

October 4, 2013

CITY COUNCIL AGENDA

Tuesday, October 8, 2013

4:30 p.m.

Council Chambers, 315 N. Broadway

1. Call to Order
2. Agenda Additions or Deletions
3. Approval of Minutes – 9/24/13
4. Approval of Accounts Payable Listing
5. Police Chief Report
 - Updated Joint Powers Agreement with BCA
6. Street/Park Superintendent Report
7. Financial Report
8. Library Report
9. Agreement for Bridge No. L5805 with Otter Tail County
10. City Hall Upper Floor Demo
11. Liquor Store Front Door Repairs
12. 3.2% Malt Liquor License Application for Route 9 Event Center
13. Route 9 Event Center Special Event Permitted Noise Application
14. Comprehensive Plan Zoning Consideration
15. Planning Commission Report
 - 48 Hour Parking
16. LMC Land Use Webinar – 10/13/13 1:00 – 2:00 p.m. City Hall
17. MPCA Notice of Violation and Fine

CITY OF PELICAN RAPIDS COUNCIL MEETING MINUTES – 10-08-13

The City Council of Pelican Rapids met in regular session at 4:30 p.m., on Tuesday, 10-08-13, in Council Chambers, City Hall. Mayor Ben Woessner, Council Members James Strand, Kevin Ballard, Steve Foster and John E. Waller, III were present. No one was absent. Administrator Don Solga, Clerk-Treasurer Glenys Ehlert, Police Chief Jeff Stadum, Street and Park Superintendent Brian Olson, Library Director Annie Wrigg, Renato Molina and Lou Hoglund of the Pelican Rapids Press were also present.

Mayor Woessner called meeting to order at 4:30 p.m.

Motion by Strand, seconded by Foster to approve the agenda with the addition of T12 Lights and Ballast Giveaway and deletion of Bridge No. L5805 Agreement with Otter Tail County. Motion carried.

Motion by Foster, seconded by Waller to approve the minutes of 09-24-13 as presented. Motion carried.

Motion by Waller, seconded by Strand to approve the Accounts Payable Listing of 10-08-13 as presented for City bills in the amount of \$87,621.31 with the addition of Pelican Rapids Press for publications and supplies in the amount of \$866.83, for Liquor Store bills in the amount of \$58,200.35, and for Library bills in the amount of \$7,255.32. Motion carried.

The Police Report was presented by Chief Jeff Stadum. He reported that 3,997 miles were driven with 128 calls for service, 3 arrests, 10 tickets and fines of \$589.39.

Chief Stadum also reviewed the updated Joint Powers Agreement between the Bureau of Criminal Apprehension and the City of Pelican Rapids related to the services and systems the Police Department uses from the BCA. The Court Data Services Subscriber Amendment is for services that the Courts issue such as eCharging. Motion by Strand, seconded by Ballard to approve the agreement and authorize the Mayor and Clerk to sign on behalf of the City of Pelican Rapids. Discussion included potential costs to upgrade computers because the State Grant would only provide equipment for one car to use eCharging. Mayor called question. Voting yes: none. Voting no: all. Motion did not carry.

Motion by Foster, seconded by Strand to table Joint Powers Agreement for review. Motion carried.

Superintendent Brian Olson presented his report. Water Plant roof was replaced. Walking path signs are all posted. The majority of the Parking Ordinance Signs are also posted. The department jetted sewers this past week. There are some areas that are concerning. Hydrant flushing went well. There are 14 Iowa hydrants that are leaking and are difficult to turn off. They will be checked frequently. Street sweeping is going well. Parks are quiet. Oktoberfest is next activity.

Clerk-Treasurer Glenys Ehlert presented the 09-30-13 Financial Reports for Investments and Clerk's Cash Recap. The City and Minnesota Public Facilities Authority closed on 10-03-13 for the General Obligation Sewer Revenue Note of 2013, in the amount of \$7,413,385.00 for

Wastewater Treatment Facilities Improvement Project No. 79. Mayor Woessner thanked Ehlert for her report.

Library Director Annie Wrigg reported on various library activities. September saw 5,964 people go through the library. October 19th the library will be closed as librarians are attending the Mayan Exhibit. The Library Foundation's walk is also scheduled for 10-19-13. Friends of Library gave library \$12,500 for shelving. Onsum Estate Donation of \$5,000 will also be used for shelving project this fall.

Administrator Don Solga and Mayor Woessner have met with a consultant regarding opening up the City Hall upper floor. He requested approval from Council to begin the demolition on City Hall upper floor. Motion by Waller, seconded by Foster to authorize the expenses to have Sentence to Serve program begin work to open up the City Hall upper floor. Motion carried.

Administrator Don Solga explained necessary repairs for the Liquor Store front doors. He said last year the front door at the Liquor Store would not close due to an expansion seam with buffalo board is causing problems. Administrator Solga has contacted a local contractor for repairs that will hopefully prevent issues this year. Motion by Strand, seconded by Ballard to authorize \$1490 expense for repair of the doors. Motion carried.

Clerk-Treasurer Glenys Ehlert presented the application of Renato Molina as proprietor or manager on behalf of Route 9 Event Center, 1201 County Hwy. 9, for a 3.2% Malt Liquor On-Sale License. Ehlert discussed that Mr. Molina did not renew his 2012 -2013 license despite numerous reminder letters and phone calls about pending cancellation. In response to Council questions, she said there is an alleged violation and a report has been forwarded to the City Attorney to review. As of this date, Molina's application is complete and there are no charges or convictions regarding liquor violations. Motion was made by Strand, seconded by Foster to approve the 3.2% Malt Liquor On-Sale License as presented for the period 10-08-13 through 06-30-13. Motion carried.

Clerk-Treasurer Glenys Ehlert presented Route 9 Event Center's request for a Special Event Permitted Noise Application. Administrator Don Solga reviewed that one time annual community events, such as the street dances during festivals, can be exempt from the noise ordinance through a special permit process. The difference with the Route 9 center is that it has events with music and bands in a normal course of business operation. It is not an occasional community event.

Renato Molina said he is in a commercial zone and residents are 500 to 700 feet away. "My request is to get an addition to the ordinance to approve these events," said Molina.

Administrator Solga said the Special Event Permitted Noise License was for non-profit or charitable organization's community events. It wasn't to allow businesses to be permitted noise after hours. He also said the Noise Ordinance is not related to zoning.

Mayor Woessner said he doesn't think the volume of the music that is the only issue; it is the bass thumping. He continued, "There is no need to have that beat so loud after 10:00 p.m. that it disturbs other residents." Council Member Ballard said volume level can depend on personal perspective. Council Member Waller suggested that Molina add some insulation and sound proofing to the metal building to absorb the noise.

Council considered denying Molina's permitted noise application. Motion by Woessner to deny the Special Event Permitted Noise Application. Motion failed due to the lack of a second.

Council Member Ballard said it seems to come down to whether people complain about the noise to the Police Department. Council agreed that Mr. Molina can control things to some extent and limit noise.

Council discussed referring ordinance change request to the Planning Commission. Administrator Solga said an ordinance revision would require that the Council provide direction to the Planning Commission if the Council wishes to ask for their recommendation. No action taken.

Administrator Don Solga reviewed a Comprehensive Plan zoning consideration about changes to groups of property. He explained a mixed use zone of Residential/Commercial (RC). Things to consider are if potential for commercial development is greater than other areas; if residential uses are dilapidated or in good condition would make a difference. He asked Council if they like the concept of adding an RC zone? Mayor Woessner said an RC Zone would give City more flexibility. "I'm seeing a trend of people living downtown above the building with commercial use on main level." Council agreed they were interested in looking into concept of RC Zone.

Administrator Don Solga presented the Planning Commission's recommendation for the following language for the 48 hour parking ordinance: General time limit as follows: No vehicles or other personal property shall in any case be parked upon any street in any one place for longer continuous period than 48 hours, with the exception of construction related items to be used on the premises with an approved building permit. Motion by Strand, seconded by Waller to introduce **ORDINANCE NO. 13-05, AN ORDINANCE AMENDING CITY OF PELICAN RAPIDS CITY CODE CHAPTER SEVEN, TRAFFIC, MOTOR VEHICLES, STREETS AND MAINTENANCE, SECTION 701.07, PARKING REGULATIONS, SUBDIVISION 4. GENERAL TIME LIMIT.** (A complete text of this ordinance is part of permanent public record in the City Clerk's Office.) Motion passed unanimously and ordinance is considered duly adopted and will be in full force and effect upon publication.

Administrator Don Solga reviewed the Planning Commission's recommendation to approve the request of Roger Schleske for a lot split for parcel no.76000220009000, subject to receipt of a survey.

The Planning Commission will conduct a public hearing on Wednesday, 10-16-13, at 12:00 noon, Council Chambers, City Hall on Roger Schleske's application for a Special Use Permit to allow the residential use of the house at 903 N. Broadway which will be split off from the surrounding commercial property, parcel no. 76000220009000.

The League of Minnesota Cities is providing a Land Use Ordinances Webinar on 10-10-13, from 1:00 p.m. to 2:00 p.m., at City Hall. Interested Council Members and Planning Commissioners are invited to attend.

Administrator Don Solga said that the Minnesota Pollution Control Agency (MPCA) has sent notice of violation and fine as a result of failure to comply with City's NPDES Permit for 2011 and 2012. Over application of nitrogen to farmland, use of non-representative samples of

testing of bio-solids, failure to comply with permit limits were among the irregularities cited. “Now that we’re fully aware of these items, we’re taking actions to correct issues with the help of PeopleService,” Administrator Solga stated. He added that the incidents date back to 2011 and 2012, and occurred prior to the City’s contract with PeopleService for water and wastewater operations. Some violations were traced to failed pumps and equipment. Administrator Solga said another option would be to challenge the MPCA, but he recommended against a legal challenge.

Administrator Don Solga said the City’s lighting update has been completed. He suggested the City promote to city businesses that the City’s T12 and other lights that were replaced are available for free recycling. Motion by Strand, seconded by Waller to approve offering lights to businesses. Motion carried.

Motion by Strand, seconded by Ballard to adjourn the meeting at 6:20 p.m. Motion carried.

Glenys Ehlert, CMC
Clerk-Treasurer