

OFFICIAL CITY COUNCIL PROCEEDINGS
REGULAR SESSION
OCTOBER 20, 2014

A regular session of the Granite Falls City Council was called to order by Mayor David Smiglewski at 7:40 p.m., Monday, October 20th, in the Council Chambers of City Hall. Council Members present: DuWayne Galow, Sarina Otaibi, Steve Nordaune, Steve Schaub, Joe Fagnano and Scott Peterson. Staff present: Finance Director Mike Betker and City Clerk Joan Taylor. Also in attendance were YMC Service Director RaeAnn Aus and Advocate Tribune News Editor Scott Tedrick.

MINUTES: M/S NORDAUNE/SCHAUB TO APPROVE THE MINUTES OF THE OCTOBER 6TH REGULAR MEETING. Motion carried unanimously.

BILLS: M/S NORDAUNE/GALOW TO APPROVE BILLS PRESENTED FOR PAYMENT. Motion carried unanimously.

FOOD SHELF: RaeAnn Aus the Yellow Medicine County Service Director was in attendance to discuss with council the relocation of the Granite Falls food shelf. Following discussion Nordaune introduced a resolution approving a donation of \$5,000 to the food shelf for calendar year 2015.

RESOLUTION NO. 14-159

RESOLUTION APPROVING DONATION TO FOOD SHELF

WHEREAS, Yellow Medicine County Service Director RaeAnn Aus has requested a donation from the City of Granite in support of the relocation and funding for the Granite Falls food shelf.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF GRANITE FALLS, MINNESOTA, approving a donation of \$5,000 to support the Granite Falls food shelf for calendar year 2015 of \$5,000; said funds to come from the 2015 General Fund.

Adopted by the City Council this 20th day of October, 2014.

David Smiglewski
Mayor

ATTEST:

Joan M. Taylor
City Clerk

With second by Schaub, the resolution was adopted unanimously.

HAZARDOUS BUILDING: Following discussion regarding the condition of the structure located at 275 5th Avenue, Nordaune introduced a resolution and moved its

adoption declaring this structure hazardous and directing the city attorney to obtain an Order for Removal.

RESOLUTION NO. 14-160

RESOLUTION DECLARING STRUCTURE AS HAZARDOUS
AND DIRECTING CITY ATTORNEY TO OBTAIN AN
ORDER FOR REMOVAL OF HAZARDOUS BUILDING PURSUANT
TO MINNESOTA STATUTE 463

WHEREAS, pursuant to Resolution No. 14-128 council directed the City Building Inspector to inspect the structure located at 275 5th Avenue for purposes of making findings and determination of whether or not said building constitutes a hazardous building within the meaning of Minnesota Statute 463; and

WHEREAS, council has received the Building Inspector's report dated September 11, 2014 along with previous correspondence, wherein the Building Inspector has determined that the structure is hazardous.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF GRANITE FALLS, MINNESOTA, that the structure located at 275 5th Avenue is hereby declared a hazardous building pursuant to Minnesota Statutes 463.15-463.26; and

BE IT FURTHER RESOLVED that the City Attorney is directed to proceed with obtaining an Order for Removal of Hazardous Building and Correction of Hazardous Conditions upon Real Estate Pursuant to Minnesota Statute 463.

Adopted by the City Council this 20th day of October, 2014.

David Smiglewski
Mayor

ATTEST:

Joan M. Taylor
City Clerk

With second by Galow, the resolution was adopted unanimously.

REPORTS: The following reports were acknowledged at this time: EDA Board, Finance, Hospital Board, Planning Commission, Police Chief and Senior Advisory Board.

SORLIEN PARK PARKING LOT: Council reviewed a request from "Keeping Kara Close" Committee to use the parking lot adjacent to the American Legion for a fundraising activity on October 25th from 3:00 p.m. to 5:30 p.m. Following discussion and contingent upon securing the construction site adjacent to the parking lot M/S GALOW/NORDAUNE ALLOWING THE "KEEPING KARA CLOSE" COMMITTEE TO USE THE PARKING LOT OF SORLIEN PARK ADJACENT TO THE AMERICAN LEGION. Motion carried unanimously.

2014 FIRE ASSISTANCE GRANT AWARD: Council reviewed correspondence advising the city that the application submitted to the Minnesota Department of Natural Resources has been approved in the amount 1,500. Following discussion Nordaune introduced a resolution and moved its adoption authorizing acceptance of the 2014 Fire Assistance Grant Award to assist with the purchase of wildland equipment and pagers in the amount of \$1,500 with the city to match this amount.

RESOLUTION NO. 14-161

RESOLUTION AUTHORIZING ACCEPTANCE OF
2014 FIRE ASSISTANCE GRANT AWARD

WHEREAS, pursuant to Resolution No. 14-55 council authorized the Granite Falls Volunteer Fire Department to submit a grant application to the Minnesota Department of Natural Resources to assist with the purchase of wildland equipment and pagers for an approximate amount of \$5,000; and

WHEREAS, the city received notice that this grant application has been approved in the amount of \$1,500 with the local share matching that amount.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF GRANITE FALLS, MINNESOTA, authorizing the acceptance of the Minnesota DNR 2014 Volunteer Fire Assistance Grand Award in the amount of \$1,500 with the city's matching amount of \$1,500 for the purchase of the above described fire safety equipment.

Adopted by the City Council this 20th day of October, 2014.

David Smiglewski
Mayor

ATTEST:

Joan M. Taylor
City Clerk

With second by Peterson, the resolution was adopted unanimously by those present.

ORDINANCE: Following discussion M/S NORDAUNE/SCHAUB TO HAVE THE SECOND READING AND SUBSEQUENT ADOPTION OF AN ORDINANCE AMENDING CITY CODE CHAPTER 95.

ORDINANCE NO. 173

AN ORDINANCE OF THE CITY OF GRANITE FALLS, MINNESOTA, AMENDING CITY CODE CHAPTER 95, "GENERAL PROVISIONS" BY ADOPTING ORDINANCE 95.081 ENTITLED "REPEAT NUISANCE SERVICE CALLS" AND BY ADOPTING BY REFERENCE CITY CODE TITLE 1, GENERAL PROVISIONS, AND CHAPTER 10, GENERAL CODE CONSTRUCTION; GENERAL PENALTY.

The City of Granite Falls does ordain as follows:

Section 1. Section 95.081. Repeat Nuisance Call Defined and Regulated.

A. Purpose. The purpose of this section is to protect the public safety, health and welfare and to prevent and abate repeat service response calls by the City to the same property or location for nuisance service calls, as defined herein, which prevent police or public safety services to other residents of the City. It is the intent of the City by the adoption of this section to impose and collect service call fees from the owner or occupant, or both, of property to which City officials must repeatedly respond for any repeat nuisance event or activity that generates extraordinary costs to the City. The repeat nuisance call fee is intended to cover that cost over and above the cost of providing normal law or code enforcement services and police protection city wide.

B. Scope and Application. This section shall apply to all owners and occupants of private property which is the subject or location of the repeat nuisance service call by the City. This section shall apply to any repeat nuisance service calls as set forth herein made by a Granite Falls peace officer, part-time peace officer or other law enforcement personnel assisting or enforcing the law on behalf of and within the City of Granite Falls.

C. Definition of Nuisance Call or Similar Conduct.

I. The term nuisance service call shall mean any call responding to any activity, conduct or condition occurring upon private property within the City which unreasonably annoys, injures or endangers the safety, health, morals, comfort or repose of any member of the public; or will, or will tend to, alarm, anger or disturb others or provoke a breach of the peace, to which the City is required to respond, including, but not limited to, the following:

a. any activity, conduct or condition deemed as a public nuisance under provisions of the City Code;

b. any conduct, activity or condition constituting a violation of Minnesota state laws prohibiting or regulating prostitution, gambling, controlled substances, use of firearms; and

c. any conduct, activity or condition constituting disorderly conduct under Chapter 609 of the Minnesota Statutes as currently written or as amended or supplemented from time to time hereafter or violation of any other criminal activity regulated by Minnesota Statutes Chapter 609.

Subd. 2. Repeat Nuisance Service Call Fee Amount. The City may impose a repeat nuisance service call fee of \$250.00 upon the owner or occupant, or both, of private property if the City has rendered services or responded to the property on three (3) or more occasions within a period of 365

days in response to or for the abatement of nuisance conduct, activity or conditions of the same or similar kind or as otherwise herein above described. All repeat nuisance service call fees imposed and charged against the owner or occupant under this section shall be deemed delinquent 30 days after the City's mailing a billing statement therefor. Delinquent payments are subject to a 10% late penalty of the amount due.

Subd. 3. Notice. No repeat nuisance service call fee may be imposed against an owner or occupant of the property without first providing the owner or occupant with written notice of the previous nuisance service calls prior to the latest nuisance service call rendered by the City upon which the fee is imposed. A written notice shall:

A. State the nuisance conduct, activity or condition that is or has occurred or is maintained or permitted on the property, the dates of the nuisance conduct, activity or condition;

B. State the owner or occupant who may be subject to a repeated nuisance call service fee if a third nuisance service call is rendered to the property for the same nuisance, in addition to the City's right to seek other legal remedies or actions for abatement of the nuisance or compliance with the law; and

C. Be served personally or by U.S. Mail upon the owner or occupant at the last known address.

Subd. 4. Right to Appeal Repeat Nuisance Service Call Fee. Upon the imposition of a repeat nuisance service call fee, the City shall provide the owner or occupant notice as required by this ordinance. The City shall also inform the owner or occupant of his/her right to a hearing on the alleged repeat nuisance service calls. The owner or occupant upon whom the fee is imposed may request a hearing by serving upon the city manager within five (5) business days of the mailing of the fee invoice inclusive of the day the invoice is mailed, a written request for hearing. The hearing shall be heard by the city council or its appointed hearing officer within 14 days of the date of the owner's or occupant's request for hearing.

The hearing shall be conducted in an informal manner and the Minnesota Rules of Civil Procedure and Rules of Evidence shall not be strictly applied. The hearing need not be transcribed, but may be transcribed at the sole expense of the party who requests the transcription. After considering all evidence submitted, the hearing officer shall make written Findings of Fact and Conclusions of the issue of whether the City responded to or rendered services for repeat nuisance service calls of the same or similar kind on three (3) or more occasions within a 365 day period. The Findings and Conclusions shall be served upon the owner or occupant by U.S. Mail within five (5) days of the hearing.

An owner or occupant's right to a hearing shall be deemed waived if the owner or occupant fails to serve a written request for hearing as required herein or fails to appear at the scheduled hearing date and time. Upon

waiver of the right to a hearing, or upon the hearing officer's written Findings of Fact and Conclusions that the repeat nuisance call service fee is warranted hereunder, the owner or occupant shall immediately pay the fee imposed.

Subd. 5. Legal Remedies Non-Exclusive. Nothing in this section shall be construed to limit the City's other available legal remedies for any violation of the law which may constitute a nuisance service call hereunder, including criminal, civil, injunctive or other relief.

Section 2. City Code Title 1 entitled "General Provisions and Definitions Applicable for the Entire City Code, Including Penalty for Violation" and Section 10.99 are hereby adopted in their entirety by reference as though repeated verbatim herein.

Section 3. This ordinance to be come effective from and after its passage and publication according to law.

This ordinance to become effective from and after its passage and publication according to law.

Adopted by the City Council of the City of Granite Falls, Minnesota, this 20th day of October 2014, by a unanimous vote of the Council of those present.

ATTEST:

Joan M. Taylor, City Clerk

David Smiglewski, Mayor

This Ordinance published in the *Granite Falls-Clarkfield Advocate Tribune* on the 22nd day of October 2014.

Motion carried unanimously.

2014 STREET/UTILITY IMPROVEMENTS: Council reviewed an update received from City Engineer Berryman relative to the 2014 Street and Utility Improvements.

TURBINE REPLACEMENT PROJECT: Council discussed an email received relative to the Turbine Replacement Project.

SANITARY SEWER LIFT STATION: Council also reviewed an update relative to the Sanitary Sewer Lift Station Replacement Project and an update concerning the Pedestrian Bridge Project.

WATER TREATMENT PLANT DEMOLITION: Council discussed an update received relative to the demolition project of the old Water Treatment Plant.

PERSONNEL: Council was advised that the position of Police Chief has been offered to and accepted by Brian Struffert. He began his duties as chief on Wednesday, October

15th. Following discussion M/S SCHAUB/NORDAUNE AUTHORIZING CITY STAFF TO FILL THE OPEN POSITION OF POLICE OFFICER. Motion carried unanimously.

CHARITABLE GAMBLING: A gambling license application was acknowledged at this time for the Hoops Club to hold a raffle. This application was acknowledged with no waiting period.

ADJOURN: M/S/P NORDAUNE/SCHAUB TO ADJOURN at 8:15 p.m.

David Smiglewski
Mayor

ATTEST:

Joan M. Taylor
City Clerk

BILLS PAID:

Total ADVOCATE-TRIBUNE:	97.00
Total AFFILIATED MEDCENTER:	98.65
Total ALBIN,MARGE:	630.30
Total ALPHA WIRELESS:	69.20
Total AMERICAN SAFETY UTILITYCORP.:	34.18
Total AMERICAN WELDING & GAS INC:	58.80
Total ARNESON DISTRIBUTING INC.:	372.90
Total ARTIC GLACIER INC:	45.10
Total ARTISAN BEER COMPANY:	41.25
Total AUS, NANCY:	50.00
Total AUTOMATIC SYSTEMS CO:	1,585.70
Total BEHAVIORAL FORENSIC SERVICES:	700.00
Total BENTAAS, JUSTIN:	42.00
Total BEVERAGE WHOLESALERS INC:	190.70
Total BOND TRUST SERVICES CORP:	86,230.00
Total BORDER STATES ELECTRIC SUPPLY:	5,008.57
Total CENEX CREDIT CARD:	14.52-
Total CENTRAL MN MUNICIPAL POWER:	118,857.81
Total CENTURYLINK:	1,907.33
Total CITIZENS ALLIANCE BANK:	5,352.85
Total CIVIC SYSTEMS:	1,593.75
Total CNH CAPITAL:	109.00
Total COLLECTION BUREAU:	50.00
Total CREATIVE FORMS & CONCEPT:	243.14
Total CROSSROADS TRUCK REPAIR INC:	92.79
Total DAKOTA SUPPLY GROUP:	2,394.00
Total DIAMOND VOGEL PAINTS:	134.80
Total DOOLEY'S PETROLEUM INC:	113.21
Total EARL F. ANDERSEN:	209.18
Total ENGINEERING UNLIMITED INC.:	316.92
Total FASTENAL COMPANY:	129.51
Total G & K SERVICES:	171.25
Total GEMPLER'S:	97.00
Total GRANITE FALLS BANK:	4,071.73
Total GRANITE FALLS MUN. HOSPITAL:	488.40
Total GRANITE FLORAL:	15.98

Total GRANITE TRUE VALUE:	2,846.77
Total GRAYMONT CAPITAL INC:	5,550.17
Total GREAT PLAINS GAS CO.:	4,822.60
Total HAWKINS INC:	976.27
Total HDR INC:	501.47
Total HILLYARD-HUTCHINSON:	36.75
Total HJERPE CONTRACTING INC:	164,595.14
Total HOERNEMANN, PAUL:	255.00
Total HOLMSTROM & KVAM:	22,748.85
Total HOMETOWN FIRE & SECURITY CO INC:	349.00
Total JOHN DEERE FINANCIAL:	347.45
Total JOHNSON BROS WHOLESALE LIQUOR:	20.99
Total KEELER-AUS, RAE ANN:	600.00
Total KIWANIS CLUB:	100.00
Total KOTEK, NICOLLE:	80.00
Total KRAMES STAYWELL LLC:	308.77
Total KRANITZ, FRANK:	200.00
Total LEE'S AUTO & DIESEL:	438.85

Total LOCHER BROTHERS:	7,888.45
Total MADISON BOTTLING CO.:	6,180.60
Total MADISON NATIONAL LIFE:	270.06
Total MARSHALL NORTHWEST PIPE:	11.03
Total MARTIN MARIETTA AGGREGATES:	223.84
Total MEDIACOM:	55.29
Total MN Bureau of Criminal Apprehension:	285.00
Total MN DPT OF ADMINISTRATION:	85.33
Total MN DPT OF LABOR & INDUSTRY:	940.76
Total MN MUNICIPAL UTILITIES ASSN:	4,039.41
Total MN TRANSPORTATION ALLIANCE:	110.00
Total MN VALLEY COOPERATIVE:	1,756.60
Total MN VALLEY TESTING LAB INC.:	475.50
Total NIELSEN, BETSY:	44.00
Total OFFICE PEEPS:	160.84
Total PAR PIPING & FABRICATION:	948.32
Total PAUSTIS & SONS:	358.00
Total PETERSEN, JODI:	402.50
Total PHILLIPS WINE & SPIRITS CO.:	491.50
Total POSTMASTER:	372.77
Total PRENTICE PLACE COMMONS ASSN:	100.51
Total RECREATION SUPPLY COMPANY:	151.30
Total RICHTER, NICK:	27.00
Total RYER PLUMBING & HEATING:	706.03
Total SAWMILL, THE:	118.07
Total SHRED-IT SIOUX FALLS:	35.79
Total SMIGLEWSKI, DAVID:	65.00
Total STANTEC CONSULTING SERVICES:	27,594.16
Total TIMM, DEREK:	3,052.50
TOTAL FILTRATION SYSTEM:	151.52
Total VERIZON WIRELESS:	3,759.62
Total VISA:	3,046.31
Total WBM WINE & SPIRITS:	239.40
Total WEST CENTRAL SANITATION:	859.24
Total WILLIE'S KORNER STORE:	62.00
Total XEROX CORPORATION:	27.59
Total YELLOW MEDICINE CO. AUDITOR:	2,640.00

Grand Totals:	504,102.40
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