

The Battle Lake City Council met in regular session on Wednesday, May 8, 2017 at 7:00 p.m. at the Battle Lake City Hall. Acting Mayor, Don Maslow called the meeting to order at 7:00 p.m. with Council members John A. Salvevold and Ryan Christensen present. Absent were Gene Kelm and Marjorie Quammen. Also present were City Attorney, JJ Cline; Clerk/Treasurer, Val Martin; Police Chief, Kent Kortlever; Liquor Store Manager, Adam Freyholtz. Additional visitors were also in attendance.

The pledge of allegiance was recited.

The Public Hearing for a variance request from Tom and Shari Prigge was opened.

Prigge
Variance

Tom and Shari Prigge, at 703/705 Lake Shore Drive are requesting a variance from the set-back requirements to include a proposed remodel/addition. They are asking to reduce the side yard set-back from 10 feet to four feet. The project includes: 1) Remove the 24' x 24' addition from back side of the home – this addition was constructed in two parts decades ago (it lacks a proper foundation) and remove existing cement patio on south side (measures 20' x 24') and existing driveway on east side (measures 24' x 30'). 2) Replace existing 24' x 24' addition with an entry area and extend it into a 26' x 36' garage facing Highway 78. The current garage, which measures 18' x 24', will become part of the living area.

The report was presented by Prigge's and Martin. Planning Commission's report was reviewed:

Part of the reason for the removing the old structure and building new was some issues with the foundation. They are also redoing sewer lines for both buildings.

Martin presented her staff report:

After viewing the requested addition and going through the checklist, my opinion of the request is as follows:

1. **Is the request reasonable?** Yes, because of the locations and where the building sits right now, this seems like a reasonable request. It is in line with the rest of their structure. The addition they are requesting is just 12 feet more than what is currently there; which is all located 4 feet from the property line.
2. **Unique Circumstances – Because** of the length and width of the lot and where the other structures are located, it would be difficult to make an addition work in another area of the property.
3. **Essential Character –** This is going to be a very small change to the property from the outside and will not change the essential character of the property or area.
4. **Is the request in harmony with the ordinance and the Comprehensive Plan?** The request does not interfere with the intent of the zoning ordinance or the Comprehensive Plan.
5. **Will the variance request have an adverse impact on government services?** The request would not impact services as the addition would be set back far enough to not impact traffic visibility, snow removal or storm water.
6. **Is the request based upon economic consideration?** No
7. **Does the sewage system need upgrading?** NA

We may want to consider any issues with stormwater and clarify where it will be flowing.

There was a discussion on the impervious surface. As noted on the application, they are removing 1200 square feet and adding 648 square feet. The garage is 3 stalls and the commissioners were concerned about the width of the current driveway as it now accommodates enough width for 2 vehicles and if there is enough room for a turn-around to enter the highway. The right of way is not considered in the impervious calculation and there seems to be enough width to turn around. The Prigge's said that the 3rd stall is only for storage they will not need to increase the size of the driveway. Martin noticed that there were no rain gutters on the north side of the house which is located 4 feet from the adjacent property and where area where they need the variance.

The commissioners formulated findings of fact which agreed with Martin's report. The Planning Commission voted unanimously to recommend the council approve the variance with the following conditions:

- Rain gutters installed around the house and the downspouts are directed to either the south or west and
- The driveway will remain the same size. If they need to enlarge the driveway, it cannot exceed 552 square feet which is the amount of impervious surface that they would have left to utilize after this project. They would also need to notify the zoning officer of the change if the size of their driveway.

Christensen moved to approve the variance with the conditions recommended by the Planning Commission. Salvevold seconded. MCU

Salvevold moved to approve the agenda. Christensen seconded. MCU

Visitors:

Mikel Olson from Fergus Falls HRA

Olson was in attendance to discuss the possibilities of a housing and commercial rehab grant application.

Discussion points include:

- Last project was in 2011 and was just under \$700,000
- A new application could include housing, commercial and rental rehab
- After a drive through the community, he thought it looked as though there may be a need for additional work.
- He suggested a joint application with the City of Ottertail. They had pursued the idea in the past with not enough interest.
- The grant application process takes about a year. A survey could go out late summer or fall to gather information and help decide if there is enough interest. The initial application is due in November with the final application due the following February.
- The HRA covers the initial costs associated with the application.
- Olson also informed the council that they do have ongoing programs for residential and rental rehab that are always available if someone has an immediate need.

**Housing/
Commercial/
Rental
Rehab Grant
Application**

Christensen moved to approve that the City start the process which includes The HRA mailing a survey to residents and the application will include a coop agreement with Ottertail. Salvevold seconded. MCU

Sonja Peterson, LACC

Sonja Peterson was in attendance to request a renewal of the contract for the Lakes Area Community Center. They added four items to the contract for services they now have: providing area and tourist information; Wi-Fi, computer and printer use for the public. They are currently working on updating their tourist information and the web-site. Last year's contract was \$4,500. She is requesting the contract be raised to \$5,000. Christensen moved to approve the LACC contract for \$5,000. Salvevold seconded. MCU

**LACC
Contract**

Brian Jenc

Brian Jenc was in attendance to discuss his request for a special event permit for use of Lions Park, shelter, parking lot and access to do a fishing tourney on June 3, 2017. It will consist of approximately 30 boats utilizing the access and parking lot. They are having the Shoreline cater the food in the Lions Shelter with up to 70 people in attendance. He is having issues getting a certificate of insurance, with the City of Battle Lake listed as an additional insured, through the company he works for. Attorney Cline stated that the insurance certificate is a mandatory protection for the City and protects the City from liability claims associated with their use of the City's property. A number of options were discussed including TULIP coverage available through the League of MN Cities. Christensen moved to approve the special event permit contingent on Mr. Jenc providing the required liability insurance with the City of Battle Lake listed as an additional insured. Salvevold seconded. MCU

**Brian Jenc
Special
Event Permit**

Ramon Lopez-Moen

Ramon Lopez-Moen was in attendance to get approval for a Battle Lake sign coming in from the north as his Eagle Scout project. The sign will be similar to the one coming in from the south. The project will have no cost to the City including the installation. Martin will find out from MnDOT where the sign can be placed.

**Ramon
Lopez-Moen
Eagle Scout
Project**

Salvevold moved to approve the consent agenda:

- *Treasurer's Report*
- *Minutes from Last 2 Meetings*
- *Claims List with bills totaling \$134,538.95*
- *Extra Hours Report*

Christensen seconded. MCU

Liquor Store Report:

Freyholtz reported on the liquor store activities. Sales for February were up 2.7% over last year and yearly sales are up .8% over last year. There was a discussion on Sunday liquor sales. Freyholtz suggested the liquor store be open for Sunday sales through the fall and decide whether to continue after evaluating the sales. Council requested that Freyholtz keep close track of sales Saturdays, Sundays and Mondays to determine if it will be feasible to continue staying open on Sundays. Freyholtz requested the advertising for 3 part-time, seasonal positions at the liquor store. Salvevold moved to approve. Christensen seconded. MCU

LQ Report

Police Department Report: Police Chief Kent Kortlever reported on February activities, mileage and training.

PD Report

Rescue Squad Report: No report

Rescue

Fire Department Report: Written report received

FD Report

Public Works Report: Quotes were received for lawn mowing with Olson Lawn Care submitting the lowest quote for \$9,000 per year. Christensen moved to approve a lawn mowing contract with Olson Lawn Care. Maslow seconded. MCU Council wondered whether we need to keep the lawn mower we have. Martin will get more information from Seufert and she can report back to the council.

Public Works Report

Project List: Still waiting on MnDOT for final inspection.

COMMITTEE REPORTS:

BL Motor Patrol: Christensen reported that they are still looking at prices for a new blade. The current one is going off warranty and has had continued emission issues. The open house went well – some council members were able to attend.

BL Motor Patrol

BL Area Fire & Rescue – Maslow reported that the building project continues to go smoothly.

BLAFRA

LACC: Minutes received

LACC

Tri-City Housing Meeting – Minutes received. The annual meeting for Tri-City Living is May 4th at 5:00 p.m. at Thumper Pond. Council should RSVP to Martin.

Tri-city Housing

Economic Development Authority: Minutes and financials received. Martin presented report. The Business Retention and Expansion leadership committee met for their kick-off meeting on February 28th. The schedule for business visits will begin mid-August. Additional volunteers will be recruited and trained early in August.

Economic Development

UNFINISHED BUSINESS:

The MnDOT right-of-way issue was discussed. A public hearing is scheduled for March 28th which is also the 2nd council meeting of the month. A letter that was sent to business owners for notification of the hearing was reviewed. The meeting will also be published in the paper. Attorney Cline presented the Limited Use Permit to the Council which included several changes over what MnDOT is proposing. The Limited Use Permit (LUP) is addressed in the initial contract with MnDOT for the complete streets project but was never executed and we are now trying to move forward with MnDOT on the details of the LUP. Cline said that the main contract only addresses maintenance and liability for the LUP and does not address use. He is also concerned about several items in the proposed LUP that are more than agreed upon and/or were not specified in the contract. Salvevold made a motion to have Cline send his corrected version of the LUP to MnDOT. Christensen seconded. MCU

MnDOT Right of Way

Martin presented information on a 2014 variance for the Fire Department. The variance was approved but was never recorded. There was a condition on the variance that needed to be met prior to issuing a building permit. The building permit was issued and the variance was mentioned but the condition was not discussed. Even though the project was different, there was not enough detail to distinguish the 2 projects and without the needed follow-through, Cline and Martin suggested the council make a motion to

2014 FD Variance

record the variance. Christensen moved to approve recording the 2014 variance. Salvevold seconded. MCU This variance addressed stormwater issues at the fire hall along with the conditional use permit that was granted prior to construction. There are concerns that BLAFRA is not following through with plans for the stormwater. Martin will provide more information to Cline on the project including the conditional use permit. He will address BLARA on the requirements for the storm water issues at one of their board meetings.

New Business:

Updates to the Natural Gas Emergency Response Plan and Emergency Operations Plan were distributed to the Council. They received binders with both plans to keep at home.

**Emergency
& Natural
Gas Plans**

Special Event Permit Applications for Outdoor Dances were requested by Battle Lake Oasis. One dance will be July 1st and one will be July 21st. Salvevold move to approve the 2 permits with conditions, seconded by Christensen, MCU The following are the conditions:

**BL Oasis
Dance
Permits**

- Band needs to end by 12:00 a.m.
- Everyone out by 1:00 a.m.
- No parking will be allowed on Olaf – either side of the street as it is too narrow to accommodate parking and getting vehicles through
- Please inform the City of plans for parking, either off-street, on your own property or getting permission from a nearby property owner
- Someone needs to card at the entrance
- It must be fenced in with only one entrance
- You must provide a specific colored wrist band to those over 21
- If you are going to allow under 21, they need a different color wrist band
- The wrist bands must be tight enough so they can't be removed

Battle Lake Oasis presented a request to extend their licensed premise to include a portion of the yard area just outside the patio. The area will be fenced in with a locked gate to eliminate alcohol outside the licensed area. People will have to enter and exit through the building. Christensen moved to approve. Salvevold seconded. MCU

**BL Oasis
Extension of
License**

Upcoming City Council and Economic Development workshop will be held April 25th. This is the 2nd council meeting of the month. Business owners will also be invited to attend. Speakers include Dan Malmstrom, Greg Wagner from West Central Initiative and Traci Ryan from Ryan Development Consulting.

**Joint
Council/
EDA
Workshop**

Martin presented a proposed change to the utility billing policy. The change addresses delinquent accounts that are already shut-off by the property owner's request. The change allow a charge equal to the reconnection fee if shut-off due to nonpayment. Christensen moved to approve. Salvevold seconded. MCU

Notices/Announcements/Dates to Remember:

- March 28th Next Council Meeting/MnDOT/Hwy 78 Hearing 7:00 p.m.
- April 19th Social Media Workshop with Erik Osberg – 10 to 12 at Henning City Hall
- April 25th Economic Development Informational Session with Council, EDA, Businesses
At 7:00 p.m. Battle Lake City Hall - Facilitated by Dan Malmstrom Other speakers – Traci Ryan & Greg Wagner
- May 4th Tri-City Annual Meeting with Ben Winchester speaking - 5:00 at Thumper Pond

Adjourn at 9:30 p.m.

Valerie J. Martin
Clerk/Treasurer