

May 26, 2016

CITY COUNCIL AGENDA

Tuesday, May 31, 2016

5:00 p.m.

Council Chambers, 315 N. Broadway

1. Call to Order
 - a) Roll Call of Members
 - b) Welcoming Remarks
 - c) Announcements
 - d) Pledge of Allegiance
2. Citizen's Comments. *Please limit comments to 3 minutes per person. Items brought before the Council will be referred for consideration. Council may ask questions for clarification or explanation, but no council action or discussion will be held on these items.*
3. Additions / Deletions to Agenda
4. Approval of Consent Agenda. *The following are non-controversial items intended to be approved with one motion, without discussion. If a council member, staff, or member of the public would like to discuss an item(s), please ask that it be removed and it will be placed elsewhere on the agenda.*
 - a) Approval of Minutes – 5/10/2016
 - b) Approval of Accounts Payable Listing
 - c) Liquor Store Report
 - d) Utility Report
 - e) 3.2 Malt Liquor Off Sale License Renewal for Charles Evenson at Southtown C-Store
 - f) 3.2 Malt Liquor Off Sale License Renewal for Luke Loerzel at Paul's of Pelican Inc.
 - g) Club On Sale License Renewal for Donna Mattern at Gilmore Weik VFW Post 5252
 - h) Strong Wine and Strong Beer License Renewal for Cheryl King at Muddy Moose
5. Otter Tail County Historical Society
6. Special Use Permit – Bruce Fuhrman
7. Memorandum of Understanding – City/Library
8. Street and Park Superintendent Brian Olson
 - Pool Update
 - Garage Update
9. Removal of Industrial Park Signs – Attachment International and Henry Building Systems
10. PC Meeting Update
 - Spring Tour
 - Hazardous Buildings
 - Other Updates
11. Water Treatment Plant Project 83
 - Update
 - Change order #2
12. Award Bid – Bridge L5805, Project 80
13. WWTF Project Update and SEH Payment Request
14. Resolution No. 2016-06 Accepting Monetary Limits on Municipal Tort Liability

The City Council of Pelican Rapids met in regular session at 5:00 p.m., on Tuesday, 05-31-16 in Council Chambers, City Hall.

Mayor Frazier called the meeting to order at 5:00 p.m.

Roll call was taken by Clerk-Treasurer Danielle Heaton.

Mayor Brent E. Frazier and four members of the Council were present at roll call:

Council Member Steve Strand

Council Member CJ Holl

Council Member Kevin Ballard

Council Member Steve Foster

Other city staff present: Administrator Don Solga, Clerk-Treasurer Danielle Heaton and Street Superintendent Brian Olson.

General Attendance: Chris Schuelke from Otter Tail County Historical Society, Richard E. Peterson, Andrew Johnson, Judy Tabbut, Loren Siefert, Girl Scout Troop 30102 Members Ella Schleske and Violet Solinger, and Lou Hogle of Pelican Rapids Press were also present.

The Mayor welcomed everyone to the Council Meeting.

All present stood and said the Pledge of Allegiance led by Girl Scout Members Ella Schleske and Violet Solinger.

Motion by Holl, seconded by Strand to approve the agenda as presented. Motion carried.

Motion by Foster, seconded by Ballard to approve the following consent agenda items except item a) Approval of the Minutes – 5/10/2016:

b) Approval of Accounts Payable Listing

c) Liquor Store Report

d) Utility Report

e) 3.2 Malt Liquor Off Sale License Renewal for Charles Evenson at Southtown C-Store at 901 South Broadway for the term of one year, beginning 07-01-16

f) 3.2 Malt Liquor Off Sale License Renewal for Luke Loerzel at Paul's of Pelican Inc. at 209 South Broadway for the term of one year, beginning 07-01-16

g) Club On Sale License Renewal for Donna Mattern at VFW Gilmore Weik Post 5252 at 26 NW 1st Avenue for the term of one year, beginning 07-01-16

h) Strong Wine and Strong Beer License Renewal for Cheryl King at Muddy Moose Co. at 30 North Broadway for the term of one year, beginning 07-01-16

Motion carried.

Mayor Frazier asked for an amendment to the 5/10/2016 minutes to change "eight unit dormitory" to just "dormitory". Motion by Holl, seconded by Foster to approve the minutes as amended. Motion carried

Otter Tail County Historical Society Director Chris Schuelke updated Council on the functions of the Historical Society. He thanked Council for their support over the years and would like the City to continue to support them.

Administrator Solga updated Council on the Planning Commission meeting. The Planning Commission asked Mr. Fuhrman if he wanted to make any changes to his application and he replied that his request isn't changing. City Council was able to read the approved Planning Commission minutes from 5-9-16 and 5-23-16. The Planning Commission recommended that

City Council deny the Special Use Permit for Mr. Furman at 57 N Broadway. Council Member Strand spoke in favor of denying the Special Use Permit. Motion by Ballard, seconded by Strand to accept the recommendation of the Planning Commission and deny the Special Use Permit. Council Member Holl remarked that it was great that the Planning Commission and City Council could have open conversations about change. He feels that the Planning Commission needs to work out a downtown plan. Mayor Frazier spoke openly about his feelings on the dormitory. He contacted all the businesses between the stoplights. The majority were opposed. Andrew Johnson felt that the negatives outweigh the positive. Motion carried. AYES: Strand, Ballard, Frazier. NAYES: Foster, Holl.

Administrator Solga reviewed a Memorandum of Understanding between the City and the Library. There are certain things that the City does for the Library. To avoid confusion, everything was put in writing. Motion by Strand, seconded by Foster to approve the Memorandum of Understanding between the Pelican Rapids Public Library and the Pelican Rapid City Council. Council Member Ballard asked for clarification on how the Library Board and the City Council all work together. Motion carried.

Street and Parks Superintendent Brian Olson received six applications for lifeguards and four of them will need training. Currently, they are getting the pool ready. He is hoping to open the pool June 14th. There is no manager and no one to teach swimming lessons at this time.

At the last meeting, a bid was accepted to construct a City Hall Garage. After talking with the building official, the proposed garage cannot be built as planned. Motion by Holl, seconded by Foster to rescind the motion approving the construction of the City Hall Garage. Motion carried.

The Camp Ground has been doing very well so far this year. All ten sites were full over Memorial Day Weekend.

Clerk-Treasurer Danielle Heaton discussed the removal of Henry Building Systems and Attachments International Industrial Park Signs due to lack of payment. Council Member Strand volunteered to talk to the owner of the business. Motion by Foster, seconded by Strand to postpone the removal of the two Industrial Park signs. Motion carried.

Administrator Solga updated Council on the Spring Tour that was done by the Planning Commission. Fifty-eight properties were added to the Public Nuisance List and letters will be sent out soon. The planning commission will be considering more buildings in disrepair as possible hazardous [buildings](#). The Planning Commission is continuing to work on a new fence ordinance.

Administrator Solga updated Council on Water Treatment Plant Project No. 83 and Change Order No. 2. The south filter is complete and the north filter is currently being worked on. Change Order No. 2 which would change out the underdrain nozzles was discussed. The south filter had this issue too. It will add seven days to substantial and final completion. Motion by Ballard, seconded by Strand to approve Change Order No 2 for Water Treatment Plant Project No. 83. Motion carried.

The Bid opening for Bridge Removal was on May 20, 2016. The high bid was \$105,329 and low bid of \$37, 997.75. Since there was a big difference in bids, the County and engineer will review everything to ensure nothing was missed. Hough Inc. of Detroit Lakes had the low bid. The

removal deadline is September 1, 2016. Motion by Holl, seconded by Ballard to award the project to Hough Inc. of Detroit Lakes, MN in the amount of \$37,997.75 for removal of Bridge L5805-Project No. 80. Motion carried.

Administrator Solga updated Council on Project No. 79 - WWTF Upgrade. A punch list had been sent to Gridor in November of 2015 and so far very little has been completed in the punch list. SEH also asked for a schedule from Gridor of when things will be completed. Approximately \$546,000 in liquidated damages has accrued. Gridor has approximately \$86,000 left of work at the WWTF. Additional engineering costs of \$398,000 have accrued over the last fifteen months from SEH. Mayor Frazier, Councilman Foster, Administrator Solga, Attorney Larson met with SEH to discuss the additional \$398,000 in engineering costs. SEH had concerns regarding the money owed to them in additional engineering costs. SEH asked the City to consider paying something toward the outstanding charges. In an effort to keep moving forward they would like to request Council make a payment of \$200,000 toward the \$398,000.

City Attorney Larson explained why the City has not made a payment to SEH for the additional charges. There is a provision in the contract with SEH that states any defective work that is caused by the contractor and addressed by SEH, then SEH is to give notice to the contractor explaining the defective work and the time spent by SEH or the City addressing the defective work was to be paid by the contractor. SEH said that defective work has been done by the contractor but they are not material enough to trigger the provision stated in the contract. Right now the City has a \$398,000 bill and can't decipher how much of that is for defective work and should be borne by the contractor.

For the past several months, Attorney Larson recommended the City make no payment toward the \$398,000. SEH has done quality work on the project; unfortunately they just didn't keep the logs properly in order to show how much was because of defective work. Motion by Foster, seconded by Strand to postpone until the next meeting so Council can consider the available options. Motion carried.

Motion by Foster, seconded by Ballard to introduce the following written resolution entitled: **RESOLUTION NO. 2016-06 ACCEPTING MONETARY LIMITS ON MUNICIPAL TORT LIABILITY**. Motion carried and resolution declared duly adopted. (A complete text of this resolution is part of permanent public record in the City Clerk's office.)

Motion by Foster, seconded by Strand to adjourn the City Council meeting at 6:47p.m. Motion carried. Opposed: Holl



Danielle Heaton
Clerk-Treasurer