

August 25, 2017

CITY COUNCIL AGENDA

Tuesday, August 29, 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. 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 – 8/8/17, 8/1/17 Fire Department Budget Meeting, 8/17/17 General Fund Budget Meeting
 - b) Approval of Accounts Payable Listing
5. Request to Use Swimming Pool Investment Funds to Update Pool Building
6. Request to Use Capital Improvement Funds to Update Sherin Park Bath House
7. Utility Report – People Service
8. Liquor Store Report
9. Resolution 2017 - 19 Authorizing Execution of MN DOT Airport M&O Grant Contract
10. MN DOT Limited Use Permit
11. Hazardous Properties – Greg Larson
 - 25/27 NW 1st Ave – Schleske
 - 117 NW 1st Ave – O'Neal
 - 129 NE 5th Ave - Waasdorp
12. Leiter Grazing Reconsideration
13. Administrative Hearing – Tom Runningen
14. Dam Drawdown Update and Houston Engineering Proposal
15. City Hall/Event Center Financing Options
16. Project 86 Pay Request #1 – Classic Protective Coatings, Inc. - \$251,488.75
17. Community Garden
18. MnWARN Mutual Aid Agreement and Resolution 2017-20 Authorizing Governmental Unit to be a Party to MnWARN
19. Dangerous Dog Owner Not in Compliance
20. Adjourn

CITY OF PELICAN RAPIDS COUNCIL MEETING MINUTES – 08-29-17

The City Council of Pelican Rapids met in regular session at 5:00 p.m., on Tuesday, 08-29-17 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

City staff present: Administrator Don Solga, Clerk-Treasurer Danielle Heaton, Liquor Store Manager Maggie Johnson, Police Chief Jeff Stadum and City Attorney Greg Larson.

General Attendance: Girl Scout Members Izabell Gravalin and Ella Schleske, Amy Schleske, Shawn Gravalin, Gail Fox, Terry Gamble and John Sustacek from PeopleService Inc., Janet Lindberg, Tom Runningen, David and Kim Gottenborg, Austin and Courtney Leiter, Sarah Duffy, Roger and Darlene Holznagel and Lou Hogle 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 led by Girl Scout Members Izabell Gravalin and Ella Schleske.

Kim Gottenborg, 1195 SE Maplewood Drive, stated she accepted the City's decision for a compromise which allowed her neighbor's at 40134 Maplewood Drive to graze animals on the north side of the driveway. Now there are animals grazing on the south side of the driveway too. Council will be discussing the issue later this evening.

Gail Fox, 209 NE 2nd Street, asked Council to consider removing dirt and sand buildup at the end of 2nd Avenue NE that has run off streets and into the river over time.

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

Motion by Ballard, seconded by Foster to approve the consent agenda.

- c) Approval of Minutes – 8/8/17, 8/1/17 Fire Department Budget Meeting, 8/17/17 General Fund Budget Meeting
- d) Approval of Accounts Payable Listing

Motion passed unanimously.

Motion by Strand, seconded by Foster to approve using up to \$25,000 of Swimming Pool Investment Funds to update the Pool Building. Motion passed unanimously.

Motion by Ballard, seconded by Strand to approve using up to \$12,000 of Capital Improvement Investment Funds to update Sherin Park Bath House. Motion passed unanimously.

Terry Gamble of PeopleService Inc. provided Council with the July Utility Report. The Water Tower project is going well and they will start filling the tower next Tuesday. John Sustacek, the new operator

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from PeopleService Inc., was introduced to Council. Motion by Strand, seconded by Holl to approve the July 2017 report. Motion passed unanimously.

Liquor Store Manager Maggie Johnson presented the July 2017 Liquor Store Report. The Liquor Store needs new computers as the current ones are old and slow. A quote was provided to Council from Total Register Systems for \$1,625.57. Motion by Holl, seconded by Foster to approve the purchase of two new computers as per the quote provided by Total Register Systems for \$1,625.57. Motion passed unanimously.

Council discussed Sunday Liquor sales for the month of July. Total sales were up slightly. Motion by Strand, seconded by Foster to accept the Liquor Store Report. Motion passed unanimously.

Motion by Strand, seconded by Foster to introduce Resolution 2017-19 entitled: **RESOLUTION NO. 2017-19; AUTHORIZATION TO EXECUTE MINNESOTA DEPARTMENT OF TRANSPORTATION AIRPORT MAINTENANCE AND OPERATION GRANT CONTRACT.** (A complete text of this resolution is part of permanent public record in the City Clerk's office.) Motion carried and resolution declared duly adopted.

MNDOT would like to have a limited use permit in place with the City for the Non-Motorized Recreational Trail from SE 5th Avenue to LREC that is in the state right of way. The term is ten years. Motion by Holl, seconded by Ballard to approve the limited use permit with the correction of the County on the first page. Motion passed unanimously.

Attorney Larson provided Council with an update on the following hazardous buildings/properties:

- 25/27 NW 1st Ave – (Schleske) – Mr. Schleske has until September 5, 2017 to get a response to the court. Then the City will have a chance to file a response. Council will review at the next Council meeting.
- 117 NW 1st Ave – (O'Neal) – Ms. O'Neal filed a response with the Court. Attorney Larson will review and Council will review at the next Council meeting.
- 129 NE 5th Ave – (Waasdorp) – Court is still taking it under advisement.

Attorney Larson informed Council the Leiter's, 40134 Maplewood Drive, and their Attorney Sarah Duffy are asking Council to reconsider the grazing decision made previously. Attorney Larson advised Council of their options.

Option 1: Deny the request for reconsideration and have the Council stand on the merits of the findings from previous meetings when the decision was made.

Option 2: Reconsider the decision and start over from the beginning. Attorney Duffy addressed Council and gave some history on the grazing issue.

The Leiter's are asking Council to reconsider grazing on the south side of the driveway. Her clients (Leiter) feel that the driveway is an arbitrary line and they would like the City to reconsider and allow grazing on the south side of the driveway. Attorney Larson doesn't agree that the driveway is arbitrary and feels the city had the discretion to make this decision using the driveway as the grazing line. Mayor Frazier questioned why Leiter's have disregarded the decision made by Council to not allow grazing on the parcel next to the road and the south side of the driveway. Courtney Leiter responded that she doesn't know where the parcel line is next to the road. Neighbors David Gottenborg and Roger

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Holznel are both upset with the animals grazing in the neighborhood. The animals have gotten out of the fence and been on Holznel's property. Motion by Holl, seconded by Ballard to deny the reconsideration request as this was discussed at length in numerous planning commission and council meetings. Motion passed unanimously.

Janet Lindberg addressed Council on behalf of the Community Garden Committee. The space provided by the City worked well, but watering has been an issue and they would like to improve it in the future. Right now they are about \$1,300 short for getting water installed. It will be metered as the City needs to track gallons used. Motion by Foster, seconded by Strand to allow the Community Garden members to raise the money to install the water hook up and infrastructure. Motion passed unanimously.

Tom Runnigen, 418 SE 1st Avenue, requested an Administrative Hearing. He received a Public Nuisance Administrative Penalty. Mr. Runnigen stated that his property is 80% better than it was. He was informed that there are still violations and he will work with Chief Stadum to finish what he has started. Council gave Mr. Runnigen until September 26, 2017 to have the violations abated. Motion by Holl, seconded by Strand to leave admin penalty in place and give Mr. Runnigen until September 26, 2017 to abate the public nuisance. Motion passed unanimously.

Administrator Solga provided Council with an update on the dam drawdown. He provided Council with a proposal for Engineering and Testing Services from Houston Engineering to evaluate the south side of the dam by the windmill. The south side proposal is \$28,500. The DNR grant will pay for half of the proposal expense. Motion by Strand, seconded by Foster to accept the proposal from Houston Engineering to evaluate the south side of the dam. Motion passed unanimously.

Police Chief Jeff Stadum informed Council that there is a dangerous dog owner not in compliance. The owner has been notified of the necessary steps that must be taken and has not responded. Council decided to keep its authority and not have it brought before District Court. The City will send the necessary paperwork to the pet owner and begin moving forward. Motion by Ballard, seconded by Strand to move forward with the process set out in Ordinance 503.07. Motion passed unanimously.

Administrator Solga has been looking into financing options on the City Hall/Event Center. The updates to the building will be done under capital improvement bonds and the Community Center will be under tax abatement bonds. Administrator Solga will update the Capital Improvement Plan (CIP). Even though no decision has been made, the city must move forward on the bonds to receive the funds by mid-December. There will be no fees unless bonds are issued. There are two scenarios for Council to consider. Scenario A is 15 year payoff for both the CIP and tax abatement bonds. Scenario B is 15 year for tax abatement and 25 year for CIP bonds. There will not be a cost to the City for these financial services until bonds are issued. Possible special levy amount were discussed, but Council may decide to use funds available to help buy down the bonds. When we get the bids in for the Community Center, we will have more accurate information.

Motion by Ballard, seconded by Strand to approve payment for Improvement Project No. 86 – Water Tower re-coat, Pay Request No. 1 for \$251,488.75 for Classic Protective Coatings, Inc. Motion passed unanimously.

Motion by Strand, seconded by Holl to introduce Resolution 2017-20 entitled: **RESOLUTION NO. 2017-20; RESOLUTION AUTHORIZING GOVERNMENTAL UNIT TO BE A PARTY TO MINNESOTA WATER**

AGENCY RESPONSE NETWORK (MnWARN). (A complete text of this resolution is part of permanent public record in the City Clerk's office.) Motion carried and resolution declared duly adopted.

Motion by Strand, seconded by Ballard to adjourn the City Council meeting at 8:05 p.m. Motion carried.
Opposed: Holl



Danielle Heaton
Clerk-Treasurer