd by Bob Dablow and the motion carried.

- i) PF A - Dan checked into being able to re-submit the new well to PF A and was told by two different people that this would be considered a stand alone project. Therefore he and Kim believe the process of re-submitting and fighting to get it approved would probably not be worth time it would take and most likely it would fail approval in the end. It is not be included with the original PF A loan. It would be a year and a half to be eligible for another PF A loan.
- b) Quarterline Crossing 3rd Addition - Almost everything is done but they went a little bit longer then contracted. No extension was requested to date. Dan hasn't infonned them of liquidated damages yet. He submitted a pay estimate, but did not include the asphalt so we will have plenty of money to withhold for the liquidated damages, not including Sundays or the 4th of July. Dan feels that there were plenty days when on-site construction could have been done so we would be well justified in withholding something for liquidated damages on the final payment. The seeding still isn't done and there is still some culvert rip-rap, curb stop correction to be finished.
- c) Minnesota Pollution Control Agency - As far as Dan knows, this should be a done deal.
- d) Culverts draining problem in the new addition

- i) Park area – Dan handed out a map of Quarterline Addition. There is not a lot of trench settlement, but there are a few low spots. Our two options are to re-grade the area, which will require reseeding, or to take some back fill and fill in the areas. Bob pointed out a couple of areas that he knows about first hand. There was some discussion on taking down the sledding hill and using that dirt to fill in the low spots. It would be a minimal cost to the City to do this. Dan also pointed out that there is still money in the 1st addition bond that was earmarked for staking that hasn't been used.

A MOTION was made by Shelley Poehls to move the dirt from the sledding hill to fill in the low spots. It was 2nd by Bob Dablow and the motion carried.

- ii) ii) Ditches - Dan found that about 75% of all the problem is sediment. There was drain tile put in the ditches in the first addition to make the water move toward the pond. Dan is having Kindred come back out and make some corrections in the grading since it's still under warranty. Some culverts are a little higher than required. Since it has been established that the culvert are the City's responsibility, Jetway can be asked to clean out the culverts when they are out doing the sewers. Dan has created an action plan to keep the water moving the future. He will finalize a few things and e-mail it out so the council has a chance to look at it before the next meeting. The bulk of the problem is not going to go away until the construction is done. There was some discussion on getting the property owner's to mow the ditches.

7) Treasurer's report stands as read

8) Receipts & Disbursements

A MOTION was made by Lucy Fitzgerald to approve the receipts and disbursements. It was 2nd by Bob Dablow and the motion carried.

9) Amendments to the Agenda

- a) Need to add citizens address
- b)
- c)

10) Committee Reports - Public Hearings - Citizens Address the Council

- a) Park Committee - Randy McFarland - Randy contacted central specialties for estimate to put a walking tack around pond in new addition and the estimate was \$28,000. F.M. Crusaders donated \$2,500 towards a basketball court.
- b) Planning Commission - Tom Berglind, not present
- c) Community Center
 - i) The registers are in.
 - ii) Stage and bar carpet will be completed in August.
- d) Kitchen remodel- Randy went to Lions and they have set aside \$3,500 for remodel and he is waiting to hear from Lioness on what they can budget.

A MOTION was made by Bob Dablow to authorize \$3,500 from city funds to contribute to the remodel. It was 2nd by Shelly Poehls and the motion carried.

A MOTION was made by Lucy Fitzgerald to go with Wendt Construction for remodel for the lower of the two bids. It was 2nd by Bob Dablow and the motion carried.

- e) Hall Cleaner – so far only slight interest from Justin Nyland, but no other letters of interest. Put an ad in the Fargo Forum and Barnesville Record Review to hire someone. Tabled until the August meeting when we talk about raises.

11) Fire Department Business, Commissioner Report, Lucy Fitzgerald/Bob Dablow

12) EMS Business, EMS Commissioner, Shelley Poehls - The Rescue Squad did not meet in July.

13) Water Department, Rich Hayes, Supervisor - Shelley is having problems with her water. She believes her water pipe is plugged. She was given some suggestions and things to try.

14) Water/Sewer/Garbage Bills & Past Dues

- a) 20 Past dues sent out on 7/8/2007, for a total of \$5,984.43
- b) 20 Shut off notices will go out on 7/18/07, with a Shut off date of 7/25/07

15) Sewer Department, Bob Dablow, Commissioner

- a) Interstate PowerSystems Quote

A MOTION was made by Bob Dablow to accept the Interstate PowerSystems quote for \$1,697.06 to maintain the generators at the Lift Station, Water Treatment Plant and the Community Center/Former Fire Hall. It was 2nd by Randy McFarland and the motion carried.

- b) The man holes are complete and Norm feels that Charles should see one. This is an ongoing expenditure.
- c) Bill Hughs did his annual inspection of the pumps at the lift station. He found that one was not seating correctly and made that correction and they are both 100%.

16) Ordinances

- a) Electric Franchise Ordinance covered under Zenus
- b) Culvert Ordinance covered under Zenus

17) Old Business

- a) Re-keying the city, nothing from Tom Hall yet
- b) Rich Dysen, Fire Inspector - the corrected contract needs to be signed and sent back to Moorhead.
- c) Dog problem - A letter was sent to the Sherriffs department requesting ordinance enforcement. There were three complaints to the Sheriffs on July 10th and July 11 th. Some of the complaints were about the fire works getting the dogs excited and some were about Wiedeman's 2 labs and 1 collie running loose.
- d) Krabby Noise Problem - A letter was sent to Larry Kolle requesting him to desist calling the Sherriff s department regarding noise from Krabby's Ale Haus & Pub.
- e) Eide Bailly Audit i) It was submitted to state on time. Still making some minor corrections.
 - i) Charles commended Kim and Becky for working so hard to get the audit done and everything straightened out.

18) New Business

- a) Golden Living letter requesting tables and chairs – there is nothing scheduled for that date in the Community Center.

A MOTION was made by Shelley Poehls to allow Golden Living Center use of the community Center tables and chairs for August 14,2007. It was 2nd by Lucy Fitzgerald and the motion carried.

- c) Special Meeting - to review Water Bills and Audit. Meeting was scheduled for July 31 st at 7:00pm.
- d) Connie Fey Bill- Her apartment meter is hooked up to Krabby's ""kitchen" sink. She would like her ""water bill" sent to Krabby's, but doesn't think he should have to pay the fixed rate. I can set it up to charge usage only usage and send her bill to Krabby's. I just wanted to make sure the council agreed.

A MOTION was made by Shelley Poehls to wave the flat fee at this time until a resident moves into the building. It was 2nd by Lucy Fitzgerald and the motion **failed**.

- e) Rolan Holm needs to be notified to attend the August meeting.

19) Commissioner Reports

- a) Weeds - Commissioner, Charles Neff - Nothing to report
- b) Parks - Commissioner, Randy McFarland - Nothing to report
- c) Health - Commissioner, Charles Neff - Sprayed for mosquitoes twice this year
- d) Streets - Commissioner, Lucy Fitzgerald - Need to addressed at budget time
- e) Recycling - Commissioner, Randy McFarland - Nothing to report
- f) Civil Defense - Commissioner, Randy Schmidt - Nothing to report
- g) Building Official - Randy McFarland - Nothing to report

6) Adjournment

A MOTION was made by Lucy Fitzgerald to adjourn. It was 2nd by Bob Dablow and the motion carried.

Meeting adjourned at 9:40 p.m.

Respectfully Submitted

Becky Nyland, City Clerk

Approved 8/21/07