

City of Ellendale
September 12th, 2024
Special Council Meeting 6:30 pm
Hearing of Appeal

Agenda

6:30 Call Meeting to Order

1. Pledge of Allegiance
2. Approve Agenda

6:35 Hearing of Appeal

This hearing is for the purpose of hearing the appeal of the imposed fine of \$50.00 for the violation of Section 152.296, Zoning Permits Required. The property owner was issued a violation citation for not obtaining a zoning permit for placing an accessory structure on the property located at Lageson Court.

7:00 Adjournment

**MINUTES OF ELLENDALE
CITY COUNCIL SPECIAL MEETING
HEARING OF APPEAL
THURSDAY, SEPTEMBER 12TH, 2024
6:30 PM**

Present: Mayor Matthew Bartsch; Council Members Jon Asplund, Jackie Froman, Derek Bartness, and Scott Groth;
City Clerk/Treasurer Steve Engel

Absent:

Visitors: Daniel Petsinger, city residents: Laura Krenke; Sue Asplund; Logan Busho; Joel Meyer; Cynthia Nelson;
Becky Larson; Pastor David Modder; Brian Anderson; City Attorney Mark Rahrlick; Star/Eagle Reporter Eli Lutgens;
Steele County Times Reporter Kay Fate; Independent Media Aaron Lane; Independent Investigative Journalist and
Advocate Keith Haskell

Call Meeting to Order: Meeting was called to order at 6:30 pm by Mayor Bartsch. The Pledge of Allegiance was recited.

Agenda: A motion was made to approve the Agenda by Council Member Groth. Council Member Bartness advanced. Motion carried, all in favor.

Hearing of Appeal Mayor Bartsch explained the purpose of the hearing was to hear the appeal of the imposed fine of \$50.00 for the violation citation of section 152.296; not obtaining a zoning permit. The property owner was issued a violation citation for not obtaining a zoning permit for placing an accessory on the property located at 601 Lageson Court. The meeting was delayed to give the owner a chance to appear.

Upon appearance, Mayor Bartsch asked Mr. Petsinger for his comments on the fine.

Petsinger stated he had not been notified of the specific violation of section 152.296 violation & fine in any of the correspondence from the city. He paraphrased paragraph 1 of the July 3, 2024 administrative citation letter, saying it did not specifically state section 152.296 was the reason for the fine. Therefore, this meeting was not legal and a violation of his rights. *Note: Paragraph 3 of this citation defines the purpose of the fine as a violation of section 152.296 Zoning Permits Required.*

Mayor Bartsch reminded him he had been notified of this hearing and its purpose of violating section 152.296 zoning permit required on several occasions and was present at the council meetings when it was explained. He asked him if he had any other comments. Mr. Petsinger continued to claim the city has no right to rename his trailer to anything but a trailer. Therefore, no zoning permit is required because the city has no statutory right to rename his trailer to anything but a trailer.

He argues that it is a trailer parked on an improved surface as allowed in the residential city code. Therefore, it is allowed to be parked on a residential property. Council member Groth asked Petsinger if the trailer had anything on it? His response was; what's on it doesn't matter. It's still classified as a trailer. Both the building inspector and state electrical inspector say it is a trailer." Mayor Bartsch asked Petsinger if he had any evidence stating it is a trailer only. His response was "do you have any evidence to present to me that says you have the jurisdiction to rename it to anything other than a trailer." He went on to say that "anything you guys decide from this point forward, will have ramifications if its not appropriate." Mayor Bartsch asked Petsinger for any documentation showing his claims.

City Attorney Mark Rahrlick asked the council if they considered this to be a trailer, merely being parked on the property, or if it is housing some other structure that is being used on the property? That is the question; Is the tower on the trailer being stored on the property or is it being used? To clarify it further; Is the tower and trailer being stored or is the owner making use of the tower on the trailer? That is the question for the council to make their decision.

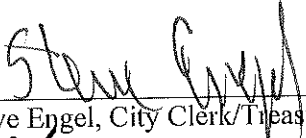
Petsinger interjected that it is not a tower, as your city attorney just stated. It is a trailer. It is not a trailer as the city attorney is calling it. A judge would not call it a tower. It is classified as a trailer. Mayor Bartsch asked the owner if he had anything else to present. He said no, and voiced his dissatisfaction that the council is trying to reclassify his trailer and they have no statutory authority to do so.

Mayor Bartsch remarked the council will make a decision on the fine imposition during the regular council meeting. He asked if the council had any questions.

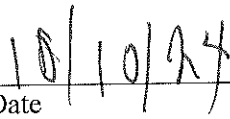
Council member Groth asked the city attorney; doesn't our code say to park a trailer on the property, that a dwelling has to be there?

Mr. Rahrick said our ordinance says to have an accessory use on the property, you must first have the primary use. Mr. Petsinger was out of order, interrupting the attorney and continued to speak out of place. No further comments were heard.

Mayor Bartsch asked for a motion to adjourn the hearing. Motion to adjourn by Council member Bartness. Council Member Froman advanced. Motion carried, all in favor. Hearing adjourned at 6:44 pm.



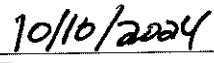
Steve Engel, City Clerk/Treasurer



Date



Matthew Bartsch, Mayor



Date

The Minutes are a true and exact copy of the Minutes as they appear in the City of Ellendale Minutes Book.