

April 6, 2017

CITY COUNCIL AGENDA

Tuesday, April 11, 2017

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 – 3/28/17
 - b) Approval of Accounts Payable Listing
 - c) Staff Reports
 - 1) Police Chief Report
 - 2) Financial Report
5. Administrative Penalty – William Dayton
6. Library Report – Annie Wrigg
 - Personnel
7. Street and Park Report – Brian Olson
 - Hydrant Flushing
 - City Hall A/C
 - Personnel
8. Liquor Store Sunday Sales Consideration
9. Hazardous Property Update
 - 121 NW 1st Avenue
 - 125 NW 1st Avenue
10. Unique LLC. Housing TIF & Developer Agreements
11. Leiter Request for Animal Grazing Consideration

CITY OF PELICAN RAPIDS COUNCIL MEETING MINUTES – 04-11-17

The City Council of Pelican Rapids met in regular session at 5:00 p.m., on Tuesday, 04-11-17 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 L. Olson, Police Chief Jeff Stadum, City Attorney Greg Larson, Library Director Annie M. Wrigg and Liquor Store Manager Maggie Johnson.

General Attendance: David Gottenborg, William Dayton, Linda Hawkins, Samuel Herzog, Troy Johnson, Gary Sandahl, Austin and Courtney Leiter 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.

David Gottenborg asked Council to consider updating the Lake Region Professional Building sign when the Community Center project begins. He would be interested in placing signage for his business.

Mayor Frazier congratulated the Police Department on passing the Post Board Review.

Motion by Ballard, seconded by Foster to approve the agenda with the addition of No. 12 Fire Department Work Session, No. 13 Strategic Planning Meeting, and No. 14 Water Tower Design. Motion passed unanimously.

Motion by Strand, seconded by Holl to approve the consent agenda.

- a) Approval of Minutes – 3/28/17
- b) Approval of Accounts Payable Listing
- c) Staff Reports
 - 1) Police Chief Report
 - 2) Financial Report

Motion passed unanimously.

William Dayton from asked Council to consider waiving the \$50.00 Administrative Penalty for his property at 30 SW 6th Avenue. He stated that he never received the first notice letter. Administrator Solga pointed out that it is the resident's responsibility to know the ordinances, not wait until they receive a letter from the City. This is not the first nuisance letter Mr. Dayton

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has received. Motion by Foster, seconded by Strand to deny Mr. Dayton's request to waive the \$50.00 Administrative Penalty. Motion passed unanimously.

The Library Report was presented by Library Director Annie M. Wrigg. Minnesota photographer Doug Ohman will be at the Library on April 20, 2017 at 7:00 p.m. to discuss his book Barns of Minnesota. She would like to hire Elizabeth Brooks as Part-Time Page (Shelver). The position will be approximately twenty-one hours a pay period at \$9.50 an hour. Motion by Strand, seconded by Holl to accept the Library Report and the hiring of Elizabeth Brooks as Part-Time Page (Shelver) at \$9.50 an hour. Motion passed unanimously.

Street and Park Superintendent Brian Olson provided Council with a report. Spring Street Sweeping is complete. Hydrant Flushing will be on Sunday, April 30, 2017 at 7:00 a.m. Residents will experience rusty water; they are encouraged to run their water until it is clear. The parks are getting readied for the summer.

Superintendent Olson recommended Council hire David McDonald as Summer Mower. The position is seasonal full-time and pays \$14.42 an hour. He also recommended Nathan Sillerud as seasonal full-time Park Maintenance which pays \$10.30 an hour. He is still looking to fill the other positions advertised. Motion by Holl, seconded by Strand to approve hiring David McDonald as Mower at \$14.42 an hour and Nathan Sillerud as Park Maintenance at \$10.30 an hour. Motion passed unanimously.

Superintendent Olson provided Council with the proposal for temporary AC for City Hall. The proposal to rent temporary cooling for four months was \$16,000 to \$17,500. The proposal to fix the old compressor was \$16,750 and would last longer than four months. Humidity is a big concern for City Hall. Council Member Strand suggested checking into minisplits. Superintendent Olson will look into this for the next council meeting.

Council considered Liquor Store Sunday Sales. No change to City code would be necessary. Motion by Holl, seconded by Ballard to approve Liquor Store Sunday sales July 02, 2017 through Labor Day weekend. At that time Council will review the sales and decide what to do in the future. Motion passed unanimously.

Administrator Don Solga provided a Hazardous Property update.

- 121 NW 1st Avenue –HRA inspected the property and said there is no potential for a project. Administrator Solga asked Council to consider extending the deadline from April 30, 2017 to June 30, 2017. Motion by Strand, seconded by Foster to extend the deadline to June 30, 2017. At that time the property owner will have the building removed. Motion passed unanimously.
- 125 NW 1st Avenue – HRA inspected the property and said there is no potential for a project. City staff inspected the contents of the house and determined there is nothing of value. The house will be tested for hazardous materials before it is razed.

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Copies of the Draft Modification to Development Program for Municipal Development District No. 2 and Tax Increment Financing Plan for Tax Increment Financing (Housing) District No. 2-9 (Unique Apartments) were provided to the Council, County and School for questions or comments. Administrator Solga reviewed the draft TIF plan with Council. Samuel Herzog of Unique LLC. shared conversations he had with Tammy Omdal, the City's TIF advisor.

City Attorney Greg Larson has begun putting together a developer's agreement for the Unique Housing Project. Motion by Strand, seconded by Ballard to direct Attorney Larson to work with the developers to finalize the Developer's Agreement for approval at the next Council Meeting. Motion passed unanimously.

Samuel Herzog needs the Purchase Agreement soon. Motion by Strand, seconded by Holl to allow Attorney Larson to move forward with preparing the Purchase Agreement with a price of \$0 for the land. Council will review at the next meeting. Motion passed unanimously.

Council discussed Austin and Courtney Leiter's (40134 SE Maplewood Drive) request for animal grazing on parcels 76000990661000 and 76000260032000. At the last Council meeting the Leiter's provided Council with letters from residents/neighbors that witnessed horses grazing before the ordinance changed from two and a half acres. The Leiter's asked those same residents/neighbors to mark on a map where they saw the horses before the ordinance change. Those maps were given to Council as evidence.

David Gottenborg (1195 SE Maplewood Drive) asked to address Council on the grazing situation. After reviewing the zoning map and Comprehensive Plan, he does not feel allowing agriculture on Leiter's conforms to the comprehensive plan. At this point, the Leiter's are not asking for a rezone; they are asking to be grandfathered in under the previous ordinance as it was changed after they bought the property and were grazing animals. The Leiter's do not intend to graze cattle in the two parcels in question unless an emergency arises. It will mostly be the horses and other animals. Gottenborg has concerns that his property value will decrease with animals grazing so close to his property.

In Attorney Larson's opinion, in order for the Council to approve the animal grazing as a nonconforming use the Council must find that the next four statements are being met.

1. If Council decides that the documents provided by the Leiter's (letters and maps) together with the photograph dated 11/16/15 are sufficient evidence and if the evidence is enough to show horses were present on the parcels in question prior to 11/25/15.
2. If Council is confident based, on the evidence, that there was not a consecutive gap of 12 months when horses were not being grazed on the parcels in question.
3. The City should define the site that has been established by the evidence in order to accommodate the horse grazing in question.
4. Whether horses means the allowance of cattle, pigs, goats, sheep, poultry or other large farm animals.

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Motion by Strand, seconded by Foster to approve animal grazing in the northeast corner of parcel 76000260032000 where the previous owner grazed animals. Motion denied. Ayes: Strand, Foster. Nays: Holl, Ballard, Frazier.

Motion by Holl, seconded by Ballard to allow grazing on parcels 76000990661000 and 76000260032000 be grandfathered in for animal grazing and that Council accepts the evidence submitted by the Leiter's as being sufficient. Motion denied. Aye: Holl. Nays: Foster, Ballard, Strand, Frazier.

Motion by Ballard, seconded by Frazier to allow parcels 76000990661000 and 76000260032000 be grandfathered in with the exception of areas south of the driveway for animal grazing and that Council accepts the evidence submitted by the Leiter's as being sufficient with the exception of parcels south of the driveway. Motion carried. Ayes: Strand, Ballard, Frazier. Nays: Holl, Foster.

Council decided that there will no longer be any work sessions unless the work sessions are preset by council. Discussions will be done during the Council Meeting.

The City Council Strategic Planning Retreat scheduled for April 14, 2017 has been cancelled.

Council Member Holl announced that there will be a contest for the Water Tower Painting Design. The contest rules are available in the newspaper, Facebook and the website. The deadline is April 25, 2017.

Motion by Strand, seconded by Ballard to adjourn the City Council meeting at 8:19 p.m. Motion carried. Opposed: Holl



Danielle Heaton
Clerk-Treasurer