

July 21, 2016

**CITY COUNCIL AGENDA**

**Tuesday, July 26, 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. Additions / Deletions to Agenda
  
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 – 7/12/2016
  - b) Approval of Accounts Payable Listing
  - c) Liquor Store Report
  - d) Utility Report
  - e) Filing for City Offices Opens 8/2/2016 and Closes 8/16/2016
  - f) Terracon/Verizon Wireless Cell Tower 30 Day Comment Period
  
5. Consider 800 Old Fergus Road Administrative Penalty
  
6. 107 South Broadway Consideration
  
7. Soccer Field
  
8. Zoning Appeal for 418 NW 3<sup>rd</sup> St. – Teresa Parish
  
9. Opt Out of Minnesota Statute Section 462.3593 Consideration
  
10. Project No. 79 – Wastewater Treatment Facility Update
  
11. Project No. 80 – Bridge L5805 Removal
  - Grant Agreement
  - Resolution 2016-07 Approving Grant Agreement
  
12. Project No. 88 – Resolution 2016-08 Approving Dam Safety Program Grant Application

The City Council of Pelican Rapids met in regular session at 5:00 p.m., on Tuesday, 07-26-16 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, Library Director Annie M. Wrigg, City Attorney Greg Larson and Clerk-Treasurer Danielle Heaton.

General Attendance: Girl Scout Troop 30102 Members Daisy Holl and Clara Schleske, Amy Schleske, Bridgette Holl, Judy Tabbut, Teresa Parrish, David Davis, Norman Bartells Jr., Austin Leiter, Sharon Donahue, Artimis Romanelli 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 led by Girl Scout Members Clara Schleske and Daisy Holl.

Judy Tabbut asked Council when the Community Center would be ready because she wants to hold an event there in the summer of 2017.

Administrator Solga announced that the City is a finalist for the First Annual Clean Energy Community Award presented at the State Fair.

Motion by Holl, seconded by Foster to approve the agenda as presented. Motion passed unanimously.

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

- a) Approval of Minutes – 7/12/2016
- b) Approval of Accounts Payable Listing
- c) Liquor Store Report
- d) Utility Report
- e) Filing for City Offices Opens 8/2/2016 and Closes 8/16/2016
- f) Terracon/Verizon Wireless Cell Tower 30 Day Comment Period

Motion passed unanimously.

At the last Council meeting, Corina Trejo addressed the Council about the Administrative Penalty she received for an inoperable boat at 800 Old Fergus Road. At that time, Council suspended the Administrative Penalty until July 26<sup>th</sup> meeting to make sure the mess was cleaned up. The boat has been removed but there are public nuisance violations still on the property. Motion by Ballard, seconded by Strand to approve applying the Administrative Penalty that was postponed at the July 12<sup>th</sup> meeting. Motion passed unanimously.

The City has received several complaints about the public nuisance violations at 107 South Broadway. The owner of the property is deceased and probate proceedings haven't been started. Administrator Solga met with a family member about the public nuisances. They were given until the end of July to make the property compliant or the City may have to force probate

proceedings. At this time the property is still in violation. There is a vehicle with 2013 tabs, a trailer full of debris and the grass is not being mowed.

City Attorney Greg Larson reviewed the City's options. Ultimately, the City has been dealing with this property since the death of the owner. The City can petition the Court to have one of the City's employees named as a personal representative in their city employee capacity. The City would then be in a position to make necessary repairs and clean it up to bring it into compliance. The City would incur expenses during the probate proceeding. The City would limit the scope to just the building and property. Another option would be tax forfeiture. In reviewing the County's website, it was discovered that the property taxes have not been paid for the last three years. This process could take at least four.

Motion by Foster, seconded by Strand to proceed appointing the City Clerk or City Administrator as the personal representative through probate with a limited scope referring just to the buildings and property. City Attorney Larson explained the process. A petition will get filed with the court and a hearing would be set up. A notice will be sent to the decedents children and published in the newspaper. At the time of the hearing, the family could challenge the City's appointed personal representative and ask to be named as personal representative instead. The process could take up to six weeks. Motion passed unanimously.

Teresa Parrish addressed the Council about a zoning appeal for her property at 418 NW 3<sup>rd</sup> Street. A few months ago, she attended a Planning Commission meeting and asked if she could lease ½ acre of land from the City for her horses. The Planning Commission denied her request and made a change to the ordinance to remove the 2 ½ acre clause to avoid confusion about farm animals within the city limits. Ms. Parrish is not asking for an ordinance change, she is asking for a special use permit or variance to allow horses on her property. She owns about two acres of land. She explained how it is a hardship for her to board the horses. Administrator Solga reviewed the ordinance in question, and there is no clause allowing for a special use permit or variance. Council Member Holl reviewed the actions of the Planning Commission regarding Ms. Parrish's previous request about leasing land. City Attorney Larson recommended if changes are going to be made; it should go back to the Planning Commission. Council agreed with his recommendation.

Administrator Solga reported on the issues at the Brown Soccer Field. Mayor Frazier was contacted by the School regarding the condition of the field. There is an agreement between the City and the School regarding the money donated by the local turkey plant. The project got expanded and now there are some additional costs, after much discussion, Council decided to reallocate the \$8,000 that was originally given by the City for dirt work. Administrator Solga is going to meet with Derrick Nelson and Trevor Steeves from the school to make sure the elevation is correct before adding the sprinkler system. Motion by Holl, seconded by Ballard to approve reallocating the \$8,000 for the Brown Soccer Field project. Council Member Foster voiced his disappointment with the way this project has been handled. He felt there were some liberties taken that should not have been. Motion passed unanimously.

Administrator Solga asked Council to consider opting out of Minnesota Statue §462.3593 regarding Temporary Family Health Care Dwellings. The State has given cities the option to opt out but it must be done by September 1, 2016. Motion by Foster, seconded by Ballard to approve opting out of Minnesota Statue §462.3593 titled Allowing Temporary Family Health Care Dwellings. Motion passed unanimously.

Administrator Solga, Mayor Frazier and Councilman Foster did a complete walkthrough at the Wastewater Treatment Facility with the contractor and engineer. The punch list had sixty-five items and twelve had been completed. Administrator Solga asked the contractor for a schedule of when the remaining punch list items will be completed. Administrator Solga will be receiving a copy of the punch list and will share it with Council. The City now has the option of firing the contractor and completing the punch list themselves. City Attorney Larson reviewed the City's options and recommended Council wait until the next council meeting to discuss further.

Administrator Solga presented an agreement between the City and MNDOT for Project No. 80 Bridge L5805 Removal. The grant amount is for \$125,930.90 which will cover the removal and other costs the City has accumulated so far. Motion by Foster, seconded by Holl to introduce the following written resolution entitled: **RESOLUTION NO. 2016-07 GRANT AGREEMENT FOR STATE TRANSPORTATION FUNDS.** Motion carried and resolution declared duly adopted. (A complete text of this resolution is part of permanent public record in the City Clerk's office.)

Administrator Solga reviewed Project No. 88 Dam Wall Repair. Because of the collapse of the dam wall, the City must have the wall evaluated. Motion by Ballard, seconded by Strand to introduce the following written resolution entitled: **RESOLUTION NO. 2016-08 RESOLUTION APPROVING DNR DAM SAFETY PROGRAM GRANT AGREEMENT.** Motion carried and resolution declared duly adopted. (A complete text of this resolution is part of permanent public record in the City Clerk's office.)

Motion by Strand, seconded by Foster to adjourn the City Council meeting at 6:28 p.m. Motion carried. Opposed: Holl



Danielle Heaton  
Clerk-Treasurer