



AGENDA
REGULAR COUNCIL MEETING
June 3rd. 2014 / 6:00 pm

- **CALL TO ORDER**
- **PLEDGE OF ALLEGIANCE**
- **ROLL CALL** Martell, Vetch, Lonkoski, Fordahl, Mayor Scholze
- **ACTION TO CHANGE AGENDA** Move 1.4, Ordinance 146 down to #11 and add at 8.4 Walker rental

1. Consent Agenda:

All items listed under the consent agenda are considered routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- 1.1** Minutes: May 6, 2014
- 1.2** Bills Payable Through: May 30, 2014
- 1.3** Consolidated Balance Sheet: May 30, 2014
- 1.4** Adopt Sign Retroreflectivity Policy
- 1.5** Houston County Statement of Interest in All-Hazard Mitigation Planning
Motion to Consent to the Agenda made by Lonkoski, Fordahl seconded, passed

- 2. Water/Waste Water/City Engineer :** Chris: Welder broke, unfixable. Discussion- one bid of \$1700 has been received. Will have more info at next meeting. Checking all storm drains and repairing as needed.
- 3. Library :** \$26,124.98 for her revenue \$31,184.12 remaining - expenses \$29,687.13 with remaining \$27,335.74. A Flyer for Hokah Family Fun in the Park was presented, first event Music. Summer reading has started, Other events are being planned for the summer. Janessa is having a hard time filling in with her 8 hours a week with also life guarding and coaching. Will review at the end of summer.
- 4. Police Dept.:** Pet licenses overdue, all equipment is working well. County-wide reporting and records management is moving forward. Scholze - discussion on the portable speed check reminder. Discussion on traffic when the kids are getting on the bus for summer rec events, going to and from pool and/or library etc.
- 5. Streets / Maintenance :** Mower situation discussed. 1983 Allis Chalmers no longer works. There is a gentleman interested in it for parts. Discussion on other ways to use it. Discussion tabled. One person steady all week just mowing. Is there a need for summer help for trimming, curb painting, etc? Per Chris, we can keep the right kid busy until noon every day.
- 6. Recreation Board:** Everything is good at the pool. Donation of \$500 came in from the Lion's Club for transportation, and park shelter materials. Also one of the Lions members donated his bobcat for work at the pool. Martell has a table and 4 steel chairs that can be used down at the

pool.

7. Planning Commission / Zoning : Variance hearing next Tuesday at 6pm-Addition on a garage for Bill Ulmen.

8. Items for Consideration:

8.1 Animal Control - Chief Schuldt and Marcie, animal control agent - have had further incidents with Terry Padrnos dog. Action taken under MN Statute to deem Mr. Padrnos dog as a potentially dangerous animal. Discussion - signs need to go up on the property to warn residents of dog on premises. I recommend 2 signs. It appears whole yard is fenced, however, there is 4.5 foot lane where the dog can get access to the street. Mr. Padrnos installed 4.5 feet back from sidewalk a second, permanent panel so the dog can only come 4.5 feet from sidewalk. Signs should stay on his property - east side of his house b4 fence and on far side of fence. discussion regarding sign posting. Mayor Scholze: Can I step back a moment, this is the second incident, how many incidents are allowed, Attorney: first incident property owner not at fault. Second time the dog was deemed a potentially dangerous dog, Chief and animal control have more power to do things with respect to the dog. One more thing that needs to be done to be in compliance is a microchip has to be put into the dog if it does not already have one. Timeframe on Signage - Signs will be ordered by the property owner today. Expect to be up in 7 days.

8.2 Community Church-Ken Duce

Water problems during the winter. Possible meter issues from December, meter indicated 93 gallons an hour for a period of time. Do not understand how this could have happened. Just to clarify - it varies from 108 to 93 gallons per hour.

Hokah Maintenance: The way the meters work, in order for the meters to read, water has to pass through them.

Duce - 2nd - water pipes coming to church from some point outside froze and there was no water to the building. Discussion on two company's that came in and attempted to thaw the lines. Ran water hose from neighbor that had to run full force due to cold weather. Church paid bill for over \$900 and then another bill that was quite high. Total \$2790.00 cost to church for work and water bills.

Adjustments were made in the past. Church is looking for reasonable compensation from the City. Discussion - Motion made to give credit to the Church on their water bill of \$1000 made by Martell seconded by Fordahl- all in favor.

8.3 Public Nuisance - Mayor Schulze

This has been talked about many times, letters have been sent. It seems to be a bit vague as to what is considered a nuisance. We have seen some improvements to some properties. non on some of the other ones. I have asked Rod to talk to attorney Wieser to see if he has input on how to enforce.

Attorney: Ordinance # 131 and 133 - I spoke to Chief Schuldt this morning. and there are also state statutes. Public Nuisances defined as unreasonable condition that which annoys, injures or endangers the safety, health, morals .comfort or opposed to by any considerable members of the public. Then it goes on for more minute definitions. I am familiar with some of the properties that have been identified. 1. How to treat it in a residential setting versus a commercial setting - they would

generally be different. City Attorney Wieser states the Zoning Ordinance does have some requirements of the Commercial districts to provide for some screening of items if they abut residential districts. I understand Chief Schuldt and Administrator Blank in the past have sent letters of varying degrees of success. What it comes down to, let me back up, generally with Zoning violations, I generally recommend trying to get owners compliant first before you take enforcement action. If you can get these properties compliant on a voluntary basis, we have some tools in our toolkit, one being civil enforcement, were you bring civil action against the property owner to abate the nuisance. Civil actions are a bit more costly from a City Attorney standpoint. The other is we have the ability under police powers to write citations. Citations are quick to write, generally less expensive. The disadvantage of doing them through criminal proceeding is you are held to the higher standards and proof of beyond a reasonable doubt. My experience has been most property owners, when faced with a criminal charge are generally -----The other issue is what may or may not be a nuisance to me, may or may not be a nuisance to Administrator Blank. My recommendation to Council would be to go back to the people Chief Schuldt has communicated to in the past that have not brought their property into compliance and give them one more chance. It sounds like some of them have been given chances in the past. If not compliant at the July meeting we would have the police chief write citations. What about between landlord and renter - if the property is not in compliance initially the burden is on the tenant to keep the property compliant, but the landlord knowingly permits the condition to exist, the property owner could potentially be liable. One other thing, the Mayor had mentioned cars, our nuisance ordinance does not declare inoperable motor vehicles as a public nuisance. The County one does. We could put an amendment to our existing Ordinance where you would regulate inoperable vehicles, the number of vehicles if they are operable could be stored outside. That ordinance could be improved on. We could bring an amended ordinance to the July meeting and have Chief Schuldt and Administrator Blank continue to work on that. Consensus

8.4 - Walker Rental Property

Dan Walker, through his contractor approached me and asked if they needed a permit to install new windows and doors, I said No he did not. I asked what he was doing and he said he was converting the building to 2 separate apartments. I said for that you probably do. He filled out a zoning application that went to the Planning Commission and they deferred it to our City Attorney, he brought it back to your attention at that last council meeting, at that meeting you denied his request to convert the commercial building to 2 residential apartments by citing different areas of Ordinance 133 that deal with the location in a commercial building and or zone of a residence of sleeping quarters, also discussed parking, I believe it was brought up relative to egress windows and exit doors, so on and so forth. Since that time Attorney Weiser provided me with a letter that I forwarded, with my signature to Dan Walker advising him of the Council decision and asking that he cease and desist any further construction. I talked to Dan by phone that day and explained it to him and asked that he stop in to the office. I have had paperwork for him there for the last 3 weeks that would be an application for a public hearing for conditional use, variance, however you want to term it, and today he took that paperwork. We cannot look at doing a public hearing on that for a couple of reasons, 1. Next meeting we already have scheduled a public hearing, that is 7 days away and the necessary notification to the residence within 250 feet is 10 days. He asked that if he comes tonight to discuss, it is on agenda and I give it to you.

Dan Walker: Discussion on property. Has sat empty for years, no prospect of business coming in here and I have tried advertising on the internet and in the paper. Two people have approached me about it, but neither one of them had enough money for a security deposit. My situation is, it is costing me to have that building and I think we need to cut through all this and if there is a variance out there I would want to get it and make apartments out of it. So is that going to happen? Is that something we can do?

Mayor: Can you fill out the paperwork to initiate it?

Walker: I will, but is it going to happen, is this going to drag out all summer?

Weiser: Just so the Council is aware, it is considered a 'text amendment' which we discussed back in May. In the Commercial District apartments are permitted, with a conditional use permit on the second story only. So what Mr. Walker would need to do is to basically ask the City to change the Ordinance to delete the reference to 'second story' so you could use that reference on main street level and second story.

Blank: Would you still need a variance?

Weiser: You would need a text amendment to change the language of the Ordinance, and then you would also need a Conditional Use Permit.

Mayor: When we change that Ordinance does that have to be a public meeting.

Weiser: yes, so the process would be, Mr. Walker would fill out the application, there would be the 10 day notice to the adjoining property owners, the Planning Commission would review it and the Planning Commission would make a recommendation to the Council. Ultimately that is a Council decision. Last month the Council did not seem inclined to go that way. Certainly Mr. Walker has a right to ask the council to do that.

Blank: Dan, what about your parking, egress windows, doors.

Walker: The egress windows are in there, the doors are in there, and I own all that property behind that building. I could park 10 cars back there if I had to.

Blank: So if you had renters in there would you plan on having them park in that location?

Walker: Yes.

Council Member: What about the bedrooms in there, do you have any windows in that inside one?

Walker: You don't need windows in it. Between the Cafe, it is actually 2 buildings. The way the code is, for Egress you have to have 2 exits out of a bedroom. When I put the Daycare in, I had to do it upstairs. All they require is you have to have 2 doors in the bedroom. So what I did upstairs, and the guy from the state told me that is the way everybody does it, you just put a door in between them. In the center part, I would make two separate entrances into the bedroom, one going out the front and one going out the back, plus the normal door.

Blank: so are there 2 doors for each of those apartments?

Walker: Yes, one in front and one has a garage in the back.

Blank: so you would have off-street parking in the garage?

Walker: Yes

Mayor: So on the lower level Dan, you would have 2 apartments?

Walker: Yes

Mayor: and one above?

Walker: Yes

Blank: Well, as our attorney explained, what the City would have to do is modify the ordinance and then still go through conditional use, you are on record last month stating you want to maintain available commercial properties for that, and I have had quite a few conversations since last meeting with member in the audience tonight that were somewhat heated, and they expressed their concern

in stating they felt there is not the available commercial base here in the city to afford that, not just that building, but other buildings, would term the 'same fate' that would go from commercial to apartment and that's how you felt. I am assuming you still feel that same way. As the attorney said, you would have to do a text amendment and then you would have to hold a public hearing because even though, it says apartment above still needs the conditional use. (discussion on the process)
Hokah Business Owner: discussion on heated discussions with Rod and difficulty getting a profitable business in Hokah. Hokah cannot support businesses. Hokah is a bedroom community not a business community.

Request from Mayor to do background checks on prospective renters to protect the owner as well as the city from unpaid bills. and unique issues for the police.

Attorney: 1. procedurally, Mr. Walker was not here, it was not formalized. He has the ability to apply at any time. Some of the thing you are mentioning, if that is what the council wants to do after the meeting process, with a conditional use permit you can attach specific conditions to that permit that they have to do better reviewed on an annual basis. In terms of complying with state fire and building code, ingress and egress access, rental checks. What I have seen are practices, as time goes by, with the issuance of permits, people forget about those conditions, but that would be the City's tool to use. Just mechanically, if Mr. Walker elects to make application, you could do both public hearing on text amendment first and then the public hearing on the conditional use second, you could do those at the same meeting. Without the text amendment, you cannot do a conditional use permit. At the end of the day whether that gets approve it is up to the council based on when you hear the meetings and based on recommendations of the Planning Commission.

Mayor: So when could we have the first public hearing on that, date wise,

Blank: The next Zoning meeting is a week from tonight so it cannot be that one. The following one would be the second Tuesday in July. July 8th.

Council Member: Have we turned anybody else down for wanting to make apartments?

Blank: The closest we had was Ed Snodgrass was going to buy the lumber company and turn the office into living quarters. Slightly different, it was to be his own residence, he was going to own the building and live there and park his vehicle inside the building. That was allowed, but he did not purchase the property.

Attorney: The Ordinance pre-dates me, but just, if you were to ask a planner, in your central, commercial district, generally your street level are geared more towards commercial or retail, I would guess that is why the ordinance is set that way.

Mayor: We can hold a public hearing July 8, you could apply, fill out the information, Correct?

Walker: What does a public hearing consist of?

Blank: This basically, you do not have to be there, but fill out the paperwork I gave you today.

Explanation of the Process.

Attorney - If you decide to apply, give as much information as you can to the administrator. Also, we could look at doing a City-Wide rental ordinance.

9. Council Member's Comments: Merchants Bank are willing to donate \$ for a couple picnic tables for the Junction Inn area.

10. Mayor's Comments: We have some trees coming for the former Junction Inn area, tree trimming etc. Canoe landing, there has been a meeting with officials re: plans to upgrade.

11. Staff Correspondence: Chickens - Ordinance 146 - Providing for the keeping of chickens.

Discussion. Motion made to approve Ordinance 146 by Martell, seconded by Fordahl - all in favor with the exception of Mayor Scholze. Motion for publication of the summary by Martell, seconded by Lonkoski, all in favor with the exception of Mayor Scholze.

12. Correspondence Received: Mayor - November being Hospice Awareness and use some type of signage.

13. Announcements Next Council Meeting: July 1, 2014 @ 6:00pm

14. Items for next Agenda:

15. Adjournment: Motion made by Council member Fordahl at 7:40pm