

The Battle Lake City Council met in regular session on Tuesday, February 14, 2017 at 7:00 p.m. at the Battle Lake City Hall. Mayor, Gene Kelm called the meeting to order at 7:00 p.m. with Council members Don Maslow, John A. Salvevold and Marjorie Quammen present. Absent was Ryan Christensen. Also present were City Attorney, JJ Cline; Clerk/Treasurer, Val Martin; Police Chief, Kent Kortlever; Liquor Store Manager, Adam Freyholtz; Public Works Superintendent, Steve Seufert; Fire Chief Derek Tysdal; and Rescue Captain, Nic Drusch. Additional visitors were also in attendance including MnDOT personnel and several Cub Scouts.

The Cub Scouts lead the reciting of the Pledge of Allegiance.

Cub Scouts
Led the
Pledge of
Allegiance

The public hearing was opened for the consideration of a street vacation.as follows: **a portion of Williams Avenue, between Holdt Street and extending to the gravel alley going south, legally described as:**

That part of Williams Avenue, TOWN OF BATTLE LAKE, according to the recorded plat thereof, described as follows:

Street
Vacation

*Commencing at the northeast corner of Lot 1, Block 9, said TOWN OF BATTLE LAKE;
Thence South 11 degrees 30 minutes 46 seconds west, assumed bearing along the easterly line of said Lot 1, a distance of 100.31 feet to the southeast corner of said Lot 1;
Thence South 78 degrees 19 minutes 15 seconds east, along the easterly extension of the southerly line of said Lot 1, a distance of 33.00 feet to the point of beginning of the land to be described;
Thence North 11 degrees 30 minutes 46 seconds East 100.33 feet to the easterly extension of the northerly line of said Lot 1;
thence South 78 degrees 21 minutes 17 seconds East, along said easterly extension of the northerly line of Lot 1, a distance of 33.00 feet to the northwest corner of Lot 6, Block 8, said TOWN OF BATTLE LAKE;
Thence South 11 degrees 30 minutes 46 seconds west, along the westerly line of said Lot 6, a distance of 100.35 feet to the southwest corner of said Lot 6;
Thence North 78 degrees 19 minutes 15 seconds west, along aforesaid easterly extension of the southerly line of Lot 1, a distance of 33.00 feet to the point of beginning.
The tract contains 0.08 acres more or less.*

The intent of the street vacation is to assist in clearing up property descriptions for a parcel along Holdt Street. Milt Paulson was in attendance and explained the situation. He is in the process of selling a property in this area. A survey was done by Anderson Land Surveying and showed a number of issues which include homes and buildings located, or portions of, on property they don't appear to own, according to the legal description. The street vacation will assist in clearing up one of the problems in the area. Mayor Kelm called for public comment. Several neighbors were in attendance with questions. Attorney Cline reminded them that we are only dealing with a street vacation which would assist in clearing up one property's legal description. It would be up to the other property owners to handle their own property situations. Milt Paulson is willing to help other property owners. The property owners voiced no objection to the street vacation. Maslow moved to approve **Resolution 2017-02-14B Resolution Vacating a Street.** Quammen seconded. Roll call vote - Those voting for: Maslow, Quammen, Kelm and Salvevold. Those voting against: none. MCU

Salvevold moved to approve the agenda. Maslow seconded. MCU

Visitors:

MnDOT:

Jeremy Flateau and Jeremiah Moerke from MnDOT were at the meeting to discuss the use of the right-of-way along Highway 78, specifically the amenity zone in the sidewalks along the downtown area. Jeremy Flateau gave an overview of the situation.

MnDOT –
Use of
Amenity
Zone on
Sidewalk

- MnDOT was approached in July of 2016 from City staff regarding rules and regulations in the right-of-way and amenity zone. MnDOT relayed this information to City staff and from there, the City enforced these regulations. Seufert also relayed the information the City received from MnDOT early in the project, once the infrastructure was complete during a walk-through with MnDOT staff and engineers from Bolton-Menk. Jeremy apologized on behalf of MnDOT, if there was some miscommunication with MnDOT regarding the regulations with the amenity zone. It appeared that these regulations were not relayed correctly.

- Flateau said that the regulations have always been there but not necessarily enforced as they should be.
- Since this has come up, and Battle Lake was one of the first cities to do a complete streets project, this has been a state-wide discussion. They are also going back to other communities that have done a complete streets project and checking for issues and encroachments in addition to checking encroachments in other right-of-way areas.
- The ultimate goals will need to include the protections of the trunk highway, pedestrians, drivers, bikers and handicapped individuals.
- A Limited Use Permit (LUP) was drafted by MnDOT which lists what would be allowed in the amenity zone. The draft included the following language: *The Amenity Zone may include the installation of planters, bollards, ornamental railings or fence and gates, tree grates, brick pavers, landscaping, bike racks, waste receptacles, flag pole base, steps, benches, tables, and retaining walls, which may be placed and removed only by the City.*
- Flateau stated that only items listed in the LUP will be allowed and must be placed and removed by the City. Privately owned items will not be allowed in the amenity zone. Advertising devices have never been allowed which would include the sandwich boards that say "Open." It was noted that the letter sent to businesses by the City stated that advertising is not allowed in the amenity zone. Flateau also stated that people need to remember that this area is public right-of-way. If your business is adjacent to the right-of-way, you don't have express interest in the use of the right-of-way. In fact, one of the reasons these regulations are in place is to keep other businesses from conducting commercial activity in the right-of-way in front of other businesses.
 - It was also stated that right-of-way in Battle Lake runs from store-front to store-front in the downtown area but in some communities, this is different and may not include the entire sidewalk.
 - MnDOT is willing to work with the Cities and the businesses. The council was in agreement that a public hearing should be held and will be scheduled for March 28th at 7:00 p.m.

MnDOT –
Use of
Amenity
Zone on
Sidewalk

Attorney Cline stated that he had a number of concerns in the Limited Use Permit (LUP) presented by MnDOT. It appears to be more of a contract rather than a permit and he would not recommend it as drafted. Cline will send his proposed changes/issues to MnDOT staff. No action was taken other than setting the public hearing date which will be published in the paper and a letter will be sent to the business owners.

Flateau updated the council on the project that Sparky Chase is working on for the installation of a car wash on his property south of the Dairy Queen. Chase has requested MnDOT allow him to purchase some right-of-way next to his property in order to make his plan work. MnDOT has denied his request but came back with suggestions that may help them reconsider the request. It includes some engineering work for the drainage. Chase will need to work directly with the City attorney in order to come up with a plan.

Molly Bruininga:

Molly approached the council about her idea to designate Sand Bay Park for use as a dog park. She distributed material that showed the playground equipment was not considered safe and not in compliance. She suggested the City remove the equipment and utilize the whole park for dogs including the lake access. Seufert stated that the City does not have funds to replace the equipment or for the amenities needed for the dog park she describes. He also stated that many local children use that lake access for swimming and it wouldn't be a good mix with dogs. He also said that people can use the area where the main lift station is located, close to the school; the airport; or the area south of Larry's owned by the City can be used for dogs. Dogs are also allowed on the trail and in Halverson Park. Kelm told Bruininga that the council will continue working on other ideas.

Request for
Dog Park

Dave Marso/Childcare Center:

Dave Marso is on the board of the proposed childcare center and was in attendance to update the council on the facility:

Childcare
Center

- The project has been scaled back to only include childcare.
- They currently have the building listed for sale and plan to parcel off about an acre of the property and sell the balance of the land with the building.
- They plan to build a 5000 square foot building on the property and are currently working with Tiny Tikes from Wahpeton to run the business. They would basically lease the building to them. They will need

around \$600,000 for the building. They have already raised \$150,000 and plan to kick-off their capital campaign in March. Gary and Karalyn Harrington are heading the fundraising.

- They hope to open by January 1, 2018.
- The idea came about through the Tri-City Living group. Mike Henkenius was the person leading the effort.
- Martin suggested the council consider how the City can help out. This could be one of our economic priorities with the rising need for childcare. Incentives will be researched by Martin and Cline.
- Marso will be willing to come back in a few months for an update.

Salvevold moved to approve the consent agenda:

- *Treasurer's Report*
- *Minutes from Last 2 Meetings*
- *Claims List*
- *Extra Hours Report*

Consent
Agenda

Maslow seconded. MCU

Liquor Store Report:

Freyholtz reported on the liquor store activities. The new POS inventory system is up and running. Monthly sales for January were down .91% for last year.

LQ Report

Police Department Report: Police Chief Kent Kortlever reported on January activities, mileage and training. Kortlever informed the council that POST Board is conducting an audit of the Battle Lake Police Department on February 28th. They are coming as a random check and not because of a specific issue.

PD Report

Rescue Squad Report: Drusch presented report on the Rescue Squad.

Recue
Report

Fire Department Report: Tysdal reported on Fire Department activities. Tysdal noted that a couple of hydrants do not have the correct fitting for their hoses. Seufert was not aware of this situation and will work with Tysdal on checking other hydrants.

FD Report

Public Works Report:

Seufert asked the council if they would like to contract for mowing again this year as we did last year. Maslow moved to advertise for mowing services with a 3 year contract. Salvevold seconded. MCU Proposals will be due before the next council meeting and council will review them. Attorney Cline will do the contract if a proposal is accepted.

Public
Works
Report

Mowing
Contract

Quammen moved to approve the street sweeping contract from ProSweep as presented. Salvevold seconded. MCU

Street
Sweeping
Contract

Seufert was notified that he is receiving a 2016 Wastewater Treatment Facility Operational Award.

Wastewater
Award

Project List:

Kelm reported that the Ice Fishing Contest the Battle Lake Area Sportsmen's Club had last weekend was a great success. They had 500 to 600 people in attendance and sold 2000 tickets. He talked with a number of the businesses in town and they reported a spike in their business for the weekend. They hope to expand next year's event to include a whole weekend celebration.

Fishing
Contest

COMMITTEE REPORTS:

BL Motor Patrol – Open House for the new building for City Council and Township Board Members on Monday, February 27th from 6:30 to 8:00 p.m.

Motor Patrol

BL Area Fire & Rescue – They continue to have supplies brought in and hope to have an open house in April or May when everything is set up.

BLAFRA

LACC: Salvevold reported that no meeting was held as they did not have a quorum. It is rescheduled for February 18th. A clean-up of the facility is scheduled for March 11th at 9:00 a.m.

LACC

Tri-City
Living

Tri-City Housing Meeting – Minutes received – Martin and Kelm presented report.

Economic Development Authority: Minutes and financials received. Martin presented report. Martin requested the council consider some business incentives related to utilities. The council said to keep working on it but bring more information to another meeting.

**Economic
Development**

**Safety
Committee**

Safety/Emergency Management Committee: Minutes were received, Kortlever presented report.

UNFINISHED BUSINESS:

The Council discussed the RFQ for Engineering and how to choose the right firm. Martin proposed the following timeline, which the council approved by consensus:

**Engineering
RFQ**

March 13 - RFQ's are due

March 14-19 Distribute to the review committee

March 28? Review committee meets to discuss RFQ's and chooses firms to interview- actual date to be set.

April 3-7 Review committee chooses a day or two this week to do interviews

April 11 or 25 Full council interviews top firms chosen by committee

Maslow and Quammen volunteered to be on the selection committee with Martin and Seufert.

NEW BUSINESS:

Council received an Annual Tax Revenue Report from Martin. This is a required document that needs to be presented yearly to the council.

**Annual Tax
Revenue
Report**

Maslow moved to approve **Resolution 2017-02-14C A Resolution Supporting Dedicated State Funding for City Streets**. Quammen seconded. Roll call vote - Those voting for: Maslow, Quammen, Kelm and Salvevold. Those voting against: none. MCU

**Street
Funding
Resolution**

Loss Control Workshop is March 29th in Mahanomen or March 30th in Alexandria. Council members should let Martin know if they wish to attend.

**Loss Control
Workshop**

Adjourn at 9:40 p.m.

Valerie J. Martin
Clerk/Treasurer