

**PERHAM CITY COUNCIL  
REGULAR MEETING MINUTES  
April 9, 2018**

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, Finance Officer Stokke, Police Chief Hoaby, and Administrative Assistant Hoeft

Others present: 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. Citizens please state your name and address for the record. There were no citizen concerns.

**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 Schmidt 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 Schmidt and carried without a dissenting vote, the Council approved the consent agenda as presented.

**\*APPROVAL OF MINUTES**

Council approved the minutes of the Regular Meeting of the Council held on March 12, 2018.

**AMENDING OF 2018 FEE SCHEDULE ORDINANCE**

**PUBLIC HEARING**

Mayor Meehl stated Council may wish to hear comments regarding amending 2018 Fee Schedule Ordinance 402 to include a Plan Review fee of 10 percent of the base building permit fee for residential permits in accordance with State Statute related to the State Building Code.

City Manager Smith noted that the City has been charging a plan review fee of sixty-five percent of the base building permit fee for commercial/industrial permits and after a review by State Building Officials last fall, the City learned that the State Building Code also mandates a plan review fee minimum of ten percent for residential permits. Citizen Jeff Haverland inquired if an architect would be reviewing the plans. Smith responded that the City's Building Official will be reviewing the plans to be sure that contractors are building according to the State Building Code as the Code is updated every three years and that there is no requirement that the Building Official be an architect. Haverland also inquired whether the City is liable for any errors by the Building Official. Smith responded that the Building Official is a contracted employee who is licensed and insured, however, if something catastrophic occurred, the City could be held liable. There being no further inquiries by the Public, Mayor Meehl closed the public hearing at 5:25 pm.

**APPROVAL TO AMEND 2018 FEE SCHEDULE ORDINANCE**

Mayor Meehl stated Council may wish to consider approving amending 2018 Fee Schedule Ordinance 402 to include a Plan Review fee of 10 percent of the base building permit fee for residential permits in accordance with State Statute related to the State Building Code.

On a motion by Council Member Lehmkuhl, seconded by Council Member Spencer and carried without a dissenting vote, the Council approved Ordinance 403 entitled "Ordinance Amending The 2018 Fee Schedule City Of Perham, Minnesota" to include a Plan Review fee of 10 percent of the base building permit fee for residential permits in accordance with State Statute related to the State Building Code.

**APPROVAL FOR PAYMENT OF CITY CLAIMS**

Mayor Meehl stated Council may wish to approve payment of Prepaid and Unpaid City Claims. Finance Officer Stokke noted one additional claim for Kinect Energy in the amount of \$525,412.92 bringing the total amount of unpaid City claims to \$1,073,155.58.

On a motion by Council Member Johnson, seconded by Council Member Schmidt and carried without a dissenting vote, the Council approved payment of the Prepaid and Unpaid City Claims in the amount of \$1,189,130.29 for the month of March.

**\*SOLID WASTE COLLECTION/TRANSPORTATION LICENSE**

Council approved the renewal of the Solid Waste Collection and Transportation License to Waste Management of North Dakota and Steve's Sanitation of Perham subject to receipt of applicable fees and required information by the City Office.

**\*ARBOR DAY PROCLAMATION**

Council authorized the Mayor to sign the Arbor Day Proclamation and declare May 5, 2018 as Arbor Day in Perham, Minnesota.

**\*APPROVAL OF PROPOSAL FOR MAILING SYSTEM & FOLDER/INSERTER**

Council approved a proposal from Dakota Business Solutions for a new Mailing System and Folder/Inserter. The proposal is for sixty (60) months at a rate of \$184.65/month and billed quarterly for a total of \$553.95.

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

Council accepted the PLGC's Income Statement for February 2018.

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

Council accepted the PACC's Financial Reports for February 2018.

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

Council accepted the following reports: Cash Balance and Investment Summary, Budget Summary – Revenue and Expense, Enterprise Financials and the Utility Aging Report for March 2018.

**CITY ENGINEER MONTHLY UPDATE**

City Engineer Berube gave an update on various projects.

*2015 Improvement Project (3<sup>rd</sup> Ave Southeast)*

Mark Sand & Gravel met with me last week to review the last of the quantities, these will be sent

to Kuechle to verify final subcontractors payment. It is anticipated that the project will be closed out by the end of May 2018.

#### *Wellhead Protection Plan Part II*

We received a letter from the Department of Health requesting modifications to two small portions of the plan. I will be meeting with Rural Water to review the requested changes on Wednesday afternoon and the updated plan will be submitted.

#### *Third Street Northeast*

Winter suspension is currently underway for the project, a walk through will be completed with City Staff in the Spring of 2018 to review any potential cleanup items for the project.

#### *County 8 Closure/Truck Route Improvements*

The traffic control plan has been sent to three contractors, Tuffy's will be reviewing the quotes which had to be submitted today and coordinate the closure setup. Currently, the plan is to setup the traffic control next week for a closure at the end of the week.

#### *Coney Street Mill and Overlay*

This project will be delayed until next year as the roadway hasn't deteriorated to the extent anticipated. Construction of the mill and overlay may be included in another 2019 project.

### **2018 SEAL COAT**

Council approved the specifications for the 2018 Seal Coat Project and authorized staff to obtain quotes. The three areas of the Seal Coat Project include City streets in the North Eastern part of the City, Second Avenue Southwest from Sixth Street Southwest to Ninth Street Southwest from First Avenue to Second Avenue and Ninth Street Southwest from Second Avenue Southwest to Third Avenue Southwest, and Clearwater Addition Ninth Street Southwest from Fifth Avenue Southwest to Eighth Avenue Southwest, Eighth Street Southwest from Sixth Avenue Southwest to Eighth Avenue Southwest, Seventh Avenue Southwest from Eighth Street Southwest to Ninth Street Southwest and Eighth Ave Southwest from Seventh Street Southwest to Ninth Street Southwest.

### **INFORMATION AND ANNOUNCEMENTS**

The Local Board of Review is scheduled for Wednesday, April 25 from 1:00 to 2:00 pm; a Council quorum is required

Committee of the Whole is scheduled for Wednesday, April 25 at 5:15 pm

The 2018 Minnesota Mayors Association Annual Conference is scheduled for April 27 – 28 in Perham

The next Regular Council Meeting is scheduled for Monday, May 14 at 5:15 pm

The Household Hazardous Waste is scheduled for Wednesday, June 27 from 10:00 to 2:00

**ADJOURNMENT**

On a motion by Council Member Johnson, seconded by Council Member Lehmkuhl and carried without a dissenting vote, Mayor Meehl adjourned the meeting at 5:31 pm.

Respectfully submitted by,

A handwritten signature in blue ink, appearing to read "Heather Hoelt", with a stylized flourish extending to the right.

Heather Hoelt  
Administrative Assistant

## **SPECIAL COUNCIL MEETING MINUTES**

**April 25, 2018**

Mayor Meehl called the Special Council Meeting to order at 5:15 pm on April 25, 2018 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. All Council Members were present.

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

Others present were: City Engineer Berube

### **Variance Request/Mark Huber**

Mayor Meehl stated Council may wish to consider approving a resolution to grant a variance to Mark Huber, 345 2<sup>nd</sup> Avenue Southeast, to permit encroachment into the existing twenty foot (20'0") front yard setback with a twelve (12) foot by twenty (20) foot attached garage. Council Member Lehmkuhl distributed photos of the proposed project and noted that no one had appeared at the public hearing in opposition, therefore, the Planning Commission recommended that Council approve the variance.

On a motion by Council Member Lehmkuhl, seconded by Council Member Schmidt and carried without a dissenting vote, the Council approved Resolution 2018 - 6 entitled "Resolution In The Matter Of Granting A Variance To Mark Huber Perham, Minnesota."

### **Conditional Use Permit/Ashley and Isaac Rutten**

Mayor Meehl stated Council may wish to consider approving a resolution to grant a conditional use permit to Ashley and Isaac Rutten to construct a single-family home to be solely used as a daycare, located at 622 6<sup>th</sup> Street Northeast. Council Member Lehmkuhl distributed the floor plan for the proposed daycare noting that no one had appeared at the public hearing in opposition, however, three (3) letters had been received prior to the hearing from area residents. Lehmkuhl also noted that there are currently two (2) other home daycare facilities in that area, however, there is a need in the Perham area for additional daycare services, noting that there are currently eleven hundred (1100) children and only twenty-two (22) daycares within a thirty (30) mile radius of Perham. City Manager Smith stated that area residents had concerns with the daycare being run as a home business when the Ruttens won't actually be living in the home, the density of daycares in the area and the increase in traffic. Smith also noted that the conditions of the conditional use permit include hours of operation between 6:30 a.m. and 6:30 p.m., and adequate off street parking for drop-off and pick-up of children. Lehmkuhl inquired whether a garage was going to be built and Council Member Johnson inquired about covenants in the area. Smith responded that there were plans to build a garage in the future and that covenants were irrelevant to the conditional use permit as the City doesn't enforce covenants. Isaac Rutten also responded that there was plans to build a garage in the future, there was adequate parking for six (6) vehicles, and their planned hours of operation are 7:00 – 7:30 a.m. to 5:15 p.m.

Area resident Mary Frendin, 621 6<sup>th</sup> Street Northeast, expressed several concerns including parking, the number of children, the licensure and experience of both providers, the effect on the bike route, the noise factor and safety issues. Ashley Rutten noted that both Katie Branby and herself have four (4) year degrees in child development from North Dakota State University and both are licensed with Otter Tail County and that it was unlikely that they would reach their maximum capacity with the restrictions on the number of children from each age group allowed. Smith also responded that there would be no effect on the bike route as that is shareable space with parking.

Area resident, Joyce Elder, 617 6<sup>th</sup> Street Northeast, expressed concerns with no family living in the home, and the likelihood that they could reach the maximum capacity of twenty-four (24) children. Elder inquired whether there will also be a daycare facility opening in the old high school building. Smith responded that a daycare has been discussed as an option in the old high school, however, it may be quite some time before that is determined. Smith also reiterated that there are certain businesses that are allowed in residential areas and that a conditional use for that zoned R2 area is a daycare. Council Member Johnson sympathized with the area residents, but noted that there is a need for additional daycare in the area and inquired whether there would be fencing to assist with noise and safety issues. Isaac Rutten responded that they are required to have a fenced play area in the backyard and that children will not be allowed in the front yard area near the roadway. Johnson also inquired whether the Ruttens had looked at other properties. Rutten responded that they had looked at other properties in the area, however, it was more economical to build rather than purchase an existing building. Lehmkuhl noted that the Planning Commission recommended that the Council approve the conditional use permit.

On a motion by Council Member Lehmkuhl, seconded by Council Member Johnson and carried without a dissenting vote, the Council approved Resolution 2018 - 7 entitled "Resolution In The Matter Of Granting A Conditional Use Permit To Isaac & Ashley Rutten City Of Perham Minnesota."

### **Adjournment**

Mayor Meehl adjourned the Special Council Meeting at 5:40 pm.

Respectfully submitted by,



Heather Hoeft  
Administrative Assistant