

**PERHAM CITY COUNCIL
REGULAR MEETING MINUTES
June 13, 2016**

The regular meeting of the Perham City Council was called to order by Mayor Meehl at 5:17 pm in the Council Chambers of the City Administration Building at 125 Second Avenue NE, Perham, Minnesota, all members of the Council having been duly notified of the meeting and the business to be transacted. All Council Members were present.

Staff present: City Manager Smith, Fire Chief Schmidt, Police Chief Hoaby, Finance Officer Stokke, EDA Director Johnson, Public Works Director Meece, Administrative Assistant Nundahl

Others present: City Attorney Happel, Building Official Neisen, City Engineer Berube

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Meehl requested all in attendance rise for the Pledge of Allegiance.

CITIZENS CONCERNS

Mayor Meehl stated Council will recognize citizens who may have items for the Council. Mayor Meehl recognized Jane Neubauer, coordinator for the Otter Tail County Safe Communities Coalition. Ms. Neubauer stated the Otter Tail County Safe Communities Coalition investigates traffic safety issues within the County. The JOYRIDE Project was not sustainable because there was not enough local funding and low usage.

Ms. Neubauer stated the Coalition is promoting the Uber Program. They will be scheduling several community meetings to promote the program. Uber conducts a thorough background check on all drivers and ensures that they have the proper insurance. Uber will also review the Taxi Ordinance to make sure that they are in compliance. It was noted, Uber has a few drivers in the Fergus Falls area. Mayor Meehl thanked Ms. Neubauer for attending the meeting.

David Knudson, 346 3rd Street SW, stated he lives 1,500 feet from Tuffy's and the decibel readings are 70 – 75 in his bedroom. Mr. Knudson reviewed the letter he received about three months ago from the City along with the variance granted to Tuffy's. He also stated that he spoke with representatives from MPCA and the Minnesota Environmental Quality Board regarding these noise issues and odor issues stemming from the Wastewater Treatment Facility. Knutson stated he is very frustrated because absolutely nothing is being done. Mayor Meehl stated things are being done; we have been in contact with Tuffy's. Tuffy's has completed a study and ordered new specialized equipment. The equipment takes time to make and when it is received, it will be installed. These issues are being addressed.

APPROVAL OF AGENDA

Mayor Meehl stated Council Members and Staff may add items to the Agenda which requires Council action.

On a motion by Council Member Johnson, seconded by Council Member Spencer and carried without a dissenting vote, the Council approved the agenda as presented.

CONSENT AGENDA

Mayor Meehl stated all items listed with an asterisk (*) will be enacted by one motion. There will be no separate discussion of these items unless a Council Member or citizen so requests, in which event, the

item will be removed from the general order of business and considered separately in its normal sequence on the agenda.

On a motion by Council Member Lehmkuhl, seconded by Council Member Spencer and carried without a dissenting vote, the Council approved the Consent Agenda as presented.

***APPROVAL OF MINUTES**

On a motion by Council Member Lehmkuhl, seconded by Council Member Spencer and carried without a dissenting vote, the Council approved the minutes of the Regular Meeting of the Council held on May 9 and Special Minutes of May 7, May 13 and May 25, 2016.

APPROVAL FOR PAYMENT OF CITY CLAIMS

Mayor Meehl stated Council may wish to approve payment of Prepaid and Unpaid City Claims. Finance Officer Stokke requested Council to consider the following additional claims: Commissioner of Transportation in the amount of \$60.00, League of Minnesota Cities Insurance Trust in the amount of \$4,714.00 and MN Association of Small Cities in the amount of \$1,592.75 bringing the total unpaid claims to \$945,537.65.

On a motion by Council Member Johnson, seconded by Council Member Mattfeld and carried without a dissenting vote, the Council approved payment of Prepaid and Unpaid City Claims in the amount of \$1,072,303.48 for the month of May, 2016.

***OTTER TAIL COUNTY HISTORICAL SOCIETY**

On a motion by Council Member Lehmkuhl, seconded by Council Member Spencer and carried without a dissenting vote, the Council approved donating \$250 from the Liquor Fund to the Otter Tail County Historical Society.

***TEMPORARY ON-SALE LIQUOR LICENSE**

On a motion by Council Member Lehmkuhl, seconded by Council Member Spencer and carried without a dissenting vote, the Council approved a Temporary On-Sale Liquor License for St. Henry's Church for an event on the Parish Grounds on Sunday, August 21, 2016.

***ACCEPTANCE OF PERHAM LAKESIDE GOLF CLUB INCOME STATEMENT**

On a motion by Council Member Lehmkuhl, seconded by Council Member Spencer and carried without a dissenting vote, the Council accepted the PLGC's Income Statement for April, 2016.

***ACCEPTANCE OF PERHAM AREA COMMUNITY CENTER'S FINANCIAL REPORTS**

On a motion by Council Member Lehmkuhl, seconded by Council Member Spencer and carried without a dissenting vote, the Council accepted the PACC's Financial Reports for April, 2016.

***ACCEPTANCE OF THE CITY'S FINANCIAL REPORTS**

On a motion by Council Member Lehmkuhl, seconded by Council Member Spencer and carried without a dissenting vote, the Council accepted the following reports for May, 2016: Cash Balance and Investment Summary, Budget Summary – Revenue and Expense, Enterprise Financials and the Utility Aging Report.

STREET VACATION/JENNIE-O/HOMETOWN REPAIR

Mayor Meehl stated Council may wish to approve the vacation of Fourth Avenue NE north of Main Street to the railroad tracks and approve a Lease Agreement with Jennie-O and Hometown Repair. Council

Member Lehmkuhl stated the City received a request from Jennie-O to lease a portion of Fourth Avenue NE because they would like to better utilize their east entrance. Jennie-O would also like to black top the area to improve the appearance. Lehmkuhl stated the Planning Commission held a public hearing and they are recommending the City Council approve the street vacation. It was noted; the City owns the street and will retain ownership of the land following the vacation. No written or verbal comments were received prior to the public hearing.

On a motion by Council Member Lehmkuhl, seconded by Council Member Johnson and carried without a dissenting vote, the Council approved Resolution No. 2016 – 29 entitled “Resolution In The Matter Of Granting The Vacation Of A Portion Of 4th Avenue NE Between Sublot A (Jennie O) And Sublot B (Hometown Repair), Perham, Minnesota”.

LEASE AGREEMENT BETWEEN JENNIE-O AND HOMETOWN REPAIR

Mayor Meehl stated Council may wish to enter into a Lease Agreement between Jennie-O and Hometown Repair. It was noted: Attorney Happel drafted the Lease Agreements leasing 70% of the street vacation to Jennie-O and 30% to Hometown Repair. The Lease Agreement was reviewed. Discussion ensued regarding paving costs. It was noted, contact was made with Jennie-O and they requested the City share part of the paving costs; calls were placed to Hometown Repair which have not been returned. Discussion ensued.

On a motion by Council Member Lehmkuhl, seconded by Council Member Johnson and carried without a dissenting vote, the Council authorized staff to enter into a Lease Agreement with Jennie-O and Hometown Repair.

TROLLEY OWNERSHIP AND MANAGEMENT AGREEMENT

Mayor Meehl stated Council may wish to consider accepting the ownership of the Trolley, insuring the Trolley and entering into a Management Agreement with the Chamber of Commerce for the Trolley. City Manager Smith stated he met with Chamber representatives and made some minor amendments, they are willing to enter into a Management Agreement for the Trolley. Smith stated the three year agreement which renews annually and a one year notice is required to negate the agreement.

City Manager Smith stated the League of MN Cities Insurance Trust was contacted and upon acceptance, the trolley will be covered and we have sufficient liability insurance. The Trolley Administrative Group will ensure that the drivers have the proper licensing, will schedule events for the trolley and the drivers. It was noted, the Perham Lions will be part of the Management Agreement because they have agreed to store the Trolley. Discussion ensued.

On a motion by Council Member Johnson, seconded by Council Member Mattfeld and carried without a dissenting vote, the Council accepted ownership of the Trolley and authorized staff to enter into the Management Agreement with Perham Chamber of Commerce and the Perham Lions.

CITY ENGINEER MONTHLY UPDATE

Mayor Meehl stated City Engineer will give an update on various projects.

Third Avenue Southeast (CSAH No. *) Fox Street, South Street SE, Second Avenue SE, Third Street SW

City Engineer Berube stated a walk through was completed May 26th with the Public Works Director and representatives from Kuechle. A final completion list was sent to the contractor on May 27th outlining the remaining items needed for completion. A second attempt for turf establishment for nearly the entire project was also completed on May 26th and will again be reviewed in the near future.

Safe Routes To School

City Engineer Berube stated final turf review will be completed over the next few weeks, the contractor has come back to the site to address turf on specific parcels over the past few weeks, and those properties will be reviewed.

Coney Street East Improvements

City Engineer Berube stated the contract has been awarded to Ottertail Aggregate pending State approval of the grant agreement. Shop drawings for materials are currently being reviewed and approved. Upon execution of the grant agreement, the contract will be signed and a preconstruction meeting will be held to determine the contractor's schedule.

School Utilities

City Engineer Berube stated the proposed High School will be attached to the northwest portion of the existing Middle School. In reviewing the utility requirements around the proposed facility, it has been determined that the two 36 inch existing storm sewer lines need to be relocated to accommodate the construction. Cost sharing of the proposed improvements is currently being reviewed between the School and the City and will be finalized prior to award of the contract. With the Council authorizing the preparation of plans, a Special Council Meeting is scheduled for June 29 to approve the plans and allow for bidding. It is anticipated that the bids will be received in mid-July and the storm sewer relocation will be completed prior to the construction at the proposed High School.

WEST CENTRAL EMS BOARD DONATION OF THE DRONE

Mayor Meehl stated Council may wish to consider accepting the donation of a Drone from West Central EMS. Jim Rieber, President of the West Central EMS Board, stated this organization is funded through the State and various fees and they in turn, fund special projects for EMS, Fire and Police Departments.

Jim Rieber stated the West Central EMS Board purchased 5 drones costing \$12,000 to \$15,000. The drones were given to the Counties of Todd, Becker, Clay, Douglas and the City of Perham. The drones have been dispatched to six incidents.

Jim Rieber stated the City will be responsible for training individuals to operate the drone. The West Central EMS Board brought in instructors from Texas for the first training session. At this time, operators do not need to be licensed; they need to obtain quantitative proficiency to operate the drone.

Discussion ensued regarding proximity to the airport. Fire Chief Schmidt stated they have an 800 hot line number to call if they need to fly within an airport zone. City Attorney Happel recommended establishing policies and procedures for use of the drone. Rieber stated that the manufacturer has sample policies that they are willing to share. It was noted, the League of Minnesota Cities Insurance Trust has been contacted and it will be included on our policy. Council Member Lehmkuhl questioned if the fees our covered through the Mutual Aid Agreements? Fire Chief Schmidt stated no, we will address fees when we draft the policy and procedures.

On a motion by Council Member Lehmkuhl, seconded by Council Member Spencer and carried without a dissenting vote, the Council accepted the drone and approved Resolution No. 2016 – 30 entitled “Resolution In The Matter Of Accepting The Donation Of A Drone For The Perham Fire Department, Perham, Minnesota”. Council thanked the West Central EMS Board for the donation.

ADOPTING A CHICKEN ORDINANCE

Mayor Meehl stated Council may wish to consider adopting an ordinance allowing chickens within the City limits. Maggie Fresonke reviewed her original documents requesting a change in the ordinance to allow chickens. Fresonke describes this request as “Making the Healthy Choice the Easy Choice”. Fresonke addressed the following issues: odor, noise, disease, pests and rodents and sustainability. It was noted, the proposed ordinance allows up to four chickens, no roosters, and no composting of waste.

Council Member Johnson stated dogs will be barking at the clucking noises. The Council has addressed this request previously and has denied the requests. Johnson stated he does not like the idea of having neighbors sign the request and questioned what the interest is throughout the City. Ms. Fresonke stated she had a petition on Facebook and she obtained 123 signatures but she is not sure if they were city residents or not. It was noted, her petition stated only city residents should sign.

Council Member Mattfeld questioned what if residents start requesting ducks or geese. Discussion ensued.

On a motion by Council Member Spencer, seconded by Mayor Meehl, a motion was made to approve the Chicken Ordinance; Council Members voting aye were Spencer and Meehl, Council Members voting nay were Johnson, Lehmkuhl and Mattfeld, motion died.

RESOLUTION SETTING FEES FOR KEEPING CHICKENS

Council may wish to consider approving a resolution setting the fees for keeping of chickens; fee would be \$20 annually.

No discussion due to request being denied.

AMENDING PEDDLERS AND SOLICITORS CODE

Mayor Meehl stated Council may wish to adopt an ordinance amending Chapter 111. Peddlers and Solicitors Code; amendment would add daily fees and annual fees. City Manager Smith stated the original ordinance did not address fees. Contact has been made with surrounding cities and the majority of them have fees associated with the permits. Fees will help monitor the peddling issues that we have.

Police Chief Hoaby stated they have an increase in calls when peddlers are in town. The fees will help filter out the legit peddlers from the shady characters. Council Member Johnson stated will this ordinance prevent the non-profit organizations, like Boy Scouts, Girl Scouts, and school fundraisers? Police Chief Hoaby stated we are only amending the fee section. Discussion ensued.

On a motion by Council Member Johnson, seconded by Council Member Mattfeld and carried without a dissenting vote, the Council tabled action on the code pending further research clarifying non-profit organizations ability to fundraise throughout the City.

RESOLUTION SETTING FEES FOR PEDDLERS AND SOLICITORS

Council may wish to consider approving a resolution setting the fees for Peddlers and Solicitors; fee would be \$50 daily and \$200 annually.

No discussion due to item being tabled.

***RELOCATION OF UNDERGROUND UTILITIES/HIGH SCHOOL**

On a motion by Council Member Lehmkuhl, seconded by Council Member Spencer and carried without a dissenting vote, the Council authorized the City Engineer to prepare Plans and Specifications for the relocation of storm water and sanitary sewer mains near the proposed High School.

***CONEY STREET EAST/GRANT AGREEMENT**

On a motion by Council Member Lehmkuhl, seconded by Council Member Spencer and carried without a dissenting vote, the Council accepted a \$747,637.58 grant for the Coney Street East Improvement Project and agreed to the terms and conditions as set forth; Resolution No. 2016 – 31 entitled “Grant Agreement To State Transportation Fund, Local Road Improvement Program, Grant Terms And Conditions, SAP 056-596-004, Perham, Minnesota”.

***BOY SCOUT PARK**

On a motion by Council Member Lehmkuhl, seconded by Council Member Spencer and carried without a dissenting vote, the Council authorized Dan Zitzow to construct a new cross at the Boy Scout Park, the cross will be relocated so it can be seen from the lake and solar lights will be added; this is an Eagle Scout Project and was approved by the Park Board.

INFORMATION AND ANNOUNCEMENTS

City Manager Smith will be attending the League of MN Cities June 14-19

Turtle Fest is scheduled for June 15 - 19

Special Council Meeting and Committee of the Whole is scheduled for Wednesday, June 29 @ 5:15

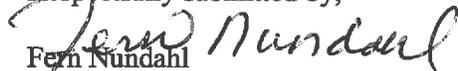
The Household Hazardous Waste is scheduled for Wednesday, July 6

The next regular Council Meeting is scheduled for Monday, July 11

ADJOURNMENT

On a motion by Council Member Lehmkuhl, seconded by Council Member Johnson and carried without a dissenting vote, the meeting was adjourned at 6:38 pm.

Respectfully submitted by,


Fern Nundahl
Administrative Assistant

SPECIAL COUNCIL MEETING MINUTES

June 29, 2016

Mayor Meehl called the Special Council Meeting to order at 5:18 pm on June 29, 2016 in the Council Chambers located at 125 Second Avenue NE, all members of the Council having been duly notified of the meeting, and the business to be transacted. Members present were Mayor Meehl, Council Members Johnson, Lehmkuhl and Spencer.

Staff members present were: City Manager Smith, Liquor Manager Dreger, Public Works Director Meece, Police Chief Hoaby, EDA Director Johnson, Librarian Ladwig, Finance Officer Stokke, Administrative Assistant Nundahl.

Others present: City Engineer Berube.

2016 HIGH SCHOOL UTILITIES

Mayor Meehl stated Council may wish to consider authorizing the advertisement of bids for the proposed relocation of utilities at the High School. City Engineer Berube reviewed the construction plans for the High School storm sewer relocation. Berube stated advertising for bids will take place in July and bids will be opened on Tuesday, July 26th at 10:00 am. A Special Council Meeting will be scheduled for Wednesday, July 27th for acceptance of the low bid.

City Engineer Berube stated the City will need to pay some of the costs; based on current discussions, the School will pay 55% and the City will pay 45%. The City did not have an easement for the storm sewer line that was constructed in the 70's which needs to be relocated and the Plans specify a 48 inch main versus the current 36 inch main. Berube noted that an easement will be drafted.

City Manager Smith stated the funds will come from the Capital Improvement Fund and the Storm Sewer Fund. Discussion ensued.

On a motion by Council Member Lehmkuhl, seconded by Council Member Johnson and carried without a dissenting vote, the Council approved the Plans and Specifications and authorized the City Engineer to advertise bids for the proposed relocation of utilities at the High School.

AMENDING PEDDLERS AND SOLICITORS CODE

Mayor Meehl stated Council may wish to adopt an ordinance amending Chapter 111. Peddlers and Solicitors Code; amendment would add daily fees and annual fees. Police Chief Hoaby stated charitable organizations are exempt from the definition of peddlers under Minnesota Statutes and it has been included in the amendment along with fees. A short discussion ensued.

On a motion by Council Member Johnson, seconded by Council Member Spencer and carried without a dissenting vote, the Council approved Ordinance No. 388 entitled "An Ordinance Amending City Code Chapter 111; Peddlers And Solicitors".

RESOLUTION SETTING FEES FOR PEDDLERS AND SOLICITORS

Mayor Meehl stated Council may wish to consider approving a resolution setting the fees for Peddlers and Solicitors; fee would be \$50 daily and \$200 annually. City Manager Smith stated these fees are similar to the fees being charged in area cities. Discussion ensued.

On a motion by Council Member Spencer, seconded by Council Member Johnson and carried without a dissenting vote, the Council approved Resolution 2016 – 32 entitled “Resolution In The Matter Of Setting Registration Fees For Peddlers And Solicitors, City Of Perham”.

ACCEPTING BID FOR GOLF CART STORAGE SHED

Mayor Meehl stated Council may wish to consider accepting the apparent low bid for the Golf Cart Storage Shed. City Manager Smith stated the bid documents did not contain Engineer drawings for the Storage Shed so the three bids received yesterday are not consistent with each other. City Manager Smith recommended tabling this matter to determine if we should accept the low bid or reject all bids. If we reject the bids, we could include the Storage Shed as an alternate with the Event Center Project.

City Manager Smith stated he has met with members of the Golf Course Board to review the donations to determine if they have sufficient funds to proceed with both projects. Sufficient funds will need to be obtained prior to accepting bids for the Event Center. No action taken.

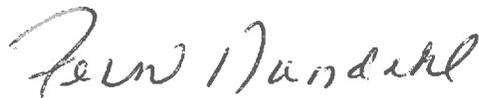
TEMPORARY LIQUOR LICENSE

On a motion by Council Member Lehmkuhl, seconded by Council Member Spencer, and carried without a dissenting vote, the Council approved a Temporary On-Sale Liquor License for the History, Arts, Cultural Association for an event at the Pioneer Grounds on Thursday, July 7, 2016.

ADJOURNMENT

On a motion by Council Member Johnson, seconded by Council Member Lehmkuhl and carried without a dissenting vote, the meeting was adjourned at 5:37 pm.

Respectfully submitted by,



Fern Nundahl
Administrative Assistant