



Home of Como Falls

**Minutes**

**REGULAR COUNCIL MEETING**

**August 5, 2014 / 6:00 pm**

- **CALL TO ORDER**
- **PLEDGE OF ALLEGIANCE**
- **ROLL CALL** Vetch, Lonkoski, Fordahl, Martell. Mayor Scholze absent, Martell acting Mayor
- **ACTION TO CHANGE AGENDA**

**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.*

- |            |  |                |
|------------|--|----------------|
| <b>1.1</b> | Minutes:                               | July 1, 2014   |
| <b>1.2</b> | Bills Payable Through:                 | August 1, 2014 |
| <b>1.3</b> | Consolidated Balance Sheet:            | August 1, 2014 |
| <b>1.4</b> | Resolution 2014-21 Merchants Bank Gift |                |

Vetch made motion to approve the items on the Consent Agenda, seconded by Lonkoski, all in favor.

**2. Water/Waste Water/City Engineer :**

**3. Library:**

Library has an experience works person working at the library. Microfilm grant is good.

**4. Police Dept.:**

LETG Software License Agreement - proposed agreement was approved at last meeting with Chief Schuldt and Chief Deputy Yeiter. Costs as of now are \$5016 for the project and \$803/year annual maintenance. We need approval of that. Not sure if the Technology Grant money will cover this. - Discussion. Motion made by Lonkoski to approve the costs associated with the LETG Software License Agreement, seconded by Fordahl, all in favor, motion passed.

**5. Streets / Maintenance:**

Paint Sprayer for sale by La Crescent, \$350 - needs to run it through the La Crescent Council.

**6. Recreation Board:**

Concession Donation from Little League Baseball of \$920.00. - Blank - Mayor Scholze wanted this added to the Agenda so everyone is aware of it. This has been turned in to the office.

**7. Planning Commission / Zoning :**

Walcker Text Amendment/Zoning Recommendation.

Vetsch - Planning Commission had a meeting and recommends to the City Council to make a text amendment to the ordinance striking the text disallowing an apartment on the main floor in a Commercial Zone and second for the Council to approve the Zoning Application by Dan Walcker for the apartments at the old grocery store. They voted to approve both applications. Blank - these both go hand-in-hand and what we would probably do is to call for a motion first the Text Amendment and secondly the Zoning

Application. Martell - Would someone like to make a motion on the Text Amendment? Blank pointed out the conditions that go along with this re: parking and complying with State and Local Codes and Laws. Discussed Planning Commission meeting notes. Martell - Open the floor for discussion - Lonkoski - Question on the parking - discussion on the area that will be used for parking. Blank - With a text amendment that does not mean that permitted condition use in the future, the person would still have to apply for a conditional use permit for apartments on the main floor, but the text amendment would allow that person to do that without asking for the text amendment like this particular item. It does not remove that requirement, but obviously it goes the distance of permitting it in the future if you have allowed it in the past. The Planning Commission then at the Public Hearing recommended to the Council that by majority they want to allow the conditional use and to complete the text amendment to Ordinance 133. If it's a parking issue, by the applicant's word and the overview of the area that shows there would be sufficient parking behind the building, it's obviously going to have to be renovated to put gravel in to make that actual area, that is the intention he has. He has not done it yet because this has not been approved. Vetch - I have been back there, there is enough room back there. Blank - since that is part of the Conditional Use permit that would be something that he would have to agree to do and not just say he is going to do that, then tomorrow it is approved and then people are parking in the City parking lot. Vetch - complying with all state and federal codes, it will have to be inspected. Blank - We don't have an inspector. We do not have a licensed building official for the City. Martell - it is not a building issue, it is a land use issue. We are not looking at how he is building the property and I feel that we are going to be opening up a potential can of worms in the future. We sat at this table and talked about growth in this City and now basically what we are going to do, this is my opinion only, not directed at anybody. This is pretty much going to put a killing shot into any chance of having a business district. Lonkoski - Awhile back when I brought up that idea about the camping and stuff, all we have is recreation, we're not going to have any industry. If we could get some recreation here with the falls, some camping, pool access. Maybe we could get people in that way. More discussion on camping sites. Blank - Walker has constructed one apartment on one side only. Bissen - It used to be an apartment, it can go back and forth, just because it is getting changed into apartments doesn't mean it couldn't get changed back. After sitting there with an empty building for 2 years, he has to do something. I don't know if you missed the last 2 meetings Jerry, but pretty much discussed that there is no businesses coming in to Hokah. Do you want to let him sit on an empty building for another couple of years? Martell - No I don't, I don't want him to sit on an empty building, the only problem is we are opening up a can of worms, no anybody can come in and buy a building and turn around and do something that was what created across the street from the Hardware. Bissen - What else would it be if not apartments, it would be tore down and an empty lot or an empty building. Martell - and it could have been done better than it was. (Not sure who is talking here) - He is working on getting the outside done. Martell - yes he is. ( more discussion on other properties in the commercial district) Blank - As I stated before, businesses would still have to apply for a Conditional Use Permit and that would have to be approved. Lonkoski - my initial thought to keep everything as a business, I did know that he has been trying to get someone into that building for that long. I would like to see someone get a business in our community but, you do have a valid point, we can flip back. In the meantime we can try to plan to bring businesses in for anything that is maybe empty or would look good for one of the buildings. I feel like we kind have gone the way to say it is Ok for him to proceed, I just don't think now we can go back and say it is just a business district. Blank - Legally you really didn't, you went through the procedure, the Planning Commission recognized it was an issue, they brought it to a public hearing, the City Attorney said it needed a text amendment to the ordinance to allow it, so you are at that point right now. You have agreed to complete the procedure. This is the end result of that procedure. You have not really made an agreement with him either yes you can or no you can't. This is the end result, you do have the recommendation from the Planning Commission. You have not as a Council, and you are the governing authority, not the Planning Commission. Planning Commission reviews it, listens to the City Attorney, listen to the applicant, listen to any comments made by the audience and then render their opinion as to what they suggest you to do. This

is the end result and I would say if you rule against this, it might not be the end , but it would be the end result of the procedure at this point. Then he could seek civil injuncture, court remand that would be up to him to do, not for you to do. The Council has to defend your position. Lonkoski - he has the one half done, can we look at that like it is one and not let him do the other and leave it as it is? Vetch - you still need the text amendment. Specifically Ordinance # 133 states you cannot have an abode on the first floor of a building in the Commercial District/Zone. The second part is the Conditional Use, he has applied for two apartments in that building. Carol Moore - At the Planning Commission and Council meeting it was suggested the City would pay the first 5 or 6 months rent for a business to go in there, is that a for sure? Lonkoski - No, it was bought up, but not acted on. Martell - If we pass the text amendment there really is no way of stopping anything else if we want to? Blank - Yes, you afford an applicant that ability by text amendment, but that applicant still has to apply for a Conditional Use Permit and go through the public hearing requirements and still meet the requirements that you have in your ordinance that you are not amending for parking, etc. So this is not a blanket permission for someone to put an apartment in the ground floor of a business. They still have to go through a Conditional Use application. Blank - To move on we should call for some type of a motion - Martell - I called for a motion and opened the floor for discussion - Lonkoski - it looks bad on our part when we have empty spaces - we need to find that niche for this small community. Fordahl motions to approve the text amendment to Ordinance 133 and Conditional Use Permit. Martell calls for second. Martell again calls for a second. - No second - motion fails for lack of a second.

Blank - I will be talking to the City Attorney with the results of this item.

## **Items for Consideration:**

**8.1** MnDOT Plan Review - Blank - in your packets you have info from MNDOT for the replacement for the Hokah wall area. As you can see by the drawing they are proposing is a 10 x 50ft bench area, we still have to go through the necessary application permitting process. What they are asking for is the City's approval of that diagram for the proposed welcome sign location. We need a motion to approve the location, if you approve. Motion made by Lonkoski to approve - second by Vetch all in Favor, motion carries.

**8.2** Set Budget Meeting Dates - August 12 and August 19, 6:00pm, fire station.

**8.3** Mediacom - Blank has been speaking to Mediacom. Blank also constructed a cable franchise receipts for both Mediacom - up through 2007 and Ace - 2008 to present. These are the amounts paid to the City for the cable franchise. Mediacom has stated their proceeds are down. They are suggesting \$500 a year fee. Following discussion, including the Franchise cost has never been raised by the City, the City for the time being will remain the same.

## **9. Council Member's Comments:**

Vetch - Rachael Bjerke moved out of the City, she is on the zoning board, so we have a vacant spot. Anyone interested can go on the board. Lonkoski - we need more people to help with the Planning. More discussion on camping.

## **10. Mayor's Comments:**

Acting Mayor Martell - SE MN League of Municipalities - discussion on topics. Also the need for someone to replace him on the SEMLM Board.

## **11. Staff Correspondence:**

Blank - 2 items - Hokah Community Church is going to have a baptism at the City pool on the 17th at 10am

- that is a Sunday. We have allowed them to do that in the past, I assume we will allow them to do it again. Ken Ducke is building a new house on Main Street. Ordinance #135 states that the property owner is responsible for installation, replacement or repair of the water and sewer lateral. Chris, Allen and other representatives met today, I gave them a copy of the ordinance. The question is if the sewer lateral is damaged, would the City be replacing it? Martel - It's not the City's responsibility. It is the property owners. Blank suggested they televise the line since it has not been a working sewer recently to determine its relative state of usability. Also discussion regarding the City's fee of \$500 sewer and \$500 water connection fee. These fees may be insufficient for the actual costs.

**12. Correspondence Received:** Kerrie Hauser Letter – Hauser questions the City authority to restrict entrance to the waters near Como Falls. Blank states he forwarded the document to the City Attorney. Blank states Mayor Scholze wanted the Council to have the following document:

“Adoption of Budget and Certification of City Taxes for the City of New Albin, IA.” He wants to compare the City of New Albin's budget to the City of Hokah's.

Martel - generator in old plant - discussion on Hokah having some type of backup power and using this generator. I would like to make a motion for Chris and Allen to pursue getting this generator going. Blank - no motion needed - the Council does agree to go ahead.

**13. Announcements Next Council Meeting:** September 2, 2014 @ 6:00pm

**14. Items for next Agenda:**

**15. Adjournment:** Motion to adjourn by Vetch, seconded by Lonkoski 7:38pm