

March 25, 2010

**CITY COUNCIL AGENDA**

**Tuesday, March 30, 2010                      4:30 p.m.                      Council Chambers, 315 N. Broadway**

---

1. Call to Order
2. Additions / Deletions to Agenda
3. Approval of Minutes – 03-08-10
4. Approval of Accounts Payable Listing
5. Liquor Store Report
6. Liquor Store Building Project
  - Project Financing Report
  - Bid Opening Report
7. Friends of Feral Cat Presentation
8. Clean-Up Day Declaration
9. City Hall Custodial Services
10. AT&T Cell Tower
11. Cafeteria “125” Plan Proposal
12. Chamber of Commerce Raffle - 07-10-10-Street Dance, 1<sup>st</sup> ST NW & West Mill Ave.
13. OTC Public Safety Radio Communication Meeting – 04-01-10, 6:00 p.m., Ottertail City
14. Board of Review – 04-14-10, 2:00-3:00 p.m., Council Chambers, City Hall  
PRA Economic Development Corporation Annual Meeting – 04-15-10, 7:00 p.m., LREC

## **CITY OF PELICAN RAPIDS COUNCIL MEETING MINUTES – 03-30-10**

The City Council of Pelican Rapids met in regular session at 4:30 p.m., on Tuesday, 03-30-10, in Council Chambers, City Hall. Mayor Ben Woessner, Council Members Steve Foster, Kevin Ballard and John E. Waller, III were present. Council Member Richard Peterson was absent. Administrator Don Solga, Clerk-Treasurer Glenys Ehlert, Liquor Store Manager Bob Leslie, Hazel Hovde, N. Jeanne Cannady, Gary P. Ruehmann and Kelley Gorman of the Pelican Rapids Press were also present.

Mayor Woessner called meeting to order at 4:30 p.m. All present stood, addressed the flag and said the Pledge of Allegiance.

The Instant Alert System was added to the agenda and Clean-Up Day Declaration was deleted. Motion by Foster, seconded by Waller to accept the amended agenda. Motion passed unanimously.

Hazel Hovde introduced the Friends of Feral Cat Committee members Jeanne Cannady and Gary Ruehmann. They asked the endorsement of the City Council for their work. Jeanne provided a story of the feral cat problem. Average cost for treatment of the cats is \$50 to \$60 for sterilization, rabies vaccination, treatment for illness or injury, removal of kittens and friendly adults for possible placement in homes, euthanasia of animals whose suffering cannot be alleviated, ear tipping and returning feral cats to the same location where they were trapped. They provided information on the program. They plan to do some education through the utility bills if endorsed by the City Council.

Administrator Don Solga said he has met with the group and understands that the Trap-Neuter-Return (TNR) program is a better solution to the feral cat problem than euthanasia if they can be captured. Hazel Hovde said she and Mary Neubert were caring for a colony of about 110 cats. Cats who are cared for are less of a problem at bird feeders. They said using microchips in connection with licensing would allow pet owners to reclaim their pets. Mayor Woessner said the problem is vastly improved and thanked them for their work. He also suggested a program on the public access television channel. Other opportunities for volunteers would be the high school community service program and Boy Scout Eagle Scout projects. Motion by Waller, seconded by Kevin Ballard to endorse the work of the Friends of the Feral Cat. Motion passed unanimously.

Council considered the minutes of 03-08-10. Motion by Ballard, seconded by Foster to approve the minutes of 03-08-10 as presented. Motion passed unanimously.

Council considered the 03-30-10 Accounts Payable Listing. Motion by Foster, seconded by Waller to approve payment of the 03-30-10 Accounts Payable Listing as presented in the amount of \$35,460.98 for City bills. Motion passed unanimously.

Liquor Store Manager Bob Leslie reported on the liquor store finances and personnel. Motion by Waller, seconded by Foster to accept Curt Hatle's resignation as part time liquor store employee, effective 03-19-10. Motion passed unanimously.

Administrator Don Solga reviewed the Liquor Store Building Facility Lease Financing Proposal with Kinetic Leasing through Minnesota National Bank. As the project moves forward, the contractor will submit a pay request to the architect who will review the request. After approval by the architect, the request will be presented to City Council for approval. Once approved by Council, the request will go to the title company who will cut the check to the contractor from the escrow account.

The estimate for associated financing costs will be about \$4300. The loan committee of Minnesota National Bank has approved the lease. The land has been paid for by the liquor store. At the end of the lease the land and building will return to the city via a quit claim deed.

Motion by Waller, seconded by Foster to approve a lease financing proposal with Minnesota National Bank and Kinetic Leasing for liquor store project and authorize the mayor to sign the proposal. Motion passed unanimously.

Administrator Don Solga said at the bid opening for the liquor store project, Architect Ron Dick, Mayor Woessner and he noticed that bids were being submitted as one envelope. The advertisement for bids stated the following: "Proposal shall be made on the Bid Form provided by the Architect and shall be received in a sealed envelope with the Bid Bond in a separate envelope securely attached to the Bid Form envelope and shall be plainly marked **PROPOSAL FOR COMPLETE CONSTRUCTION OF PELICAN RAPIDS MUNICIPAL LIQUOR STORE, PELICAN RAPIDS, MN**".

Based on the Advertisement for Bids, Administrator Solga, Mayor Woessner and Architect Ron Dick decided at the bid opening on 03-11-10, that if the bond was not in a separate envelope inside the bid envelope, the bid would not be considered. One of the bidders is requesting that the City re-bid the project because there is a discrepancy between the language of the advertisement and the instruction to bidders. The Instructions to Bidders in the bid document stated the following: "Each proposal and other required documents shall be submitted in a sealed envelope before the deadline established by the Owner which is 10:00 a.m. CST, March 11, 2010".

City Attorney Greg Larson outlined two options for the City of Pelican Rapids. One option is to reject all bids and re-advertise. Administrator Solga pointed out that the City will incur more expense and further delay the project by rejecting all bids and re-advertising. Another option is for Council to consider the potential confusion created by the envelope issues. Council discussed the discrepancy between the language included in the Advertisement for Bids and the Instructions to Bidders and the fairest and most effective way to resolve the issues. Motion by Foster, seconded by Ballard that having considered the discrepancy between the language in the bid advertisement and instructions to bidders, the City Council specifically finds that the envelope issue was not

a material variation, but merely a minor irregularity which the City has the right to waive, and that under the circumstances, the fairest and most effective way to resolve the issues is to schedule another bid opening day for the Pelican Rapids Municipal Liquor Store to open all the bids that were timely filed and presented for the 03-11-10 bid opening. The second bid opening will be at 10:00 a.m., 04-08-10, Council Chambers, City Hall. Council discussed that no bids will be deemed ineligible for reasons related to the Bid Bonds not being in a separate envelope. Some bids may still be deemed ineligible for other purposes. Motion passed unanimously.

Clerk-Treasurer Glenys Ehlert reported that Carey Thompson Cleaning Service has decided to discontinue cleaning City Hall. Ehlert recommended selecting Winnie Martinson to clean City Hall on a contract basis beginning 04-01-10. Motion by Waller, seconded by Foster to approve Winnie Martinson to provide custodial services at City Hall, effective 04-01-10. Motion passed unanimously.

Administrator Don Solga reported that townships have expressed concerns on the AT&T cell tower near the airport. The FAA reopened the time to express concerns about the location. The proposed location is within three miles of the airport and directly in the flight path of the runways. Administrator Solga and Council Members Richard Peterson and Steven Foster recommend that the City send a letter to the FAA disagreeing with the findings that the airport will not be adversely affected by the construction of the AT&T cell tower. Motion by Foster, seconded by Waller to send the letter to the FAA with copy to Pelican Township to express City's objection to on the proposed AT&T cell tower. Motion passed unanimously.

Motion by Waller, seconded by Ballard to approve implementation of a "125 Cafeteria Plan" and Flexible Spending Plan with AT Group and TASC Administrators at a cost of \$250 per year and a one time fee for establishing the Plan Document of \$200. Mayor Woessner and Council Members Ballard and Waller voted yes. Council Member Foster voted no. Motion carried.

Motion by Foster, seconded by Waller to approve Chamber of Commerce raffle on 07-10-10, at Street Dance on 1<sup>st</sup> St. NW and West Mill Ave. Motion passed unanimously.

Otter Tail County Public Safety Radio Communication Meeting will hold a meeting on 04-01-10, 6:00 p.m., at Otter Tail City. Administrator Don Solga, Police Chief Stadum, Fire Chief Trevor. Mayor Woessner will attend.

Board of Review meeting will be 04-14-10, 2:00-3:00 p.m., Council Chambers, City Hall. All council members indicated that they will be attending.

Pelican Rapids Area Economic Development Corporation Annual Meeting will be 04-15-10, 7:00 p.m., at Lake Region Electric Cooperative building. Notice will be posted that the City Council members will be attending this meeting.

Administrator Don Solga reported that on 03-25-10, he and other public employees were present at the Fire Hall to hear a presentation from Otter Tail County (OTC) Sheriff's Department regarding the MIIR3 Alert System which is similar to the Detroit Lakes Instant Alert System. Emergency groups could be used on both systems. OTC Sheriff's department system would not be available for members of the public to enroll. The city would be limited to 100 contacts. Cost for Otter Tail County system would be \$1,000. Motion by Waller, seconded by Ballard to proceed with Otter Tail County's MIIR3 Alert System at a cost of \$1,000. Motion passed unanimously.

Motion by Foster, seconded by Ballard to adjourn at 6:20 p.m. Motion passed unanimously.

Glenys Ehlert, CMC  
Clerk-Treasurer