

## MINUTES OF COUNCIL MEETING/PUBLIC HEARING

October 2, 2006

A regular council meeting was duly held on Monday, October 2, 2006 at 7:00 p.m. Members present, Jim Poirot, Robert Roesler, Carroll Behne and Brad Ringnell. Absent, Jerry Jenkinson. Mayor Pro-tem Roesler presided. Also present, City Adm/EDA Dir Kathy Bailey and Deputy Clerk Irene Schlaphoff.

Motion by Poirot to approve the minutes as written and sent to each council member for study, second by Ringnell, carried.

Motion by Ringnell to approve the agenda, second by Poirot, carried.

Motion by Ringnell to approve the bills for payment, second by Poirot, carried.

At this time the Public Hearing was called to order. The purpose of the public hearing was to approve a conditional use permit for a Kum & Go convenience store to be constructed in a business zone that is adjacent to a residential neighborhood. City Administrator Bailey explained the definition of conditional use, the permitting process and how it is applied within the business zone by placing reasonable conditions on the permit. A tentative site plan was presented and reviewed.

Residents of Swanson Drive were present to voice concerns regarding decreased property values, security, increased traffic volume, noise, fumes and idling trucks. Nathan Behne, owner of Behne, Inc., expressed assurances to those present that the high cost of fuel does prevent drivers from allowing the trucks to idle, as there are heating devices which make cold weather idling unnecessary. He stated that emission standards have dramatically increased, and also reminded everyone of the importance of the trucking industry to all people. Former Mayor Curt Olson spoke in favor of economic development brought to the community by the Kum & Go project.

Questions were answered regarding the placement of entrances, assessments for infrastructure and road improvements, and what the convenience store chain has done in other areas to appease the community in which they operate. While the store will be open 24 hours, the adjoining restaurant will follow standard hours of operation common to their franchise.

Motion by Ringnell to close the public hearing, second by Poirot, carried.

Motion by Ringnell, second by Poirot to approve Resolution 03-06 Approving Conditional Use Permit for the Kum & Go Filling Station in a B1 District with the following conditions:

1. Purchase of the said property,
2. Compliance with all federal, state and city permitting requirements,
3. Construction of an eight-foot fence on the property of Kum & Go from the west edge of the property to the east corner of the property where it meets the Faber property
4. Planting of additional row of evergreen trees on south side of fence, placed as recommended by a qualified nursery specifying distances so as not to harm or cause removal of present trees,
5. Removal of one truck parking stall from the south edge of truck parking as depicted, leaving nine stalls with the southern most stall parallel with the south building wall

Poirot, yea; Roesler, yea; Behne, yea; Ringnell, yea. Resolution 03-06 approved.

Administrative reports:

- Alliant Energy and Klima Electric are in the process of replacing ten City street lights north from Fifth Street.
- Grading, crown replacement and graveling of roads will take place in the upcoming week now that the dump truck has arrived.
- Purchase of a 97 Ford dump truck with reversible front plow and wing, with underbelly plow has been completed.

Motion by Ringnell to advertise for sealed bids for the sale of the 1991 International dump truck, sander and plow "as is," with a deadline of 4:30 p.m. on 10/31/06; to be awarded at 11/06/06 council meeting; advertisement to be placed in the Martin County Star, Livewire and Peach with the right to refuse any or all bids, second by Poirot, carried.

Following discussion regarding the necessity of accounting for water drawn and sold throughout the community, and the continuing process of metering presently unmetered uses, motion by Ringnell to install a meter, shut-off and pit at the MCW football field, second by Poirot. After further discussion, motion amended by Poirot to include charging MCW the commercial rate for this metered water and no sewer charge, second by Behne, carried.

Motion by Ringnell to approve the Certificate of County Board of Classification of Forfeited Land Parcel 38-650-0540 South Side Addition including a street assessment in the amount of \$8,312.63, second by Behne, carried.

Motion by Ringnell to set the date and time of November 6, 2006 at 7:00 p.m. for a meeting with property owners to discuss gravel road alternatives, second by Poirot, carried.

Curt Olson, on behalf of the Sherburn Lions, requested the use of the old fire hall for storing Holiday Festival booths. The request was denied because the area is temporarily in use, and the City had been advised that another location for storage has been found. Mr. Olson also indicated that in the future the Holiday Festival may have to be conducted by another organization.

Motion by Poirot to adjourn into closed session for the purpose of discussing applications for the position of City Administrator.

Motion by Ringnell to adjourn closed session, second by Poirot, carried.

Motion by Ringnell to adjourn regular council meeting, second by Behne, carried.

Irene Schlaphoff, Deputy Clerk