

**CITY OF RANIER
CITY COUNCIL
MEETING MINUTES
RANIER COMMUNITY BUILDING
TUESDAY AUGUST 18, 2015 @ 6:30 pm**

Mayor Dennis Wagner called the meeting to order at 6:30 pm. A quorum was present.

Council Present: Mayor Dennis Wagner, Councilmembers Todd Coulombe, JoAnn Kellner and Ron Wilcox

Council Absent: Tony Cole

Ranier Employees Present: City Administrator Sherril Gautreaux, Deputy Clerk Tara Mai, Buddy Lessard

Others in Attendance: Ed Woods, Sharon Ball, Mary Ann Kasich, Richard Johnson of The Journal, Dan Griffith, Jordan Pearson and Mr. and Mrs. Fulton

CALL MEETING TO ORDER

- To approve tonight's agenda.

A motion to approve tonight's agenda was made by Councilmember Kellner; seconded by Councilmember Coulombe and carried unanimously.

BUDGET/ADMINISTRATION

- To approve the minutes of the previous Council Meeting (07/21/2015).

A motion was made by Councilmember Wilcox; seconded by Councilmember Coulombe and carried unanimously to approve the minutes from the previous Regular Council Meeting of 07/21/2015.

- To approve the General, Liquor and Water/Sewer Fund Claims for July, 2015.

A motion was made by Councilmember Coulombe; seconded by Councilmember Kellner and carried unanimously to approve the July, 2015 list of claims in the amounts of:

**\$ 15,281.09 for General Fund
\$ 18,795.47 for Liquor Store Fund
\$ 19,722.28 for Water Fund**

- To accept the Profit and Loss Statements for Liquor, General and Water fund accounts 7/31/2015.

A motion was made by Councilmember Coulombe; seconded by Councilmember Wilcox and carried unanimously to accept the Liquor, General and Water fund profit and loss statements from July 2015.

- To accept the account balance reports as of July 31, 2015 for Liquor, General and Water fund.

A motion to accept the fund account balances for Liquor, General and Water fund for July, 2015 was made by Councilmember Wilcox; seconded by Councilmember Coulombe and carried unanimously.

- To approve City Administrator Gautreaux and Councilmember Wilcox to attend MNDNR Floodplain Management training.

A motion was made by Councilmember Coulombe; seconded by Councilmember Kellner and carried unanimously to approve City Administrator Gautreaux and Councilmember Wilcox to attend MNDNR Floodplain Management training.

- To approve the Conditional Use Permit for Sharon Ball as approved by the Planning and Zoning Commission.

The Planning and Zoning Commission approved the CUP application filed by Sharon Ball for her proposed commercial business @ 3495 Duluth Street.

Recommendation by Councilmember Wilcox; seconded by Councilmember Kellner and carried unanimously approve the Conditional Use Permit for Sharon Ball @ 3495 Duluth St.

LIQUOR STORE

- To approve the July 2015 Liquor Operating Statement

A motion to approve the July 2015 Liquor Store Operating Statement was made by Councilmember Wilcox; seconded by Councilmember Kellner and carried unanimously.

OTHER BUSINESS

Mayor Wagner announced that Ranier was awarded a grant from the Otto Bremer Foundation to rehabilitate the Ranier Community Building deck which was applied for in April. The grant was based on using treated wood or a composite material. Mayor Wagner asked Up North

Builders to submit another price based on using pavers. We expect to receive that quote on Wednesday or Thursday. A Special Meeting will be held to review the deck proposals and color schemes. Mayor Wagner specifically asked for community attendance and input at the Special Meeting. The date and time for the Special Meeting will be posted.

Mayor Wagner also announced that CN Railroad has a grant program called "From the Ground Up". The grant is for municipal "greening" projects to establish tree plantings on municipal property in a sustainable, environmentally responsible manner. The Council will review the information found on the website and begin developing a project with the assistance of the community.

Attorney Dan Griffith spoke on behalf of Ms. Sharon Ball stating that when she purchased the property at 3495 Duluth Street she was under the impression that she purchased a commercially zoned property. However, the zoning ordinance approved on May 15, 2015 designated the area as residential as confirmed by the property tax statement. Mr. Griffith handed out a copy of the listing from Island View Realty which stated that the property was zoned "historical town center commercial". Ms. Ball purchased the property on May 29, 2015. Mr. Griffith argued that the property is not residential but commercial and should have been grandfathered in as a commercial property and therefore, Ms. Ball does not need to apply for a conditional use permit. Councilmember Wilcox stated that the County Tax Assessor's office designated the property as residential. Mr. Griffith questioned Mr. Wilcox about the recent zoning process. Councilmember Coulombe stated that the property was never zoned at all because Ranier never had a zoning ordinance until May when the zoning ordinance was passed.

Mayor Wagner questioned Mr. Griffith asking "what is the purpose of your argument is? she approached us for CUP, we granted it, are you asking the council to rescind the CUP? " Mr. Griffith said "no" and wants the council to agree that it is zoned commercial so there would be no need for the CUP.

Councilmember Wilcox stated that the real estate agency did not approach the city to ask what type of zoning applied to the property and the city was not aware of what was posted in the listing. Wilcox also stated that Ms. Ball's proposed business is not similar to a woodworking shop as Mr. Hall's and that even if it were zoned commercially, she would still have to apply for a CUP because it is not a similar business.

Ms. Ball explained her reasons for purchasing the property and that she always intended to use it for a business. Councilmember Kellner asked if she researched the county tax designation on the property which is assessed as residential.

Mr. Griffith argued that there could be some legal exposure to the city if they did not change the zoning designation because she bought the property with the intent of it being used in a commercial manner. He argued that as a good faith purchaser of the property that she has a good argument that it is commercial property.

Mayor Wagner assured them that the Council isn't trying to restrict business development but is following the rules as written in the zoning ordinance. The Council will consider changing the zoning if that is what Ms. Ball and Mr. Griffith are requesting. Mayor Wagner stated that there are procedures in the zoning ordinance that the council must follow and that is what the council is doing.

Ranier citizen Ed Woods asked what was the genesis of residential zoning in the Ranier Town Center area on the zoning map? Councilmember Coulombe explained that the decision to zone the Ranier Town Center as residential was based on the idea that the residential tax assessment would be lower than a commercial tax assessment. Coulombe explained that the Council wanted to protect the character of the old Ranier Town Center area and that each new business would be assessed at that time through the Conditional Use Permitting Process. Mr. Woods asked what a person would have to do to rezone his property from residential to a commercial designation. Mayor Wagner there is a process for re-zoning is in the ordinance and the council will consider each application as it applies to the ordinance.

Jordan Pearson of Island View Realty asked about the zoning designation of the Woody's Pub building that is listed for sale and whether a conditional use permit would have to be issued for a business. Mayor Wagner stated that these contingencies could be built into the sale of the property. Mr. Pearson asked also about the liquor licensing process and whether the license can be applied for prior to purchasing the property or opening the business? City Administrator Gautreaux will research the specific liquor laws and get back with Jordan Pearson.

A motion to adjourn the meeting was made by Councilmember Wilcox seconded by Councilmember Kellner and carried unanimously.

THE MEETING ADJOURNED @ 7:30 p.m.

Mayor Dennis Wagner

Date

ATTEST:

City Administrator Sherril Gautreaux

Date