

September 9, 2016

CITY COUNCIL AGENDA

Tuesday, September 13, 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. Agenda Additions or Deletions
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 – 8/30/16
 - b) Approval of Accounts Payable Listing
 - c) Improvement Project No. 79 Request for Payment:
 - 1) SEH Engineering - \$3,847.77
 - d) Improvement Project No. 83 Request for Payment
 - 1) PFA Pay Request #6 - \$77,955.32
 - 2) SEH Engineering - \$4,660.00
 - 3) Magney Construction Inc. - \$73,295.32
 - e) Staff Reports
 - 1) Police Chief Report
 - 2) Library Report
 - 3) Financial Report
5. Planning Commission Recommendations for Hazardous Properties
 - 25/27 NW 1st Ave
 - 101 NE 1st Ave
 - 108 NW 2nd St
 - 129 NE 5th Ave
 - 309 NE 5th Ave
6. Planning Commission Update
 - Transient Merchant Application Update
7. Project #87 – Engineer Bob Schlieman
8. Street and Park Superintendent Report
9. Spraying for Mosquitos
10. Project 80 – Bridge L5808 Change Order #1
11. Update on 107 S. Broadway – Greg Larson
12. Update on Administrative Penalty Consideration for Greg Restad and Stacy Hanson
13. 2017 General Budget
14. Certify Unpaid Mowing Bills and Utility Bills to Property Taxes
15. Update on Community Center/Kitchen

The City Council of Pelican Rapids met in regular session at 5:00 p.m., on Monday, 09-13-16 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, Street and Park Superintendent Brian Olson, Police Chief Jeff Stadum, Library Director Annie M. Wrigg, City Engineer Bob Schlieman and City Attorney Greg Larson.

General Attendance: Boy Scout Members Gage Stromberg and Austin Fitzgerald, Greg Restad, Robert Klaboe, County Commissioner Wayne Johnson, Roger Schleske, Library Board Member Wayne Runningen and Lou Hoglund from the Pelican Press were also present.

The Mayor welcomed everyone to the Council Meeting and announced upcoming events in the community.

All present stood and said the Pledge of Allegiance led by Boy Scout Members Gage Stromberg and Austin Fitzgerald.

Council Member Holl received some complaints about the sound on the video recording on Channel 14. Sight on Sound stopped at City Hall and made some adjustments. Also, Administrator Solga contacted Arvig and they have had some technical issues on which they are working.

Motion by Foster, seconded by Strand to approve the agenda with the additions of No. 16 Parking, and No. 17 Economic Development, No. 18 Fishing Ordinance, No. 19 Otter Tail County Economic Development Committee. Motion passed unanimously.

Mayor Frazier asked to make a correction from the word 'steal' to 'steel' on page four of the 8/30/16 minutes.

Motion by Ballard, seconded by Foster to remove crossed out items from the consent agenda and all remaining items were approved as presented:

Approval of Minutes – 8/30/16

~~Approval of Accounts Payable Listing~~

Improvement Project No. 79 Request for Payment:

SEH Engineering - \$3,847.77

Improvement Project No. 83 Request for Payment

PFA Pay Request #6 - \$77,955.32

SEH Engineering - \$4,660.00

Magney Construction Inc. - \$73,295.32

Staff Reports

~~Police Chief Report~~

Library Report

Financial Report

Motion passed unanimously.

b) Council Member Foster questioned the Sherbrooke Turf charge on the Bill Listing.

Administrator Solga explained to him that it was for Brown Soccer Field and was approved by Council when he was away. Motion by Foster, seconded by Strand to approve the Bill Listing. Motion passed unanimously.

e1) Police Chief Stadum reported on the activities that occurred in the Police Department during the month of August. Motion by Ballard, seconded by Foster to approve the report as written. Motion passed unanimously.

Police Chief Stadum asked Council to consider hiring Anthony Onstad as part-time Police Officer. It will be contingent on the completed background check from the BCA. He will start at \$17.71 which is step one of the wage scale. Motion by Foster, seconded by Strand to approve hiring Anthony Onstad contingent on passing the background check, starting at \$17.71 per hour. Motion passed unanimously.

County Commissioner Wayne Johnson addressed Council on the County's decision to establish an Economic Development Authority (EDA). The County EDA would not supersede a City's EDA. The County is still in the very early discussion phases of this process so there are many details to still be worked out. The County does not want to compete with cities for economic development.

City Engineer Bob Schlieman updated Council on Project 87. Project No. 87 includes 6th Street NE from East Mill Avenue (TH 108) to a point approximately 600 feet north of East Mill Avenue, 6th Street SE from East Mill Avenue (TH 108) to 2nd Avenue SE, 1st Avenue SE from 6th Street SE to a point approximately 460 feet east of 6th Street SE, 2nd Avenue SE from 5th Street SE to 6th Street SE, Maplewood Drive from 5th Street SE to Ridge Crest Drive, Lake Region Avenue from Trunk Highway 59 to a point approximately 660 feet east of Trunk Highway 59, 10th Avenue SE from Trunk Highway 59 frontage road to Maplewood Drive, Maplewood Drive from 10th Avenue SE to a point approximately 360 feet north of 10th Avenue SE, 2nd Avenue SE from 6th Street SE to a point approximately 490 feet east of 6th Street SE, 430th Street (Golf Course Road) from County Road 9 to a point approximately 1,520 feet east of County Road 9, Area proposed to be served with gravity sanitary sewer south of 1st Avenue SE between 4th Street SE and 6th Street SE, Downtown parking lot north of the Pelican River and east of 1st Street NW. This project will be spread out over the entire City. He discussed the existing conditions of all the areas the City is considering improving. Currently, the estimated cost of Project 87 is \$3,267,697. Mr. Schliemann then reviewed the City's assessment policy. The City's estimated cost is \$2,074,396 and the rest will be assessed to the property owners. The City could be eligible for up to \$1.7 million from PFA. Mayor Frazier asked Mr. Schlieman to include 10th Avenue SE to TH 59. The next step would be to hold a public hearing and invite the property owners to attend and discuss the project. Council would also like to include paving Ridgecrest Drive as an option.

Motion by Foster, seconded by Holl to introduce the following written resolution entitled: **RESOLUTION NO. 2016-09 RESOLUTION RECEIVING FEASIBILITY REPORT AND CALLING HEARING ON IMPROVEMENT FOR 6th STREET NE, 6th STREET SE, 1st AVENUE SE, 2nd AVENUE SE, MAPLEWOOD DRIVE, LAKE REGION AVENUE, 10TH AVENUE SE, 430TH STREET (GOLF COURSE ROAD) AND DOWNTOWN PARKING LOT** and to also include the paving of Ridgecrest Drive as an option. 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.)

The Planning Commission's recommendations regarding hazardous buildings were presented by City Administrator Don Solga. The process began a few years ago. The Commission identified five properties on the Spring Tour to start the hazardous building process. These property owners received letters stating that the City Council would be considering the Planning Commission's recommendation to designate these properties as hazardous and requiring property owners to raze or restore/repair the structures to code compliant conditions. All property owners are invited to come and discuss with Council their plans for the property.

The property at 25 & 27 NW 1st Avenue is owned by Roger and LouAnn Schleske. Mr. Schleske was present and addressed Council. He is in the process of applying for a Special Use Permit to use the upper level of the commercial building as residential. Mayor Frazier asked how long it will take to complete the process and currently, the Planning Commission is waiting on a floor plan as part of the application before moving forward on the Special Use Permit. Mr. Schleske intends on repair the roofing and remove the broken windows from the front of the building.

RESOLUTION 2016-11 ORDERING THE REPAIR OR REMOVAL OF HAZARDOUS COMMERCIAL/RESIDENTIAL BUILDING LOCATED AT 25/27 NW 1ST AVENUE. (A complete text of this resolution is part of permanent public record in the City Clerk's office.) Motion by Holl, seconded by Foster, to approve resolution for 25/27 NW 1st Avenue. Motion carried and resolution declared duly adopted.

Administrator Solga received a call from the property owner. They intend to remove the house and repair the detached garage.

RESOLUTION 2016-12 ORDERING THE REPAIR OR REMOVAL OF HAZARDOUS HOUSE AND DETACHED GARAGE LOCATED AT 101 NE 1ST AVENUE. (A complete text of this resolution is part of permanent public record in the City Clerk's office.) Motion by Foster, seconded by Holl, to approve resolution for 101 NE 1st Avenue. Motion carried and resolution declared duly adopted.

RESOLUTION 2016-13 ORDERING THE REPAIR OR REMOVAL OF HAZARDOUS SINGLE FAMILY DWELLING & SHED LOCATED AT 108 NW 2ND STREET. (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 approve resolution for 108 NW 2nd Street. Motion carried and resolution declared duly adopted.

RESOLUTION 2016-14 ORDERING THE REPAIR OR REMOVAL OF HAZARDOUS SINGLE FAMILY DWELLING LOCATED AT 129 NE 5TH AVENUE. (A complete text of this resolution is part of permanent public record in the City Clerk's office.) Motion by Strand, seconded by Foster, to approve resolution for 129 NE 5th Avenue. Motion carried and resolution declared duly adopted.

Property owner Robert Klaboe was present to address Council. He is in the process of emptying the building now. The house has never been completed. Mr. Klaboe hopes to sell it to someone that can complete it. He is hoping to have it cleaned out to sell next summer. "Is there any reason you can't get it ready to get on the market this fall?" asked Council Member Holl. Mr. Klaboe responded saying that he goes south for the winter, so it would be hard to get it done by November 1st.

RESOLUTION 2016-15 ORDERING THE REPAIR OR REMOVAL OF HAZARDOUS SINGLE FAMILY DWELLING DETACHED GARAGE & SHED LOCATED AT 309 NE 5TH AVENUE. (A complete text of this resolution is part of permanent public record in the City Clerk's office.) Motion by Strand, seconded by Ballard ____, to approve resolution for 309 NE 5th Avenue. Motion carried and resolution declared duly adopted.

Administrator Solga reported on the recent Planning Commission meeting. The Commission is recommending an updated Transient Merchant License Application. No change to the ordinance is required as the City is just updating the application. The Commissioners are recommending a fee of \$50.00 and a limit of two terms per twelve months with a limit of fourteen days per term. This is to help protect the businesses that are already established. Transient Merchant is any business that engages in the selling of goods. "So we are only allowing transient merchants to be open twenty-eight days a year?" asked Council Member Foster. "We have a business in town that paid for their building from a food trailer. How can we say we are encouraging business

when we limit them to twenty-eight days?" "Sometimes it is hard to balance encouraging business and protecting the businesses we already have in Pelican Rapids." stated Council Member Ballard. "It's not fair for a competing business to set-up next to a business that is paying property taxes and has invested in the Community."

Motion by Foster to accept the application but change it from fourteen days to one hundred twenty days. Motion died for lack of a second.

Motion by Holl, seconded by Strand to accept the Transient Merchant Application recommended by the Planning Commission. Motion carried. Foster: Nay. Strand, Ballard, Frazier, Holl: Aye.

Administrator Solga updated Council on the discussions that the Planning Commission had regarding buildings in the commercial zone that may not be used as legitimate commercial purposes. This includes buildings that are being used as storage instead of a commercial business.

Street and Parks Superintendent Brian Olson gave his report to Council. The pool leaks are being repaired now. The leak on the pool deck has been fixed and the leak in the pool flashing will be repaired next. The annual sewer jetting starts tomorrow. Superintendent Olson plans on repairing two gate valves that have been identified on Broadway and Highway 108.

Based on the citizen comment at the previous Council Meeting about spraying for mosquitoes, Administrator Solga will get more information so Council can consider it at a later date.

Administrator Solga updated Council on the Project No. 80 Bridge L5808 removal pre-construction meeting. Because it took a while to get the contact back from the State, a change order is needed to change the final completion date from September 1st to October 28th. Motion by Strand, seconded by Ballard to approve Change Order No. 1 to change the final completion date to October 28, 2016 on Project No. 80. Motion passed unanimously.

City Attorney Greg Larson updated Council on 107 S Broadway. The petition for the determination of descent has been filed with the courts. The property should be decreed out within the next thirty to sixty days. At that time the City will have a responsible party for the property if there are any issues.

Greg Restad property owner at 120 NW 2nd Avenue wanted to update Council on a timeline to have his garage renovations complete. He is working with the City to try and clean up some of the building debris he had on the property.

Stacy Hanson is the grandson of Laverne Hanson, property owner at 19 NE 6th Avenue. He attended the last meeting and asked Council to consider removing the administrative penalty as he did not feel that there was debris present at his grandmother's property. Chief Stadum went to the property after the last council meeting and took more pictures. After reviewing the pictures, Council chose to keep the administrative penalty in place.

Administrator Solga reviewed the proposed 2017 General Budget. He added \$20,000 to General Government Buildings for Capital Outlay for the Library Roof. After checking with a couple of local contractors, it appears that the City may have to continue budgeting funds for a few more years. He also adjusted the Police Department Capital Outlay down because he got the final numbers for the new Police SUV. The City will certify the proposed general budget at the next Council meeting.

Clerk-Treasurer Danielle Heaton reported that the City has two unpaid mowing bills and one unpaid utility bill due from property owners and asked that Council request these amounts be certified to the County Auditor for collection with real estate taxes. Motion by Foster, seconded

by Strand to certify \$127.75 for an unpaid utility bill to County Auditor Wayne Stein for collection with real estate taxes for parcel number R76000990335000 (716 SW 1st Street). Motion passed unanimously.

Motion by Foster, seconded by Strand to certify \$93.50 for unpaid mowing bill to County Auditor Wayne Stein for collection with real estate taxes for parcel number R76000990444000 (107 South Broadway). Motion passed unanimously.

Motion by Foster, seconded by Strand to certify \$93.50 for unpaid mowing bill to County Auditor Wayne Stein for collection with real estate taxes for parcel number R76000990131000 (117 NW 1st Avenue). Motion passed unanimously.

Council Member Holl met with Trimark's kitchen consultant about the Community Kitchen. The consultant reviewed the preliminary plan done by the architect and did a walkthrough upstairs. He will have plans that can be presented to the Committee in a couple of weeks.

Council Member Strand feels that the parking ordinance in place now is too complicated. He proposed deleting the current ordinance and replacing it with something simpler that just states when three inches of snow has fallen; you cannot park on the street. He is aware that there may be some exceptions but most of the town would not be hampered by it.

Motion by Strand, seconded by Holl to take the action to direct staff to prepare an ordinance changing the parking ordinance for the next Council meeting using the suggested text supplied by Council Member Strand. Mayor Frazier suggested changing three to two inches of snow. Everyone agreed to the suggested two inches. Council Member Ballard asked how the City is going to word the exceptions into the ordinance. After reviewing the proposed ordinance Administrator Solga pointed out that ordinance doesn't actually say that cars can't be on the street during a snow emergency. Staff will put something together and follow up with Council before the next meeting. City Attorney encouraged that if Council is going to have exceptions, they should be included in the ordinance. Motion carried. Foster: Nay. Strand, Ballard, Frazier, Holl: Aye.

Council Member Foster wanted Council to think about whether people are going to want to start a business in Pelican Rapids or are they going to think that this City Council and this administration are a stumbling block. Council Member Holl agreed that the City should not get in the way of business and then went on to state that the City is doing some really great things like the Market Area Profile, new housing development and the Business Retention & Expansion.

Motion by Ballard, seconded by Holl to approve the Planning Commission's recommendation to make no change to the fishing ordinance. Motion passed unanimously.

Motion by Strand, seconded by Foster to adjourn the City Council meeting at 8:10 p.m. Motion carried. Opposed: Holl



Danielle Heaton
Clerk-Treasurer