

November 21, 2013

CITY COUNCIL AGENDA

Tuesday, November 26, 2013

4:30 p.m.

Council Chambers, 315 N. Broadway

1. Call to Order
2. Additions / Deletions to Agenda
3. Approval of Minutes – 11/12/13
4. Approval of Accounts Payable Listing
5. Liquor Store Report
6. Utility Report – PeopleService Inc.
7. Schleske Special Use Permit Request – City Attorney Greg Larson
8. 2012 Water Fluoridation Appreciation Award
9. 2014 Licenses
10. Library Closing January 6-21, 2014 – Clerk Glenys Ehlert

CITY OF PELICAN RAPIDS COUNCIL MEETING MINUTES – 11-26-13

The City Council of Pelican Rapids met in regular session at 4:30 p.m., on Tuesday, 11-26-13, in Council Chambers, City Hall. Mayor Ben Woessner, Council Members James Strand, Kevin Ballard and John E. Waller, III, were present. Council Member Steve Foster was absent. Administrator Don Solga, Clerk-Treasurer Glenys Ehlert, City Attorney Greg Larson, Liquor Store Manager Maggie Johnson, Jordon Plotz of PeopleService Inc., Andrew Johnson and Don Beck of the Baseball Association, Terry Gamble, Mary Gamble, Roger Schleske, LouAnn Schleske 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 Ballard to approve the agenda with the additions of City Acquisition of 117 NW 1st Ave., Modification to TIF District No. 1-Public Hearing-12-10-13, 4:30 p.m., 2014 Proposed Budget Public Hearing-12-10-13, 6:00 p.m. and Baseball Association Lighting for Field. Motion carried.

Motion by Waller, seconded by Strand to approve the minutes of 11-12-13 as presented. Motion carried.

Motion by Strand, seconded by Ballard to approve the Accounts Payable Listing of 11-26-13 in the amount of \$47,304.12 for city bills and \$24,423.32 for liquor store bills. Motion carried.

Liquor Store Manager Maggie Johnson presented her report. Cycle counts were completed for the year. Last one was conducted on 11-04-13 by Tasha Osman and Glenys Ehlert, and the results were sent to Administrator Don Solga. Administrator Solga said it looked good. Manager Johnson said upgrades to the Point of Sale equipment will be necessary soon at an estimated cost of \$1,000.

Jordon Plotz of PeopleService, Inc. reported on water and wastewater operations.

Administrator Don Solga said the quote to purchase the Ortho Analyzer as part of the project was estimated at \$60,000. He continued, "We have a quote for the equipment and installation at about \$20,000, separate from the project for purchase directly by City and installation when building project is ready for it." Motion by Waller, seconded by Strand to approve purchase of Ortho Analyzer for Wastewater Treatment Facility as proposed and recommended by Administrator Don Solga. Motion carried.

City Council considered a Special Use Permit (SUP) request by Roger Schleske. City Attorney Greg Larson provided a brief history of the "Ronnie Green property". In 1981, the property was rezoned to commercial zone. So it continued as a non-conforming use. There was an application for a lot split. And a request for a Special Use Permit to allow residential use in the commercial zone. City Attorney Larson said, "I recommend that if the Council decides to approve the SUP, they include the condition of the Lot Split only." City Attorney Larson continued, "If the Council decides to restrict the property as to rental, I recommend that Council determines reasons."

City Attorney Larson also recommended that the City Council's decision regarding the SUP be made without including recommendations in the Planning Commission Resolution.

The City Council and Administrator Don Solga discussed that the special use will be harmonious in the area based on fact that within 500 ft., there are other residentially used lots in the area. If there were no other residential uses in area, then it might not be appropriate.

They also discussed that the special use wouldn't have a harmful effect on existing uses because there are other existing residential uses in area.

In discussing the establishment of the special use will be consistent with the objectives of the Comprehensive Plan, the Council found that the Comprehensive Plan does say that the city government should be proactive in development of residential housing and a 2008 Housing Study suggested a need for housing at various property value levels, which included values beyond a "first time home buyer" value. The dwelling on this new parcel would seemingly fit this property value, based on age and potential condition.

Council found that the property does have adequate utilities for residential use.

Council considered that adequate measures have been, or will be taken to prevent or control possible nuisances to existing uses in the area because the residential use of this property will be bound to the City's nuisance ordinance as are all properties within the City.

Administrator Solga pointed out that one condition that was very important to the Planning Commission was the lot split, separating the residential property from the remaining commercial property. The City has received a copy of a certified survey of the portion affected by the requested SUP for residential use from Nyberg Surveying of Alexandria, MN.

The other condition that Council could consider would be that this dwelling cannot be used as residential rental property due to close proximity and condition of the commercial buildings and land on the approximately two acres of the remainder of parcel number 76000220009000.

These two conditions are recommended by Administrator Don Solga.

City Attorney Greg Larson said the Council will need to apply same criteria to other requests. Administrator Solga said these conditions certainly could apply to any future SUP requests.

Motion by Waller, seconded by Ballard to introduce the following written resolution, titled:

**CITY OF PELICAN RAPIDS RESOLUTION NO. 2013-15
RESOLUTION APPROVING A LOT SPLIT AND SPECIAL USE PERMIT
FOR PROPERTY PARCEL NO. 760002200090000**

WHEREAS, the City Council of Pelican Rapids met in regularly scheduled meeting to consider the application of Roger Schleske 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. The property location is described as follows:

That part of the Southwest Quarter of the Northeast Quarter (SW ^{1/4} NE ^{1/4}) of Section 22, Township 136 North, Range 43 West, Otter Tail County, Minnesota, described as follows:

Commencing at the west quarter corner of said Section 22;

thence South 88 degrees 52 minutes 30 seconds East, assumed bearing along the east-west quarter line of said Section 22, a distance of 2649.72 feet to the center of said Section 22;

thence continuing South 88 degrees 52 minutes 30 seconds East, along said east-west quarter line, 200.00 feet;

thence North 01 degrees 07 minutes 30 seconds East 70.00 feet;

thence North 88 degrees 52 minutes 30 seconds West, parallel to said east-west quarter line, 132.35 feet to the easterly right-of-way line of Trunk Highway No. 59;

thence North 00 degrees 46 minutes 47 seconds West, along said easterly right-of-way line, 51.27 feet;

thence northerly, along said easterly right-of-way line and along a tangential curve concave to the east, radius 1070.92 feet, central angle 01 degrees 43 minutes 34 seconds, 32.26 feet to the point of beginning of the land to be described;

thence continuing along said easterly right-of-way line and along said tangential curve, radius 1070.92 feet, central angle 09 degrees 29 minutes 03 seconds, 177.27 feet to the north line of the south 330.00 feet of aforesaid Southwest Quarter of the Northeast Quarter (SW ^{1/4} NE ^{1/4});

thence South 88 degrees 52 minutes 30 seconds East, along said north line of the south 330.00 feet of the Southwest Quarter of the Northeast Quarter (SW ^{1/4} NE ^{1/4}), a distance of 140.23 feet;

thence South 00 degrees 31 minutes 12 seconds East 176.58 feet;

thence North 88 degrees 52 minutes 30 seconds West 169.39 feet to the point of beginning.

The tract contains 0.62 acres more or less.

WHEREAS, the City Council has considered possible adverse effects of the proposed special use permit and what additional requirements may be necessary to prevent such adverse effects;

WHEREAS, that the special use will be harmonious and appropriate in the area because of the fact that there are other residentially used lots within 500 feet of this property in this northeast area of the commercial zone;

WHEREAS, that the special use will not be injurious to the existing uses in the area because residential use of the lot will not harm or have a negative effect because there are other existing residential uses in area;

WHEREAS, that the establishment of the special use will be consistent with the objectives of the comprehensive plan because the Comprehensive Plan says that the city government should be proactive in development of residential housing. A 2008 Housing Study identified a need for housing at various property value levels, which included values beyond a “first time home buyer” value. The dwelling on this new parcel would fit this property value, based on age which is newer than 1930’s and 1940’s typical of the majority of Pelican Rapids housing stock;

WHEREAS, that adequate utilities, access roads, drainage and/or other necessary facilities are independently available and provided;

WHEREAS, that adequate measures have been, or will be taken to prevent or control offensive odor, light, fumes, dust, noise, vibrations and other emissions so that none of these will constitute a nuisance to existing uses in the area because the residential use of this property will be bound to the city’s nuisance ordinance, as are all properties within the city.

NOW THEREFORE, be it resolved:

That the City Council grants said special use permit, subject to the following additional recommended requirements:

1. The issuance of the special use permit shall be contingent upon receiving a survey for Lot Split, which separates the parcel above to be designated residential from the adjacent commercial property with buildings.
2. This dwelling cannot be used as residential rental property due to the close proximity to, and the state of, the commercial buildings and land on the approximately two acres of adjacent commercial property.

Motion carried and resolution was declared duly adopted.

The City of Pelican Rapids received a 2012 Water Fluoridation Appreciation Award which recognizes the City’s Water System for adjusting the fluoride concentration in drinking water and continue to optimize the fluoridation procedures for 50 years or more. The award was from the Minnesota Department of Health and the Minnesota Dental Association.

The City Council considered several 2014 License Renewals. Motion by Ballard, seconded by Waller to approve **Cigarette Licenses** for Jeanne Hovland at Southtown C Store, Greg Larson at Park Region Co-op, Maggie Johnson at the Municipal Liquor Store; **Recreational Game Licenses** for two games at the VFW Gilmore Weik Post 5252; **Business License** for Z & Z Associates to operate a Mobile Home Park and the addition of Wrigley Mechanical to the **Plumbers Registration List**. Motion carried.

Clerk-Treasurer Glenys Ehlert announced that the Library will be closed January 6th to the 21st. The Library Board has scheduled installation of new flooring and shelving in the children’s area as well as accomplishing inventory during this time period. Items checked out beginning 12-16-13 will be due 01-21-14, and wireless internet will still be available near the building.

Administrator Don Solga said that property at 117 NW 1st Ave. has been designated a public nuisance. There have been conversations between the property owner’s attorneys and city that the owner would give the property to the City by quit claim deed. This person bought the

property on an on-line auction and does not have the funding to fix the house or remove it. Council Member Strand asked what the value would be of the lot without the house. Solga said there are probably not a lot of uses to the City, but perhaps two other adjoining properties might want to acquire one half of property.

City Attorney Greg Larson said he has received information from the owner's attorney. City Attorney Larson recommends that the Council should examine title to determine that there are no other judgments or encumbrances attached to the property. Solga said the City will be benefitted by acquiring the property and removing the house. Motion by Strand, seconded by Waller to move forward to acquire the property subject to a clear title except for payment of back taxes. Council Member Ballard said he has problems with the City acquiring property, clearing the house and offering the bare lot in the middle of the block. Upon vote being taken, Council Members Strand and Waller voted yes. Council Member Ballard voted no. Motion carried.

Administrator Don Solga reviewed the Modification to TIF District No. 1 Public Hearing scheduled for 12-10-13 at 4:30 p.m.

Clerk-Treasurer Glenys Ehlert reviewed the 2014 Proposed Budget Hearing scheduled for 12-10-13 at 6:00 p.m.

On behalf of the Baseball Association, Andrew Johnson and Don Beck provided information about their project to raise funds to provide lights at the baseball fields. The association has raised almost \$120,000 of the required \$200,000. Beck commented that Pelican has done a lot of things to become a destination place. The lights will enable regional tournaments to be played here and bring people to town. It will be a benefit to the businesses. He continued, "We're here to ask the City to contribute because it would be good for community. We have \$75,000 to \$80,000 in cash and the rest in pledges. We're going to try to get the program going next year and continue to fundraise."

Don Beck said, "We met with the school and my approach to this would be \$50,000 from school and \$50,000 from City". Mayor Woessner said he doesn't feel the City can donate tax payer dollars to the Baseball Association. Council Member Waller asked would the City's support by in-kind be helpful? Administrator Don Solga recommended that city staff look at and research proposal and report back to Council at a later date.

Motion by Strand, seconded by Ballard to adjourn the meeting at 5:55 p.m. Motion carried.

Glenys Ehlert, CMC
Clerk-Treasurer