

CITY OF ST. CLAIR  
REGULAR CITY COUNCIL MEETING  
TUESDAY, JANUARY 28, 2014

The meeting was called to order by Mayor Douglas Westphal at 7:00 p.m. The meeting was held in the Meeting Room of the St. Clair City Hall, 304 Main Street West, St. Clair, Minnesota. Council Members present: Mayor Douglas Westphal, Jerry Phillips, Thomas Karels, Sr., Chris Cousins, and Jason Weinandt. Council Members absent: No Council Members were absent. City Staff present: Catherine Seys, City Clerk-Treasurer and Mark Krenik, Public Works Supervisor. Others present: Jeff Domras (Bolton and Menk), Connie Johns (St. Clair School Board Liaison), Daniel Petsinger (Radio Link Internet), Connie Froehlich, Denny Thompson, Chris Schenk, and Jerry Pietz.

After calling the meeting to order by Mayor Westphal welcomed all visitors and guests, the Pledge of Allegiance was then recited.

APPROVAL OF MINUTES AND BILLS

The minutes of January 14, 2014 Regular City Council Meeting were approved with a motion by Council Member Karels, seconded by Council Member Phillips, and carried with all in favor. The invoices, bills, and vendor's claims for the month of January 2014 were approved with a motion by Council Member Weinandt, seconded by Council Member Cousins and carried with all in favor.

UNFINISHED BUSINESS – There were no Unfinished Business items discussed.

1. RADIO LINK INTERNET – Daniel Petsinger was present representing Radio Link Internet (RLI). Mayor Westphal noted that the City had discussed the agreement submitted by Radio Link Internet with the City Engineer (Jeff Domras) and City Attorney (Elizabeth Weinandt). Mayor Westphal further noted that the Council realizes that with the discontinuation of Clear Wave time is of the essence, but the Council has a responsibility to safeguard the City and keep the best interest of the City and its residents in mind. City Engineer, Jeff Domras stated that his main concern is relating to access. Mr. Petsinger is proposing access to the water tower 24 hours a day 365 days a year for maintenance and repair of equipment, stating that in many of the cities he has a key to the water tower. Mr. Domras feels strongly that for security reasons it isn't good practice to allow such access, stating that in his opinion the RLI equipment should be located in a cabinet outside the water tower. Mr. Petsinger stated that he must have access to the water tower since his radio equipment is on the back of the antennae and the antennae would be located on the top of the water tower. Calling out a Public Works employee to unlock the facility when needed after hours or on weekends was discussed and it was noted that there would be a cost associated with such call out. Mr. Petsinger stated that he will not incur cost to access the water tower. Mr. Petsinger also stated that due to the temperature requirements (0° to 104°) for the equipment and exterior cabinet would be expensive (\$5,000 to \$7,000) due to the need for heating and cooling, whereas if the equipment were located in the base of the water tower temperature wouldn't be an issue. After considerable discussion Mayor Westphal stated that he understands that with the discontinuation of Clear Wave there is a 'push' to get service to rural residents, but the Council just heard this proposal two (2) weeks ago and we don't want to be rushed into something we aren't familiar with. The Council agreed that they do not feel comfortable making a decision so quickly. The Council discussed the following 'sticking' points relating to the agreement: 1) the agreement provided by RLI appears to be one-sided and without safeguards for the City, 2) RLI is requesting

'exclusive access' to frequencies and entire bands as a means of forcing frequency coordination, 3) security concerns, water tower access and equipment location.

Due to the amount of concerns to work through with regards to the agreement, a motion was made by Council Member Weinandt, seconded by Council Member Phillips to schedule a City Council Workshop for Thursday, February 6, 2014 at 6:00 p.m. to further discuss the RLI proposal and agreement with the City Attorney and City Engineer. Motion carried with all in favor.

2. KITCHEN REMODELING PROJECT – The City Clerk-Treasurer will be meeting with City Building Official Dan Murphy to discuss building code requirements for the project.

NEW BUSINESS – The following New Business items were discussed:

1. JERRY PIETZ – Jerry Pietz was present. Mr. Pietz is the owner of the property on the north side of the LeSueur River on Co. Rd. 28 North (west side of the road). The property Mr. Pietz owns is for sale. Mr. Pietz has also been in contact with Blue Earth County Environmental Services with regard to the floodplain and well/septic requirements. The property is located in the R-A 'Residential Agriculture District'. In the R-A District the front yard setback is 65' from the property line. Mr. Pietz inquired as to the likelihood of obtaining a Variance from the setback requirement. Mayor Westphal noted that a Variance requires a Public Hearing with all residents within 350' being invited. Mr. Westphal further noted that the Council would be open to reviewing a Variance request based on the proposal received at the time.
2. SNOW REMOVAL (DOWNTOWN BUSINESS AREA) – Mayor Westphal was contacted by Chad Wilde, Blue Earth County Public Works Dept. regarding the City removing snow in the downtown business area. Public Works Supervisor Mark Krenik noted that if the City removes snow in the business on Main Street it should remove snow for everyone on Main Street. He further noted that Main Street is a County Road and not a City street. The large amount of snow being plowed and piled onto Main Street East near the Mill Street intersection was also discussed. The City doesn't know who is plowing/piling the snow on the street and creating this hazard. It was noted that plowing or placing snow in any manner onto a public street is a City of St. Clair Snow Plowing and Removal Ordinance and also a violation of MN State Law. The City Council directed the Public Works Supervisor to remove the pile of snow on Main Street East near Mill Street. The snow will also be removed from the corner of Main Street East and Co. Rd. 28 South (near the Uptown Tavern). The Council directed the Clerk-Treasurer to send letters to the business owners in the 100 block of Main Street East stating that the City will be removing the snow but the City will not be performing such snow removal in the future. The letter will further state that business owners are responsible for snow plowing and snow removal from sidewalks, driveways and private parking lots and plowing/piling the snow in the street is strictly prohibited.

#### FIRE CHIEF'S REPORT

Fire Chief Bill Fitzloff was unable to attend. Clerk-Treasurer Seys reported that she and the Fire Chief would be working on information for renewal of the Township Fire Contracts and contract negotiations.

#### PUBLIC WORKS DEPT. REPORT

Public Works Supervisor Mark Krenik reported on the following:

1. The Public Works Dept. has been busy with snow removal due to the recent snowfall and high wind events.

#### CITY CLERK-TREASURER'S REPORT

City Clerk-Treasurer Catherine Seys reported on the following:

1. The South Central Safety Committee (SCSC) met in Good Thunder on Thursday, January 23<sup>rd</sup>. The topic of the training was the annual AWAIR (A Workplace Accident and Injury Reduction Program) and Employee Right to Know. The next meeting and training will be Thursday, March 27<sup>th</sup>.

#### CITY COUNCIL MEMBER REPORTS

1. The January School Board Meeting was postponed due to weather. Council Member Karels will attend the meeting.
2. A City Sign Committee meeting and Playground Equipment Committee met on Thursday, January 23<sup>rd</sup> at 6:00 p.m. Another meeting will be scheduled for February 10<sup>th</sup> or 11<sup>th</sup>.

PUBLIC COMMENT – There were no comments from the public during this portion of the meeting.

#### ADJOURNMENT

The meeting adjourned at 9:15 p.m. Motion to adjourn was made by Council Member Weinandt, seconded by Council Member Phillips and carried with all in favor.

Catherine Seys, City Clerk-Treasurer