

**City of Ellendale**  
**October 10<sup>th</sup>, 2024**  
**Special Council Meeting 6:45 pm**  
**Hearing of Appeal**

**Agenda**

**6:45 Call Meeting to Order**

1. Pledge of Allegiance
2. Approve Agenda

**6:50 Hearing of Appeal**

This hearing is for the purpose of hearing the appeal of the imposed fine of \$25.00 per lot, located at 601 Lageson Court, 603 Lageson Court, 801 Dale Court, 803 Dale Court and 805 Dale Court in the City of Ellendale.

Specifically, the properties are in violation of Section #92.38 of the Ellendale City Code, which states:

**§ 92.38 OWNERS RESPONSIBLE FOR TRIMMING, REMOVAL, AND THE LIKE.**

*All property owners shall be responsible for the removal, cutting, or disposal and elimination of weeds, grasses, and rank vegetation or other uncontrolled plant growth on their property, which at the time of notice is in excess of six inches in height.*

This is a repeat violation as defined in: "

**§ 10.90 ESTABLISHMENT OF REMEDIES TO ENFORCE THE ELLENDALE CITY CODE. (E)**

***Procedure for Imposition of Administrative Fine. (6) Repeat Violations.** Repeat violations, or a failure to cure a violation after an administrative citation has been administered, may result in an additional enhanced fine. A failure to cure a violation shall be defined as a failure to take appropriate corrective action within 30 days of issuance of an administrative citation. A repeat violation shall be defined as two or more similar violations within a 12 month period. The amount of an enhanced fine shall be determined by the City Council and shall not exceed five times the amount of the original fine.*

**7:00 Adjournment**

**MINUTES OF ELLENDALE  
CITY COUNCIL SPECIAL MEETING  
HEARING OF APPEAL  
THURSDAY, OCTOBER 10<sup>TH</sup>, 2024  
6:45 PM**

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

**Absent:** Council member Jackie Froman

**Visitors:** Daniel Petsinger, city residents: Joel Meyer; Cynthia Nelson; Fire Chief Logan Busho; Utilities and Maintenance Supervisor Josh Otto; 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 6:45 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 Asplund 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 \$25.00 per parcel for the violation citation of section 92.38 Owners responsible for trimming, removal and the like; cutting which at the time of the notice is in excess of six inches in height. The property owner was issued a violation citation for \$25.00 per parcels at 61 Lageson Court, 603 Lageson Court, 801 Dale Court, 803 Dale Court and 805 Dale Court.

Mayor Bartsch then asked Mr. Petsinger if he had anything to say pertaining to the fines.

Mr. Petsinger responded that; I cannot discuss these properties as I was just served with a lawsuit on these properties and cannot legally, at this time, without representation, continue to discuss this property, without seeking some legal advice and therefore, I move this council to postpone this hearing until a time after I have had the opportunity to review this lawsuit to determine if I am legally allowed to speak to the council concerning these properties.

Council member Groth asked; Are you sure? This hearing hasn't anything to do with that. He looked to City Attorney Mark Rahrlick for clarification.

City Attorney Rahrlick stated; This hearing has to do with the cutting of the grass. It's a civil hearing. The property owner can make his own determination whether he wants to provide information or remain silent.

Landowner Petsinger replied; I am not choosing to remain silent. I am choosing... to...because the city has presented me with a lawsuit, that I just received a few minutes ago, that I have not had any time to review with any of my legal consul. I find I don't have the legal authority to speak with the council at this time until I have had opportune time to read over and discuss with my legal consul.

Again, Council member Groth stated; That has nothing to do with mowing the grass.

Mr. Petsinger responded; It is the same property and I am not obliged to talk to this point anymore or to talk about my properties until I have legal consul for whatever I am being sued for by the city. Legally, I cannot speak to these properties at this point.

City Attorney Rahrlick stated; Mayor, that is the property owner's position. Mayor Bartsch commented, Yes, absolutely. If there is nothing you would like to present regarding the length of grass.

Mr. Petsinger interrupted that he objects if the Mayor is going to move on, if they are choosing to ignore his request to delay this hearing.

Mayor Bartsch asked the attorney if the papers served were for a different violation. Attorney Rahrlick replied; The lawsuit that I believe the property owner is referring to is a lawsuit for the existence of the tower on a property that the council directed the attorney to take action at the last meeting. The hearing before you tonight has to do with the length of grass.

Mr. Petsinger stated; I am not choosing to remain silent I am choosing to have this extended so I can review what I was served because it has a direct effect to what you are determining tonight.

Mayor Bartsch responded; I don't see the connection.

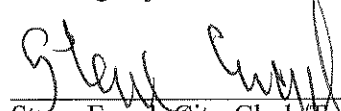
Petsinger interrupted; You're saying a condition my property has is no connection to other circumstance of which we are talking about right now? You're telling me they are not connected at all. You grouped all my properties into this hearing.

Mayor Bartsch stated again; This hearing is about the grass, mowing your grass. I don't see a connection.

After further interruptions, the attorney stated to the Mayor to give the landowner one more opportunity to present information on the subject of the grass and then close the hearing.

One last opportunity was given to Mr. Petsinger. The Mayor asked again; if you want to speak about the length of your grass which is the subject for this hearing. No comments pertaining to the grass were made. No further comments were heard on the grass.

Mayor Bartsch made a motion to adjourn the hearing. Council Member Groth advanced. Motion carried, all in favor. Hearing adjourned at 6:57 pm.

  
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Steve Engel, City Clerk/Treasurer

11/14/24  
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Date

  
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Matthew Bartsch, Mayor

11/14/24  
\_\_\_\_\_  
Date

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