AGENDA ITEM #3.1

REPORT TO CITY COUNCIL

Report Prepared by: Angie Duus

Date: June 4, 2019

Subject: City Council Minutes

Report: The minutes for the May 7, 2019 City Council Meeting are attached for your review.

Council Action Requested: Council motion approving the minutes for the May 7, 2019 City Council Meeting.

MEETING OF THE PEQUOT LAKES CITY COUNCIL
TUESDAY, MAY 7, 2019
PEQUOT LAKES CITY HALL

Members Present: Mayor Tayloe, Council Members Pederson, Seils, and Swanson

Members Absent: Council Member Akerson

Staff Present: Nancy Malecha, City Administrator; Jenny Peterson, Administrative Assistant; Angie Duus, City Clerk/Treasurer; Eric Klang, Police Chief; Chad Turcotte, Police Sergeant; Jason Gorr, Public Works Director; Lance Ray, Maintenance Worker; and Tim Houle, City Engineer

1. Call Meeting to Order

Mayor Tayloe called the meeting of the Pequot Lakes City Council to order at 6:30 p.m.

1.1. Pledge of Allegiance

Mayor Tayloe led with the Pledge of Allegiance.

2. Consider Agenda

Mayor Tayloe requested to add Crosswalk from Second Street and West Woodman Street to the agenda.

COUNCIL MEMBER SEILS MOVED TO APPROVE THE AGENDA WITH THE ADDITION OF 9.5. CROSSWALK FROM SECOND STREET AND WEST WOODMAN STREET. COUNCIL MEMBER PEDERSON SECONDED THE MOTION. MOTION CARRIED 4-0.

3. Consent Agenda

COUNCIL MEMBER PEDERSON MOVED TO APPROVE THE CONSENT AGENDA AS FOLLOWS:

3.1. APRIL 2, 2019 CITY COUNCIL MEETING MINUTES.
3.2. CHECK REGISTER FROM APRIL 3, 2019 TO MAY 7, 2019.
3.3. FINANCIAL REPORT ENDING MARCH 31, 2019.
3.4. LIBRARY REPORTS FOR DECEMBER 2018 THROUGH MARCH 2019 AND THE APRIL 23, 2019 LIBRARY BOARD MEETING MINUTES.
3.5. RESOLUTION 19-14 ACCEPTING CONTRIBUTIONS FROM MARCH 20, 2019 THROUGH APRIL 28, 2019.
3.6. SPECIAL EVENT PERMIT FOR THE CHOKECHERRY FESTIVAL EVENT.

COUNCIL MEMBER SEILS SECONDED THE MOTION. MOTION CARRIED 4-0.

4. Open Forum

Jack Schmidt, 31179 Pine Street, Pequot Lakes, addressed the Council. Mr. Schmidt apologized to Mayor Tayloe for his decorum at the April City Council Meeting and provided criticism on the City's fire hydrant snow removal process. Mr. Schmidt stated that instead of having a City policy on this issue the City should have a policy of common sense. He explained that in 2014, he met with then Mayor Nancy Adams regarding this issue and he explained the importance for the Fire Department to have easy accessibility to the fire hydrants for their emergency response needs. Mr. Schmidt noted he contacted City Staff on several occasions and was told there is no formal policy and residents could remove the snow. He further noted that Fire Chief Nelson remarked on the Fire Department's vehicles being so efficient with their drop tanks that fire hydrants are not really needed. Mr. Schmidt stated the City is not practicing what they preach in regard to their own ordinances on property maintenance.

Council Member Swanson questioned Mr. Schmidt on what he thinks the City should do. Mr. Schmidt stated the City should clean out the fire hydrants when they plow snow.

A consensus of the Council agreed to place this on the June City Council Meeting agenda.

Maury Graham, 5988 North Sluetter Road, Pequot Lakes, addressed the Council. Mr. Graham complimented Jason Gorr for the grading on North Sluetter Road this year and for his courteous and timely responsiveness. He implored the Council to move into the 21st century as this road improvement issue has been going on for eight years. Mr. Graham questioned why the City is not exploring a bond issuance for road improvements as the City is one of very few in the state to not explore this. Mr. Graham stated that residents along North Sluetter Road are experiencing taxation without infrastructure service and he is not going to take it anymore.

Council Member Swanson requested the City do something about North Sluetter Road and come up with some sort of improvement plan. Jason Gorr noted that North Sluetter Road will be on the road improvement plan and Road Review Tour on May 8th.

Council Member Pederson expressed his frustration on the hierarchy of roads and in not having a plan for road improvements in this year's budget.

5. Presentations

5.1. Pequot Lakes Community Library's Strategic Plan

Melissa Birch, Library Board Chair, addressed the Council regarding the strategic planning process for the Pequot Lakes Community Library. Ms. Birch explained

that the Strategic Plan is the product of a ten month planning process. It establishes a mission and service goals that guide the decisions made in the Library which include library volunteers, public space, literacy for children and youth, literacy for adults returning to the workforce, information literacy, lifelong learning, current topics and titles, and community referral.

COUNCIL MEMBER SWANSON MOVED TO ADOPT THE PEQUOT LAKES COMMUNITY LIBRARY'S STRATEGIC PLAN FOR 2019-2021. COUNCIL MEMBER SEILS SECONDED THE MOTION. MOTION CARRIED 4-0.

5.2. Wellhead Protection Plan

Dawn Bittner provided an update on the City's wellhead protection activities and reviewed the drinking water supply management area map. Ms. Bittner noted the Wellhead Protection Program Evaluation needs to be submitted every 2 ½ years to the Minnesota Department of Health.

Jason Gorr informed the Council of the recent meeting with the Sourcewater Protection Planner at the Minnesota Department of Health and he was very complimentary of the City's wellhead protection plan.

Nancy Malecha complimented Dawn Bittner on her work on this and at keeping the City on track.

6. Planning and Zoning

6.1. Planning Commission Report

The May 1, 2019 Planning Commission Report and April 18, 2019 draft Planning Commission minutes were received by Council.

6.2.A. Wetland Conservation Act – Administration

Dawn Bittner explained the Crow Wing County Soil & Water Conservation District (CWC SWCD) had been administering the Wetland Conservation Act of 1991 (WCA) for the City. The City was notified on January 22, 2019 that the SWCD Board voted to terminate this agreement effective March 31, 2019. Ms. Bittner noted that local units of government are now required to provide administration of the WCA with knowledgeable and trained staff or secure a qualified delegate. Crow Wing County currently provides administration services of the WCA for its Highway Department and County Townships with qualified staff capable to perform these services; therefore several local units of government within Crow Wing County feel the County is in the best position to administer the WCA County-wide beginning in 2020.

COUNCIL MEMBER SEILS MOVED TO ADOPT RESOLUTION 19-13 REQUESTING CROW WING COUNTY ADMINISTER THE MINNESOTA

WETLAND CONSERVATION ACT OF 1991. COUNCIL MEMBER PEDERSON SECONDED THE MOTION. MOTION CARRIED 4-0.

6.2.B. Wetland Conservation Act – Proposal for WCA Administration

Dawn Bittner noted that since the City adopted Resolution 19-13 Requesting Crow Wing County Administer the Minnesota Wetland Conservation Act of 1991, the City must designate a qualified delegate to provide the services through 2019. Widseth Smith Nolting has experienced personnel to administer the WCA for the City and they have provided a proposal for Council consideration.

COUNCIL MEMBER SWANSON MOVED TO ACCEPT THE PROPOSAL FROM WIDSETH SMITH NOLTING FOR ADMINISTRATION OF THE WETLAND CONSERVATION ACT OF 1991 FOR THE CITY UNTIL SUCH TIME AS CROW WING COUNTY AGREES TO PROVIDE THESE SERVICES. COUNCIL MEMBER SEILS SECONDED THE MOTION. MOTION CARRIED 4-0.

6.3. Ordinance Amendment – Offsite Sign Overlay District

Dawn Bittner explained that Brandon Andersen is requesting an ordinance amendment to expand the Offsite Sign Overly District to include parcels he owns along State Highway 371 and the Planning Commission unanimously recommends this request to expand the District to include these parcels which are four lots in the Industrial Park.

COUNCIL MEMBER PEDERSON MOVED TO ADOPT ORDINANCE 19-06 AMENDING CHAPTER 17 OF THE CITY CODE ESTABLISHING AN OFFSITE SIGN OVERLAY DISTRICT. COUNCIL MEMBER SEILS SECONDED THE MOTION. MOTION CARRIED 3-1. COUNCIL MEMBER SWANSON OPPOSED.

COUNCIL MEMBER PEDERSON MOVED TO AUTHORIZE THE SUMMARY PUBLICATION OF ORDINANCE 19-06. COUNCIL MEMBER SEILS SECONDED THE MOTION. THE SUMMARY PUBLICATION FAILED 3-1 AS A 4/5TH VOTE OF THE COUNCIL IS REQUIRED. COUNCIL MEMBER SWANSON OPPOSED.

6.4. Conditional Use Permit Request

Dawn Bittner informed the Council that Brandon Andersen received approval for a conditional use permit for exterior storage in 2007 and she was recently made aware of a condition of approval that is unsatisfied to screen the outside storage areas. Mr. Andersen addressed the Planning Commission at their April 18th Meeting and provided points for their reconsideration of this condition; however, without an application the Planning Commission could not act. Ms. Bittner explained that Mr. Andersen would need to make an application to amend his conditional use permit, pay the application fee, neighbors would be notified, and

a public hearing would be held. The Planning Commission unanimously recommends the Council waive the application fee for Mr. Andersen to amend his conditional use permit.

Council Member Pederson questioned if this waiver has been done in the past. Ms. Bittner stated that it has.

Council Member Swanson inquired if Mr. Andersen paid the conditional use permit application fee. Ms. Bittner stated he did pay the initial fee back in 2007.

COUNCIL MEMBER SWANSON MOVED TO WAIVE THE $450 APPLICATION FEE FOR BRANDON ANDERSEN'S CONDITIONAL USE PERMIT. COUNCIL MEMBER SEILS SECONDED THE MOTION. MOTION CARRIED 4-0.

6.5.A. Future Sale of Tax Forfeited Land – Biggs Addition to Pequot

COUNCIL MEMBER SWANSON MOVED TO RECLASSIFY LOTS 14 AND 15, BLOCK 1, BIGGS ADDITION TO PEQUOT, TO NON-CONSERVATION AND BE OFFERED FOR SALE TOGETHER BY CROW WING COUNTY. COUNCIL MEMBER SEILS SECONDED THE MOTION. MOTION CARRIED 4-0.

6.5.B. Future Sale of Tax Forfeited Land – Brunes Addition to Pequot

COUNCIL MEMBER SWANSON MOVED TO RECLASSIFY LOTS 29 AND 30, BLOCK 1, BRUNES ADDITION TO PEQUOT, TO NON-CONSERVATION AND BE OFFERED FOR SALE TO THE ADJACENT PROPERTY OWNER TO THE EAST BY CROW WING COUNTY. COUNCIL MEMBER SEILS SECONDED THE MOTION. MOTION CARRIED 4-0.

6.5.C. Future Sale of Tax Forfeited Land – Pow Wow Point

COUNCIL MEMBER PEDERSON MOVED TO RECLASSIFY OUTLOT B, EXCEPT A 60 FOOT SQUARE TO NW BELL TELEPHONE AND EXCEPT PART TO ARVIG TELEPHONE COMPANY, POW WOW POINT, TO NON-CONSERVATION AND BE OFFERED FOR SALE BY CROW WING COUNTY. COUNCIL MEMBER SEILS SECONDED THE MOTION. MOTION CARRIED 4-0.

6.6. Ordinance Amendment

Dawn Bittner explained the Planning Commission denied a variance request to exceed the maximum height of a structure in the commercial zone. The applicant had requested an 80 foot flag pole where the maximum height of a structure is 25 feet. Ms. Bittner noted the Planning Commission would like the opportunity to discuss an ordinance amendment to allow for larger flag poles and would like direction from the Council.

Council Member Pederson questioned if a comparison with other municipalities will be done. Ms. Bittner stated yes.

Council Member Pederson questioned if the applicant submitted a secondary height option for consideration. Ms. Bittner stated no.

COUNCIL MEMBER SWANSON MOVED TO DIRECT THE PLANNING COMMISSION TO REVIEW THE MAXIMUM HEIGHT ALLOWABLE FOR FLAG POLES. COUNCIL MEMBER PEDERSON SECONDED THE MOTION. MOTION CARRIED 4-0.

6.7. Preliminary Plat of The Range

Dawn Bittner noted the Planning Commission recommends the Council approve the preliminary plat of The Range based on the findings of fact and conditions presented. This planned unit development will include 15 single family residential sites and one greenspace lot.

COUNCIL MEMBER PEDERSON MOVED TO APPROVE THE PRELIMINARY PLAT OF THE RANGE BASED ON THE FINDINGS OF FACT AND CONDITIONS PRESENTED. COUNCIL MEMBER SEILS SECONDED THE MOTION. MOTION CARRIED 4-0.

7. Fire

The March 2019 Fire Department Operations Report was received by Council.

8. Police

The March 2019 Police Department Monthly Report was received by Council.

8.1. Body Worn Cameras

Eric Klang explained the Police Department has received inquiries from Council Member Akerson regarding the implementation of Body Worn Cameras (BWCs) and the following three phases needed for implementation.

1. Department receives inquiry which occurred by Council Member Akerson.
2. Council allows for public comment. In accordance with MN Statutes, the Council must allow for public comment at a regular City Council Meeting which is being accomplished tonight.
3. Department posts meeting and allows public comment and input when developing BWC policies.

Nancy Malecha asked if there was anyone present for public comment on the implementation of body worn cameras. No public comments were received.

Council Member Pederson questioned if this will be a mandate from the State.

Chief Klang stated this could potentially be mandated in the near future but some current issues concerning personal privacy and exploitation need to be addressed.

9. Public Works Report

The April 2019 Public Works Report was received by Council.

9.1.A-B. Park Commission – Trailside Park Project

Dan Ronning, Park Commission Chair, explained the potential new design of Trailside Park to include the flag display and splash pad. The flag display consisting of 57-58 flags is proposed to be erected along Main Street and Patriot Avenue.

Mr. Ronning discussed the two flag display quotes from Coil's Flags & Flagpoles in the amount of $92,976.50 and Falls Flag Source in the amount of $91,161 with the Council. Mr. Ronning clarified the labor costs in each of the quotes is vastly different and he recommended acceptance of the quote from Coil's Flags & Flagpoles.

Council Member Swanson noted both bids are different and do not compare apples to apples as the thickness of the flag poles is different in each quote. Council Member Swanson provided Mr. Ronning with a quote from Falls Flag Source in the amount of $92,871 for the same flag pole thickness and she stressed the importance of buying local.

Council Member Pederson questioned the timeframe in proceeding with the work. Mr. Ronning stated both companies were cooperative as to timeline and the order will be eight weeks out.

Council Member Seils inquired how often the flags need to be changed out. Mr. Ronning stated twice a year.

Council Member Seils questioned if the flags will be lit. Mr. Ronning noted the U.S. flag will be lit with a sleeve that goes down in the ground with a lightning rod.

Council Member Pederson inquired if the flag poles are tamper proof. Mr. Ronning explained the rope is inside the flag pole.

Council discussion ensued regarding the flag display design and location, additional parking, the slowing of traffic along Patriot Avenue, a potential crosswalk connecting Bobber Park to Trailside Park, timing of work, tree trimming, the stoplight intersection, utility locations, sight line concerns, and safety issues.

COUNCIL MEMBER SWANSON MOVED TO APPROVE THE PLACEMENT OF THE FLAG DISPLAY AND SPLASH PAD AS PRESENTED BY THE PARK COMMISSION. COUNCIL MEMBER PEDERSON SECONDED THE MOTION. MOTION FAILED 1-2. MAYOR TAYLOE AND COUNCIL MEMBER SEILS OPPOSED. COUNCIL MEMBER SWANSON ABSTAINED.

COUNCIL MEMBER SWANSON MOVED TO APPROVE THE TEMPORARY STREET ART CONCEPT TO SLOW TRAFFIC AND THE LOCATION FOR THE SPLASH PAD. COUNCIL MEMBER PEDERSON SECONDED THE MOTION. MOTION FAILED 2-2. MAYOR TAYLOE AND COUNCIL MEMBER SEILS OPPOSED.

COUNCIL MEMBER SWANSON MOVED TO REVISIT THE PLACEMENT OF THE FLAG DISPLAY. COUNCIL MEMBER SEILS SECONDED THE MOTION. MOTION CARRIED 3-1. COUNCIL MEMBER PEDERSON OPPOSED.

A consensus of the Council directed City Staff revisit the placement of the flag display with assistance from the Park Commission Chair with work to done in the fall of 2019.

A consensus of the Council requested WSN provide a quote for landscape design services for the Trailside Park Project at the June City Council Meeting.

9.2. Street & Utility Improvements Project

Nancy Malecha explained this agenda item requires no action at this time based on the preceding direction given by the City Council.

9.3. Public Works Facility Plan

Jason Gorr updated the Council on the Public Works Facility Project. Mr. Gorr explained the drainage and storm water storage issue that occurred this spring, a mechanical venting issue, and the seeding task that is yet to be completed and coordinated with a landscaping plan.

9.4. Road Improvement Plan & Financial Analysis

Jason Gorr informed the Council that the Road Improvement Plan is underway and the past survey is being examined, verified, and modified as needed. This included quite a few points of comparison and he hopes to present this draft Plan at the June City Council Meeting.

9.5. Crosswalk from Second Street and West Woodman Street

Mayor Tayloe explained he received an email from Kurtis Moody at First National Bank for a painted crosswalk from Second Street and West Woodman Street for bank employees to safely cross from their employee parking lot to First National Bank.

Council discussion ensued regarding location of the crosswalk, parking lot use, signage, and pedestrian flow.

No direction was given by the Council.

10. Administration

The following items were received by Council.

- March 19, 2019 HRA minutes
- April 9, 2019 draft EDC minutes
- April 16, 2019 HRA minutes
- April 23, 2019 draft Park Commission minutes

10.1. Jerry Akerson's Absence

Nancy Malecha explained she spoke to Jerry Akerson on April 24th and he hopes to be back at the June 2019 City Council Meeting. Ms. Malecha stated that at the April 2nd City Council Meeting, the Council tabled this agenda item and before Council discussion can occur a motion is needed to remove this agenda item from the table.

A consensus of the Council agreed to wait until the June City Council Meeting to discuss further if needed.

10.2. Public Works Director's Probationary Period

Nancy Malecha informed the Council that Jason Gorr was hired as the City's Public Works Director on October 29, 2018 and he has successfully completed his six-month probationary period. Ms. Malecha thanked Mr. Gorr for his commitment to the City and looks forward to his continued leadership in the Public Works Department.

COUNCIL MEMBER SEILS ACKNOWLEDGED JASON GORR'S SUCCESSFUL COMPLETION OF HIS SIX-MONTH PROBATIONARY PERIOD AS PUBLIC WORKS DIRECTOR. MAYOR TAYLOE SECONDED THE MOTION. MOTION CARRIED 4-0.

10.3. Trailside Building Lease Agreement

Nancy Malecha explained the Pequot Lakes Chamber currently has a lease with the City for the Trailside Building in Trailside Park. The current lease expires on August 31, 2019 and she and Jason Gorr are recommending no major changes to the lease agreement and rent amount for the next five years.

COUNCIL MEMBER SWANSON MOVED TO ADOPT RESOLUTION 19-15 FOR THE TRAILSIDE BUILDING LEASE AGREEMENT. COUNCIL MEMBER SEILS SECONDED THE MOTION. MOTION CARRIED 4-0.

10.4.A. Community Action of Pequot Lakes – Special Event Permit

Nancy Malecha noted that Community Action of Pequot Lakes has submitted a special event permit application for the August 3, 2019 Street Dance. This year Community Action would like to close Patriot Avenue, one block north of the stoplights, for this event from 2:00 p.m. until midnight. Ms. Malecha requested Council approval and direction on how to handle future requests to close Patriot Avenue.

COUNCIL MEMBER PEDERSON MOVED TO APPROVE THE SPECIAL EVENT PERMIT FROM COMMUNITY ACTION OF PEQUOT LAKES FOR THE AUGUST 3RD STREET DANCE AND CLOSURE OF PATRIOT AVENUE. COUNCIL MEMBER SEILS SECONDED THE MOTION. MOTION CARRIED 4-0.

A consensus of the Council agreed that future requests to close Patriot Avenue for special events can be handled internally through the special event permitting process with the Administration, Police, and Public Works departments.

10.4.B. Community Action of Pequot Lakes – Selfie Bobber Tower Request

Nancy Malecha explained that Community Action is requesting to construct and place a permanent nine foot selfie bobber water tower structure between the sidewalk and parking lot on the west side of the Cole Memorial Building. Ms. Malecha noted the Planning & Zoning and Public Works Departments have no issues with this request.

COUNCIL MEMBER SEILS MOVED TO ALLOW A SELFIE BOBBER WATER TOWER STRUCTURE BE ERECTED BETWEEN THE SIDEWALK AND PARKING LOT ON THE WEST SIDE OF THE COLE MEMORIAL BUILDING BY COMMUNITY ACTION OF PEQUOT LAKES AND MAINTAINED BY COMMUNITY ACTION. COUNCIL MEMBER SWANSON SECONDED THE MOTION. MOTION CARRIED 4-0.

10.5. Spring Road Review Tour Reminder

Nancy Malecha reminded the Council of the Spring Road Review Tour that will take place on May 8th beginning at 5:00 p.m. in the City Hall parking lot. The Public Works Department will conduct this Tour.

11. Other Business

Nancy Malecha questioned if a quorum of the Council will be present at the June 4th City Council Meeting as she has been informed of two absences. Mayor Tayloe and Council Member Pederson indicated they would be absent.

A consensus of the Council directed Nancy Malecha reach out to Jerry Akerson a few weeks before the June 4th City Council Meeting to inquire about his attendance and she will keep the Council informed if a date change is needed.

12. Adjournment

There being no further business, **COUNCIL MEMBER SWANSON MOVED TO ADJOURN. COUNCIL MEMBER SEILS SECONDED THE MOTION. MOTION CARRIED 4-0.**

The meeting of the City Council adjourned at 8:49 p.m.

Respectfully submitted,

_____
Nancy Malecha
City Administrator

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James Tayloe
Mayor