

City of Ottertail
August 18, 2016
7:00 PM

Council present: Mayor Myron Lueders, Heather Rosenthal, Ron Grobeck, Jill Carlson, and Darold Woessner.
Absent: None

Staff present: City Clerk/Treas., Elaine Hanson; Deputy Clerk, Shari Wheeler; Fire Chief Stuart Fleischauer.

Others present: Traci Ryan, Ryan Development Consultant; Bob Schlieman, Apex Engineering; Jaymes Littlejohn, Verizon; Rick Adams, Verizon; Ron Heikes, Property owner; Dan Carlisle, Attorney representing City of Ottertail; Mike Potocki and Jerry Smith, Lions; Brandon and Tyler Currie; Paul & Brian Klimek, Hilltop Lumber; Dan Hurder, The Otter Supper Club; Brad Stevens, Thumper Pond; Dave Neumeister; Cassandra Hahn; Ed Smith; Chad Koenen, Citizen's Advocate, official paper; Heidi Kratzke, independent reporter.

Regular meeting of the Ottertail City Council was called to order. Pledge of allegiance was recited by all in attendance.

A conditional use hearing was opened by Mayor Lueders to consider placement of a 199 ft. tower on property owned by Ron Heikes of R & D Holdings, located at 321 Hwy 78 N. Attorney Jay Littlejohn, representing Verizon Wireless along with Rick Adams, provided information regarding the proposed wireless tower. Littlejohn reviewed the reason for the lattice type tower which would meet immediate demands of the wireless communications provider, which would include collocation and provide more options verses a monopole type. He also answered various questions from the City Council regarding height requirements for capacity, lighting (not needed unless closer to an airport) and the problems which would be associated with a shorter tower. The site chosen was for the least obtrusive and a willing landowner. He noted that 1 or 2 more sites in this area may be needed when 5G becomes a reality, bringing the service closer to cell phone users. Council member Rosenthal read two letters from persons opposing. Ed Smith inquired whether a weather siren could be placed on it. Littlejohn said this would be a good possibility as well as a fire antenna, just need to know in advance when the tower is built. They would check with RF Engineers to see if a shorter tower would work, but added that shorter tower could mean more towers. With no other discussion, a motion to close the hearing was made by Rosenthal and second by Carlson. All voted in favor, carried.

At 7:30 p.m. the regular meeting was re-opened. A motion was made by Rosenthal and second by Grobeck to request an additional 60 days to study and obtain further public input. All voted in favor, carried. Mayor Lueders instructed Clerk Hanson to write a letter requesting such.

Mayor Lueders then opened the public hearing on zoning amendments. Clerk Hanson, with assistance from Bob Schlieman from Apex Engineering, explained the changes to the zoning map which allowed for single family dwellings to be highlighted in Thumper Pond and proposed multi-unit housing along the Highway 108 area in Thumper Pond.

Additional language proposed to be added to the IUP (Interim Use Permits) for conditions where the Council feels a full conditional use is not warranted. "A temporary use of property until a particular date, until the occurrence of a particular event or until zoning regulations no longer permit it."

An ordinance to Opt-Out of the Requirements of Minnesota Statutes, Section 462.3593 was reviewed which would allow the city to not-allow temporary family healthcare dwellings. The city does not have to have anything else in place.

At 7:35 p.m. A motion was made by Grobeck and second by Carlson to close the public hearing on zoning amendments and additions. All voted in favor, motion carried.

The regular meeting was re-opened. A motion was made by Woessner and second by Carlson to approve the Zoning Amendments and additions as presented. All voted in favor, carried.

August 18, 2016

The public hearing for Thumper Pond Tax Abatements was opened by Mayor Lueders. Traci Ryan, Ryan Development, reviewed the proposed abatements. The first is a 10 year term which would provide \$4600 annually and be applied to taxes payable 2018-2027. The second is 5 years of existing taxes in the amount of \$12,100 annually applied to taxes payable 2017-2021 and repaid beginning year 2022 ending in 2026 which would help with cash flow due to the roof collapse the spring of 2015. Should Thumper receive an insurance settlement that is equal to or greater than the demonstrated loss of business and physical damage, the Tax Abatement provided would be terminated. At 7:42 p.m. and with no additional comments, a motion was made by Carlson and second by Rosenthal to close the public hearing. All voted in favor, carried.

The regular meeting was re-opened. A motion was made by Carlson and seconded by Rosenthal to approve Resolution 2016-23 Approving the Tax Abatements and Tax Abatement Agreement pending review by city legal counsel. Voting in favor of said motion: Rosenthal, Carlson, Grobeck and Woessner. Lueders abstained as he is an employee of Thumper Pond. Motion carried.

Mike Potocki and Jerry Smith made a presentation to the City and was accepted by Mayor Lueders for a check in the amount of \$25,000 toward the purchase of City fire equipment. After a picture for posterity, Mayor Lueders thanked the Ottertail Lions for their generous donation.

CONSENT AGENDA:

Moving on with the regular meeting, additions were made to the Consent Agenda and payables. A motion to approve consent agenda and payables items including those regular that come late, was made by Rosenthal and second by Carlson. Motion carried.

- a. Minutes July 21, 2016 regular meeting and August 1, 2016 special meeting.
- b. **Resolution #2016-22 Certify Special Assessments-Lakeview Heights Addition Lots 8 & 9.**
- c. Annual PERA Municipal Contribution Report for the Fire Department.
- d. Month End Financials
- e. Payables of \$61,301.37

PRESENTATIONS/PUBLIC FORUM:

Bob Schlieman, Apex Engineering, reported on the Downtown Project. Nothing has changed since last meeting, but now may seem like a good thing due to other circumstances. Rosenthal voiced concern about the project being done during the busiest part of the summer again, the plan would be to get going before the end of May.

Staff Reports: Hanson reported for Hawes that he had spoken with Rick West, Otter Tail County engineer regarding the speed limit change request on Cozy Oak W. West advised that in order to change a speed limit, a study needs to be done by MnDOT. Hawes also talked to an Otter Tail Township board member and they did not want any changes. City Council agreed, no further investigation is warranted. Hawes has ordered the yield signs to replace the stop signs on Cozy Oak E. As of Monday the water tower project is completed, then needs to cure for 1 week, everything went as planned, no issues. Radar sign has been ordered. Staff reported that a solar model was ordered instead of A/C due to amount of time to hold a charge and cost of replacement batteries.

Hanson also reported that she and Schlieman had worked on a proposed Assessment Policy. Draft copies were provided to council to review and will use a work session, most likely in September to go over it and make changes or comments.

OLD BUSINESS:

Traci Ryan gave a brief report on the land acquisition from Thumper Pond. We are waiting on the actual description and once that has been obtained, a title opinion will be requested by Atty. Marc Sugden. Ryan hopes to have a financial feasibility report ready for the council to act on at a special meeting to be held on September 21, 2016 at 7 p.m.

August 18, 2016

A motion was made by Rosenthal and second by Woessner to appoint Mayor Lueders as the designated signer for all documents for the lease/purchase agreement for the new fire truck. All voted in favor, motion carried.

Council heard that more complaints have been made regarding the aerial spraying of crops in the city limits. Hanson reported she had called the County Health Department and was given a link to the Minnesota Department of Agriculture regarding aerial application. Council member Rosenthal asked that some research be done on what the City can do regarding any restrictions and what we can regulate as a City.

A motion was made by Grobeck and second by Carlson to approve **Resolution 2016-17 as Amended Calling for a Public Hearing on Establishment of Housing Tax Increment Financing District 1-3 Within Development District No. 1 and the Proposed Adoption of a Tax Increment Finance Plan Relating Thereto**. Hearing to be held on Wednesday, September 21, 2016 at City Hall, 7:00 p.m. and will include a special meeting to consider the land purchase. All voted in favor, motion carried.

NEW BUSINESS:

Brandon Currie and his brother, Tyler, appeared before the City Council inquiring on the possibility of the City to allow an exclusive liquor store in the City. Hanson gave information regarding State Statutes which allows the City to decide on the number of licenses it wishes to allow. On-Sale only licenses for the City allowed by statute is no more than four licenses, but with food (a restaurant) there is no limit. Off-Sale licenses are determined by the City. The City Code states *“the number of licenses which may be granted under this chapter, even if a larger number is limited to the number of licenses which were issued as of the effective date of this chapter, even if a larger number is authorized by law or election”*. The City Council would need to amend the ordinance to allow any more licenses at this time other than 1-On Sale Restaurant; 3-Combination On/Off (one with 2 a.m. closing); 2-3.2 Off Sale. Currently the On Sale Restaurant and one 3.2 Off Sale are not being used.

The Currie brothers are looking to build a new stand-alone exclusive liquor store somewhere on the Hwy 78 corridor in the City. After discussion, a motion was made by Rosenthal and second by Grobeck to allow an Exclusive Liquor Store and to amend the city code to reflect the request which was made at this time. All voted in favor, motion carried. Hanson will get the wording for the amendment ready for the next council meeting to act on.

Paul and Brian Klimek of Hilltop Lumber requested a conditional use hearing to be held regarding a new building they would like to erect upon property adjacent to their the existing building on the West side of Maple Avenue North. A motion was made by Woessner and second by Carlson to call for the CUP Hearing to be held on September 15, 2016 at 7:00 p.m. at City Hall. All voted in favor, carried. The Klimeks would also like for the City to consider paving Maple Ave N. Bob Schlieman interjected it would be a good time to consider given the city’s plan to do Elm Ave. S and 2nd St. This could be discussed more at an upcoming work session to review the Assessment Policy draft.

Motion to approve off-premise permit for Hoot-n-Holler for an annual picnic in their parking lot was made by Rosenthal and second by Carlson. Motion carried.

Hanson provided the Council with budget worksheets to review and consider for the upcoming work session in September. One item to consider is how much the City will levy for the new fire truck. A payment of \$40,200 will be due each year for 10 years after the down payment is made. Approximately \$15,000 will come through township contracts, the Council will need to decide the dollar amount to certify or take from Fire reserves.

Zoning Permits:

- a. Greg Smith – 407 MN Hwy 78 S-remove deck, replace with patio. Noting that this property is at 22.37% impervious.

August 18, 2016

Correspondence/Meetings/Trainings/FYI-reminders

Work sessions scheduled for September 9, 6:30 a.m. Budget/Assessment Policy. October TBA.

A request was made to place geo-caching the multi-use trail. No objections.

Participation request was made from Nick Leonard, Otter Tail County Director of Tourism & Economic Development. Participants will meet on Thursday, September 8th from 10 a.m. – 12 noon at the County Boardroom in Fergus Falls to discuss regional partnership opportunities. Grobeck volunteered to participate on behalf of the City.

Ed Smith requested clarification on set-backs for WOAS. Wheeler will review and make changes if necessary to the sheet that went out to property owners on the Otter's Tail.

With no other business to discuss the council adjourned at 8:40 p.m. with a motion by Rosenthal and second by Carlson. Meeting adjourned.

Respectfully submitted,

Elaine Hanson, MCMC
Clerk-Treasurer

Myron Lueders, Mayor

Approved 9/15/2016