



PELICAN RAPIDS  
CITY COUNCIL AGENDA

**Tuesday, May 10, 2016**

**5:00 p.m.**

**Council Chambers, 315 N. Broadway**

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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 – 4/26/16
  - b) Approval of Accounts Payable Listing
  - c) Improvement Project No. 79 Request for Payment:
    - 1) PFA Pay Request #33 - \$9,161.11
    - 2) SEH Engineering - \$9,161.11
  - d) Improvement Project No. 83 Request for Payment
    - 1) PFA Pay Request #2 - \$39,543.90
    - 2) SEH Engineering - \$4,150.00
    - 3) Magney Construction Inc. - \$35,493.90
  - e) Staff Reports
    - 1) Police Chief Report
    - 2) Library Report
    - 3) Financial Report
5. Library Board Member Nomination – Annie Wrigg
6. Street/Park Superintendent Report
  - City Hall Garage Bids – Brian Olson
  - Personnel
7. Planning Commission Meeting Update
8. SUP Request Consideration 57 North Broadway
9. Repeal Skateboard Ordinance Consideration
10. Legal Services – Greg Larson
11. WWTF 30 Day Performance Test Acceptance
12. Little Free Library
13. Feral Cat Trap Neuter Release Program Support Consideration
14. County Trail Planning Update – CJ Holl
15. Transient Merchant and Peddlers Permits

The City Council of Pelican Rapids met in regular session at 5:00 p.m., on Tuesday, 05-10-16 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, Library Director Annie M. Wrigg, City Attorney Greg Larson and Street and Parks Superintendent Brian Olson.

General Attendance: Bruce Fuhrman, Richard Peterson, John Ohman, Andrew Johnson, Judy Tabbut and Lou Hoglund of Pelican Rapids Press were also present.

The Mayor welcomed everyone to the Council Meeting.

All present stood and said the Pledge of Allegiance.

There were no citizen's comments.

Motion by Foster, seconded by Ballard to change the wording of item No. 5 Library Board Member Nomination and Boiler Repair – Annie Wrigg and add No. 16 Public Nuisance Update. Motion carried.

Motion by Ballard, seconded by Holl to approve the following consent agenda items:

- a) Approval of Minutes – 4/26/16
- b) Approval of Accounts Payable Listing
- c) Improvement Project No. 79 Request for Payment:
  - 1) PFA Pay Request #33 - \$9,161.11
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- d) Improvement Project No. 83 Request for Payment
  - 1) PFA Pay Request #2 - \$39,543.90
  - 2) SEH Engineering - \$4,150.00
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- e) Staff Reports
  - 1) Police Chief Report
  - 2) Library Report
  - 3) Financial Report

Motion carried.

Library Board Director Annie M. Wrigg asked Council to approve Emily Thompson as Library Board Member to complete the remainder of the vacant term. Motion by Strand, seconded by Foster to approve the Library Board nomination of Emily Thompson as Library Board Member to fill the remainder of the vacant term. Motion carried.

Library Director Wrigg provided Council with information on the library boiler system and a proposal to upgrade the existing Trane programmable control modules to a Building Automation System. The Library has had issues for some time with the boiler. Climate Makers has worked on the system for ten years. The proposal from Climate Makers was for \$18,020. Council Member Strand asked if anyone local has looked at it. Administrator Solga explained if Council decided to do the replacement now, there will be more cost savings realized because the Library will run more efficiently, which in turn would help the Library Budget; or they can wait until 2017. It can be paid out of Liquor Store funds. Council reviewed the Library utility expenses and the available funds in the Liquor Store savings. Motion by Foster, seconded by Holl to approve

the Climate Makers proposal of \$18,020 to upgrade the existing Trane programmable control modules to a Building Automation System. Motion carried.

Mayor Frazier discussed the Little Free Library concept with Library Director Wrigg. Currently, there isn't one in the City. After further discussion with the Library Board, they thought Sherin Park near the campground would be an ideal place for a Little Free Library. Library Director Wrigg would help find a steward to care and stock the free library. Motion by Holl, seconded by Ballard to allow the Little Free Library to be put into Sherin Park. Motion carried.

Street and Park Superintendent Brian Olson gave his report. They have patched potholes and hydrants have been flushed. Power was add to the new campsites and the fountain was installed in Mill Pond. Superintendent Olson thanked Council Member Steve Strand for fixing the fountain. Brown Field has grass growing and the fence has been completed. As of today, no one has applied for the lifeguard positions. If we don't get eight to ten employees, the pool may not open.

Street and Park Superintendent Brian Olson asked Council to consider hiring Tom Soberg as Park Maintenance Seasonal Mower position for \$14.00 per hour. He also asked Council to consider hiring Alyssa Huseby as Park Maintenance Employee. Motion by Ballard, seconded by Holl to approve hiring both Tom Soberg and Alyssa Huseby. Motion carried.

Superintendent Olson received another quote on the proposed City Hall Garage. One bid was for \$27,284 from Martinson Construction and the other bid was for \$37,550 from 108 Construction. Motion by Holl, seconded by Foster to approve the Martinson Construction quote of \$27,284. Motion carried.

Administrator Solga updated Council on the Planning Commission Meeting that took place May 9, 2016. The Planning Commission reviewed the Special Use Permit (SUP) application at 57 N Broadway from Bruce Fuhrman wanting residential use in a commercial zone. It was denied based on the dormitory style concept presented at the public hearing. The Planning Commission received a request from Roger Schleske to exempt commercial properties from the unlicensed and inoperable vehicles part of the nuisance ordinance, and decided to not make a change. The Planning Commission began working on the fence moratorium and picked out things that should be included in the new fence ordinance.

After the Planning Commission meeting, Mr. Fuhrman spoke to Administrator Solga and asked if Council would consider allowing residential use in a commercial zone if he changed from the dormitory style concept to a single-family type apartment use. Unfortunately, it was something the Planning Commission never had a chance to discuss with Mr. Fuhrman. Mr. Fuhrman considered revising his application to a single-family type apartment use. Administrator Solga provided the Council with a draft resolution based on a single-family residential housing concept. Administrator Solga showed Council the current configuration. Then he showed the proposed dormitory housing style configuration which the Planning Commission denied. Mr. Fuhrman explained to the Council what his intentions were with the dormitory style concept but he believes it is more of an extended stay type housing than dormitory style. He appealed to the Council to reconsider the Planning Commission's decision. If Council won't approve, then he would request using the space as residential space in a commercial building.

Because the City code doesn't strictly prohibit and is somewhat subjective, Mr. Fuhrman's request is left to the Commissioners and the Council members to decide what is appropriate. Some of the reasons the commissioners gave for denying the request were the way that traffic flows behind the building. It is the only exit and at times can get very congested. By using the next door lots as parking space, it would be taking potential commercial property away for building. There would be a loss of potential retail space. City Attorney Greg Larson explained that the Planning Commissioners and Council members always have the ability to use its

discretion in determining what the intent of the ordinance was. The Planning Commission members did not feel that the proposed particular configuration and use was intended by the ordinance.

City Attorney Larson explained to Council the three options: deny the issuance of the permit based on the Planning Commission recommendation, approve the issuance of the special use permit based on a concept change by Mr. Fuhrman or extend the permit process another sixty days.

Bruce Fuhrman explained his concept to Council and answered questions. Council Member Strand expressed his concerns with having dormitory style housing in Pelican Rapids. Mayor Frazier pointed out that the Planning Commission never discussed the restrictions or conditions that Mr. Fuhrman was willing to follow. Administrator Solga explained that the conditions will change based on the configuration Mr. Fuhrman chooses to use and Council is willing to consider. The draft resolution supplied to Council was based on the single-family residential use concept. The draft resolution supplied to the Planning Commission was based on the dormitory residential use concept.

Motion by Strand to approve the Planning Commission's recommendation and deny the Special Use Permit (SUP). City Attorney Greg Larson explained if the City Council's intent is to deny the SUP and send it back to the Planning Commission for further review, SUP is denied now, Mr. Fuhrman would have to start the SUP process over from the very beginning. Council Member Strand intended to send it back to the Planning Commission for further review and extend the deadline for another sixty days so the motion was withdrawn.

Motion by Holl, seconded by Ballard to make the necessary arrangements to extend the decision deadline for an additional sixty day period. Mr. Fuhrman said that waiting will not work for him. In order to make this building viable, he has to have two streams of income (commercial and residential). Council Member Foster asked again why the Planning Commission denied the SUP. Administrator Solga and City Attorney Greg Larson explained. "As far as parking goes, he's mentioned that he's going to take care of that. He's going to have off-street parking for them. But he'll be using commercial property for that off-street parking" comment Council Member Ballard. Foster said that he would like to see the SUP approved. Council Member Holl withdrew the motion. Ballard did not withdraw his second, so it was called to question. AYES: Ballard, NAYES: Foster, Holl, Frazier

Motion by Foster, seconded by Holl, to deny the Planning Commission's recommendation and grant the Special Use Permit (SUP). The restrictions will have to be figured out now by the Council. Council Member Ballard and Strand spoke out and said this should be discussed by the Planning Commission. Council Member Holl asked Administrator Solga to read through the conditions on the draft resolution that was supplied to Council. Administrator Solga reminded Council again that the draft resolution has not been reviewed by the Planning Commission. Council Members Ballard and Strand voiced their concerns again and felt this should be a Planning Commission decision. Mr. Fuhrman agreed with all of the conditions except paving the parking lot. He would like two years to pave as it is a large expense. Council Member Holl said "the Planning Commission talked single-family rental within the meeting. But that's not what we are talking about now" explained Ballard. City Attorney Larson asked the Clerk to read the motion. Councilmember Holl was under the impression council was considering single-family housing. Mr. Fuhrman was asked to explain again what his request was. First he asked to be allowed to have residential use. If approved, then he would ask for the dormitory style housing. Council Member Ballard asked the public that was present their opinions. John Ohman is in support of the residential use and the extended stay dormitory style housing. Andrew Johnson has a problem with the dormitory style extended stay housing concept. It's a busy alley and it will add to more congestion. Administrator Solga clarified that Mr. Fuhrman is asking at this time for and the motion on the table is for residential use in a commercial zone. City Attorney

Larson said if you approve residential uses which will cover everything. Council Member Holl withdrew seconding the motion because obviously Council is not comfortable with this. We have to do what we are comfortable with. Motion died for lack of a second.

Motion by Holl, seconded by Strand to direct staff to properly notify Mr. Fuhrman of the sixty day extension and send it back to the Planning Commission. Motion carried.

Council considered repealing the Skateboard Ordinance. Administrator Solga provided Council with a map of the areas where skateboarding is prohibited under the current ordinance. Council Member Strand would like to repeal the entire ordinance. He wants to encourage children to spend more time outside and enjoy our City. Motion by Strand, seconded by Holl to repeal the skateboarding ordinance. Motion carried.

City Attorney Greg Larson has started his own law firm in town and would like the City consider using his firm of Larson Law Firm PC for civil matters. He has worked with the City for ten years Motion by Strand, seconded by Ballard to allow the City to move legal services to Larson Law Firm PC. Motion carried.

Administrator Solga explained the thirty day performance testing results of the MBBR's. Motion by Strand, seconded by Holl to accept thirty day test. Motion carried.

Motion by Ballard, seconded by Holl to approve signing the letter of support for the Feral Cat Trap Neuter Release Program that was presented at an earlier meeting. Motion carried.

Council Member Holl is on the County Steering Plan Committee for a Countywide Trail Master Plan.

The City's current process for peddler and transient merchant licenses and ordinance is pretty loose. Council should consider adding a fee, proof of insurance, proof of health license and a time limit. Motion by Ballard, seconded by Holl to have the Planning Commission review the process and make changes. Motion carried.

Clerk Treasurer Danielle Heaton gave an update on the public nuisance located at 353 5<sup>th</sup> Street SE. The property owner has cleaned up the debris so no citation will be issued at this time.

Motion by Ballard, seconded by Foster to adjourn the City Council meeting at 7:44 p.m. Motion carried. Opposed: Holl



Danielle Heaton  
Clerk-Treasurer