

Mayor Richard Bullard called the regular council meeting to order at 7:00 p.m. on Tuesday, May 09, 2023, with Council member Julia DeMars attending. Marjorie Quammen attended virtually from her location at Staples Lakewood Health-49725 County 83, Staples, MN. Also present at City Hall were Deputy Clerk/Treasurer, Karalee Brandner; Public Works Superintendent, Chris Johnson; Chief of Police, Todd Quaintance; Liquor Store Manager, Adam Freyholtz, and City Attorney, JJ Cline.

The Pledge of Allegiance was recited.

DeMars made a motion to approve the agenda. Quammen seconded. With a roll call vote members voting in favor, Quammen, DeMars and Bullard with no members voting no.

VARIANCE REQUEST – Wes Shaffer

Pursuant to City Code #150.102 of the City of Battle Lake, Wes Shaffer is requesting a variance from setbacks at 301 North Lincoln Ave. The request is to build a carport on the west side of the property at the location where current tenants are parking. The request is to allow the construction of the carport 24 feet from the property line from West Bowman St. and on the south side, he is requesting a variance to build 12 feet from the alley. Current requirements are 30 feet from the right of way and 20 feet from an alley. UPDATE 04/28/23 Following a site inspection by Chris Johnson after the snow melted and the project was being staked out the variance from the 30-foot setback on West Bowman St. is not needed. The Structure will be placed 30 feet from the property line on West Bowman. The variance request of 12 feet from the alley is still being requested. Mr. Shaffer and Chris Johnson discussed that the structure would create an additional 206.25 feet of impervious surface on the property. Including this will bring the impervious surface calculation to 29.7263% for the lot.

STAFF FINDINGS:

1. The subject property is located at 301 North Lincoln Ave.
2. The applicant has asked for a variance to add a 82.6 x 20 carport on an existing pavement where his tenants park their cars.
3. In order to build the carport, he will need a variance from the alley – current requirements allow 20 feet and his request is to be 12 feet from the alley
4. The property owner stated that other locations on the property are not feasible – there are trees and elevation issues.
5. This project will actually assist in stormwater management as the property owner will put gutters on the west side of the carport and direct the spout to the north and east. There will still be some run-off to the alley but with the roof in place, the north side of the roof should move to the property rather than the alley.

Planning Commission reviewed the variance findings of fact:

1. Is it reasonable? The property in question cannot be put to a reasonable use if used under conditions allowed by the official controls (Variance requests should only be considered reasonable when no other alternatives exist, particularly if public water is impaired or at risk of being impaired. How substantial is the request related to the standard?)
All members agreed that the request was reasonable. The area is impervious already and the carport will allow some of the rainwater to be directed by gutters onto the property. The request would be an 8 foot deviation from the alley setback. City staff did not see a hinderance to snow removal in the alley by approving the variance.
2. Unique Circumstances – The plight of the landowner is due to circumstances unique to the property not created by the landowner. What distinguishes this property from other properties to justify deviation from the requirements when others must comply?

The approval of the variance will not infringe on the use or maintenance of the alley. The snow removal and stormwater management will improve with the installation of the carport. There are no other locations on the property that are feasible for the carport due to trees and elevation issues.

3. Essential Character – if granted, the variance will not alter the essential character of the City/locality. (Does the size and location compare to structures in the vicinity? If in shoreland management area, to what extent does the structure encroach into sensitive natural areas such as bluffs or shores?)

Commissioners agreed that it will not alter the essential character of the area. It is a residential area with a mix of homes and garages of various sizes.

4. The deviation from the Ordinance with any attached conditions will still be in keeping with the spirit and intent of the Ordinance; (Will deviating from the required standard on this property undermine the purposes and intent? Why or why not?) From the Zoning Code (152): The purpose of this ordinance is to regulate the use of structures, lands, waters, lot coverage, population density and the size and location of all structures in accordance with Battle Lake's Comprehensive Plan so as to lessen street congestion, secure safety from fire, flood and other dangers, to promote health and general welfare, to provide adequate light and air, to prevent overcrowding of land, to facilitate adequate provision of transportation, water, sewer services, schools, parks and other public requirements, to preserve the character of the area or neighborhood, to conserve the value of buildings and to encourage the most appropriate use of land throughout the City of Battle Lake, Minnesota.

The commission agreed that it is in keeping with the intent of the ordinance and would not undermine the purpose or intent of the setback requirement. From the Zoning Code (152): The purpose of this ordinance is to regulate the use of structures, lands, waters, lot coverage, population density and the size and location of all structures in accordance with Battle Lake's Comprehensive Plan so as to lessen street congestion, secure safety from fire, flood and other dangers, to promote health and general welfare, to provide adequate light and air, to prevent overcrowding of land, to facilitate adequate provision of transportation, water, sewer services, schools, parks and other public requirements, to preserve the character of the area or neighborhood, to conserve the value of buildings and to encourage the most appropriate use of land throughout the City of Battle Lake, Minnesota.

5. Would granting the variance be consistent with the intent of the Comprehensive Plan? (Which goals and policies apply? Is allowing deviation from the ordinance consistent with these goals and policies?) From the Comprehensive Plan: Goal 13: Encourage the community to keep homes and neighborhoods in a well-maintained condition to keep Battle Lake a desirable place to live. Citizens take care of their homes and neighborhoods, and the City wishes to continue this sense of pride throughout the town by encouraging residents to maintain their yards and homes and by providing assistance where necessary. Upholding existing building and land use standards with new housing construction and existing housing will also help to ensure high-quality homes in beautiful neighborhoods with minimal nuisances or conflicts between property owners.

It would be consistent with the comprehensive plan providing an amenity that would improve the parking area of the apartment building. From the Comprehensive Plan: Goal 13: Encourage the community to keep homes and neighborhoods in a well-maintained condition to keep Battle Lake a desirable place to live. Citizens take care of their homes and neighborhoods, and the City wishes to continue this sense of pride throughout the town by encouraging residents to maintain their yards and homes and by providing assistance where necessary. Upholding existing building and land use standards with new housing construction and existing housing will also help to ensure high-quality homes in beautiful neighborhoods with minimal nuisances or conflicts between property owners.

6. Will the variance request have an adverse impact on government services such as street usage, snow removal, stormwater runoff, emergency services, etc.?

Commissioners and staff see no impact on alley usage, snow removal and an improvement of the stormwater management plan by guttering the stormwater runoff back onto the property.

7. The variance is not for economic reasons alone.

Correct, the variance would allow for easier snow removal for the property owner and added protection for renters' vehicles.

8. The variance will not create a land use not permitted in the ordinance.

It will not.

9. Are there any conditions that should be imposed in granting the variance?

Conditions placed upon the variance are as follows:

1 – gutters and downspouts will be placed to direct water to the property on the north and south sides.

2 – Snow removal will be done promptly and placed on the property and not in the right of way.

Quammen made a motion to approve the Variance request with the conditions as written and directed the Clerk to prepare a resolution with this decision to be presented at the next council meeting. DeMars seconded. With a roll call vote members voting in favor, Quammen, DeMars and Bullard with no members voting no.

Public Hearing – Ekre Property Tax Abatement

- Mayor Bullard called the Public Hearing Open.
- There was a call for public comment with no one in attendance.
- No correspondence was received and no council discussion.
- Mayor Bullard called the Public Hearing closed.

DeMars made a motion to approve **Resolution 2023-05-9A Approving the Tax Abatement**. Bullard seconded. With a roll call vote members voting in favor, Quammen, DeMars and Bullard with no members voting no.

Tanya Westra, Otter Tail County HRA was present to discuss the progress on the HRA/City of Battle Lake homes in Hidden Meadows. The sale of the 3 bedroom home is set to close on Monday, May 15 2023. The 2 bedroom has a closing date set for June 20, 2023. The realtor reported that there has been continued interest in the 2 bedroom that has been planned. DeMars made a motion to begin building the 3rd home planned for this project. Seconded by Quammen. With a roll call vote members voting in favor, Quammen, DeMars and Bullard with no members voting no.

Jade Berube, City Engineer Report:

- **Well No. 5:**
 - Over the course of the past month, work has been primarily focused on the Change Order approved by the Council back in February. Cleanup on the piping and fluoride pumps in wellhouse number 4, and well sealing on wells one and three have occurred over the past month.
 - Partial Pay Application No. 16 is in your Council Packet. The payment is for work completed through April 27th, which included the following major items:
 - Well Pump and Motor/Sealing
 - Process Piping (in Wellhouse no. 4)
 - Change Order No. 3 Items
 - The pay request is for \$44,994.66 and will be funded through the DWRP Loan/Grant Program

Quammen made a motion to approve the pay application for \$44,994.66. DeMars seconded. With a roll call vote members voting in favor, Quammen, DeMars and Bullard with no members voting no.

- **Olaf Avenue/Memory Lane:**
 - With road restrictions scheduled to be removed on May 17th, discussions have begun regarding the remaining work on Olaf Avenue and Memory Lane. Over the course of the next week, concrete that has cracked over the winter will be marked for repair, turf locations needing touch up will be outlined and various other punchlist items will be finalized and sent to the contractor.
 - Grading and fill will also be placed at Railroad Park along with turf establishment to level the area.
- **Bluff Repair:**
 - Ben Wolden Landscaping was out last week to review the bluff repair along Bowman Street and Madison Avenue. Based on discussions with Ben, the slope stability last week was too difficult to safely begin cutting down the deadfall prior the placement of the slope repair. Ben indicated he would be coming back to review the area when restrictions are lifted and he can haul in heavier equipment.
- **Various Items:**
 - Chris and I have been working on laying out and ultimately pricing items on the City's Street and Drainage CIP. Some items have been previously discussed, but a few additional items have made the list due to the unusually harsh winter the roadways were affected by this spring:
 - South Tower Driveway Access (to Evert's from Front Street)
 - Henning/Front Street Drainage
 - Summit and Main Seal Coat/Pavement Review
 - Parking Lot Connection with Hatchery Row

DeMars made a motion to approve the Consent Agenda. Quammen seconded. With a roll call vote members voting in favor, Quammen, DeMars and Bullard with no members voting no.

- *Treasurer's Report*
- *Claims List*
- *Minutes*
- *Extra Hours Report*
- Special Event Permit – Farmers Market (Run through LACC)
- Permit and Special Event Permit – LACC for Bingo – Wenonga Days

Jim Alstadt was in attendance to present the Special Event Permit for the Eucharistic Revival. The original application was requesting the closure of Hwy 78 and several other city streets. Following discussion, the council determined that the special event permit would violate the city's special event policy. Should list how it is in violation – include that part of the ordinance Council requested that Alstadt and the committee change the route to avoid the closure of Hwy 78 and offered alternate routes and location.

Bullard made a motion to approve the special event permit if it did not require the closure of Hwy 78. DeMars seconded. With a roll call vote members voting in favor, Quammen, DeMars and Bullard with no members voting no.

May 2023 Liquor Report

Month – April			
Sales	102,682	- 9,761	- 8.6%
Transactions	2991	- 391	- 11.5%
Average Sale	\$34.33	+ 1.08	
Gross Profit	30.71%		

Year			
Sales	392,256	+ 8,834	+ 2.3%
Transactions	11,723	+ 44	+ 0.3%

Freyholtz reported that the MMBA conference had a lot of information and vendors for THC drinks. He would look for the council to discuss the sale of THC drinks in the Liquor Store.

Further, he requested that the ordinance be updated to reflect the language of allowable products to mirror the state statute pertaining to municipal liquor store allowable products.

Freyholtz would request hiring seasonal part-time clerks.

5 applications received, interviewed 4. Freyholtz would request approval to hire Eric Dison, Tamara Larsen and Eric VanErp as seasonal part-time liquor store employees at pay grade 2, step 1 (\$14.07 per hour) contingent on background check. He would also request approval to hire Michelle Greunwald if need be. Bullard made a motion to approve hiring 3 employees at this time pending successful background investigations. With a roll call vote members voting in favor, Quammen, DeMars and Bullard with no members voting no.

Adam requested permission to set up a new Battle Lake Liquor Store website and app. Motion made by DeMars, seconded by Quammen for Adam to proceed with the set up. With a roll call vote members voting in favor, Quammen, DeMars and Bullard with no members voting no.

Public works report 5/4/2023

Public works has been busy making the transition from winter to summer in a week.

Getting ready to open restrooms in a week or two.

Will start working on the lift station rehab in May.

Airport is open for the season, have some damage to repair including a few lights that may have been hit by a snowmobile.

Received the preliminary spec for the water tower painting. Apex is reviewing the plan then we will set a timeline and put out for bids.

Road patching is going very well with public works receiving many thumbs up and thank you's.

Uptown benches and flags will also be going up soon.

I attended the annual MNOPS training and conference in Duluth 4/17-20. Great training and networking time.

Discussion regarding the single sort recycling program being discussed by Otter Tail County at this time. Johnson indicated that they are still looking into cost and logistics. They would be looking to roll it out to the lakes area (Perham to Battle Lake) as part of the initial roll out.

Administration Report – Val Martin

Report from Otter Tail County Community Development Agency (CDA) – April 18, 2023

- The CDA has officially voted to move forward with the purchase of the old youth center in Battle Lake.
- Promoted Childcare Provider Appreciation Day – sent out suggestions to businesses to help them show appreciation.
- Continued work on the student workforce program.
- Continuing the promotion of the Big Build which includes the tax rebate program and other residential projects throughout the County.
- The County’s Job Portal is going through some updates.

- **Activities to note:**
 - Economic Development Authority.
 - General phone calls and request for information
 - Working on calendar of events and coupon flyer – this is now completed with staff.printing the calendar and getting it ready for distribution.
 - Second Breakfast and Brainstorming scheduled for May 17th.
 - Sent mini newsletter of EDA items to businesses and organizations.
 - Ordered grad cards.

 - Planning and Zoning:
 - Several phone calls and meetings for new projects with a few new permits written.
 - Put together forms in preparation for Greg Maynard’s inspections.
 - Prepare packets and information for Wes Shaffer variance request.

 - Auditors were here for two days but all staff spent several hours during this time, before and after the audit to prepare the information needed.
 - Clean-up day – organized what was needed for the clean-up day.
 - Completed Consumer Confidence Report for drinking water.
 - Email and mailed request for fireworks.
 - Completed one more short-term rental. Another one was mailed in but is not complete. Contacted the owner via email.
 - Rich and I met with the mayors and clerks from Ottertail and Henning.
 - 2023 insurance renewal paperwork completed and met with Patty Johnson.
 - Completed American Rescue Fund report.

DeMars made a motion to accept the resignation of Jane Kelly effective May 31, 2023. Quammen seconded. With a roll call vote members voting in favor, Quammen, DeMars and Bullard with no members voting no.

Applications for the open Administrative Assistant position are due May 12th

BLAFRA – Minutes

Lakes Area Community Center (LACC) – Minutes

Discussion with Art of the Lakes on collaborating on some upcoming projects.

Special event permit application for the Wenonga Days parade was received today but the addendum hasn't been done yet, this will be on the agenda for the next meeting.

Art Advisory Committee – Minutes

Quammen reported that an art alley celebration is being planned.

Discussion regarding powder coating the bike racks in the downtown area needing to be redone. Discussion on the consideration of painting bike and walking areas on the sidewalks in the downtown area with no action taken at this time.

EDA – Minutes

Otter Tail County CDA - Minutes.

UNFINISHED BUSINESS:

Natural Gas Rate: October 2021: \$1.07; November 2021-\$1.63; December 2021-\$1.09; January-\$1.09; February-\$1.15; March-\$1.19; April-\$1.10; May-\$1.52; June - \$1.60 July Rate - \$1.66; August Rate - \$1.51; September Rate - \$1.66; October Rate - \$1.64; November Rate \$1.45; December Rate - \$1.65; January 2023 Rate: \$1.61; February 2023 Rate: \$1.57; March, 2023 Rate: \$1.61 April 2023 Rates: \$1.56: May rates will be set at the second meeting following discussion regarding setting a minimum price amount. Current calculation would set rates at \$.60/ccf. – Discussion tabled until the May 23, 2023 meeting.

Pursuant to the request from Art of the Lakes, Quammen made a motion to terminate the lease for Railroad Park. Bullard seconded. With a roll call vote members voting in favor, Quammen, DeMars and Bullard with no members voting no.

Public Works Director Johnson noted that due to the lease being terminated the mowing and upkeep for Railroad Park will return to the City. He will check into the prices to add that area to the mowing contract for this year.

Freyholtz requested approval for the final pay request from Co-Built construction for the liquor store project for \$6,458.56. Bullard made a motion to pay as written. DeMars seconded. With a roll call vote members voting in favor, Quammen, DeMars and Bullard with no members voting no.

NEW BUSINESS

Bullard made a motion to approve the addition of Juneteenth (June 19) to the Paid Holidays listed in the City of Battle Lake Personnel Policy beginning June 19, 2023. DeMars seconded. With a roll call vote members voting in favor, Quammen, DeMars and Bullard with no members voting no.

The Request Approval of Resolution 2023-05-9B certifying past due utilities to property taxes was tabled to the meeting on May 23, 2023 to allow for clarification of the language on the resolution.

Bullard made a motion to approve the utility easement request from Otter Tail Power with the understanding that if the line would have to be trenched deeper the cost responsibility would fall upon Otter Tail Power and not the City of Battle Lake. Quammen seconded. With a roll call vote members voting in favor, Quammen, DeMars and Bullard with no members voting no.

NOTICES/ANNOUNCEMENTS/CORRESPONDENCE:

- Next Council Meeting – May 23, 2023, 7:00 p.m.

Adjourn 9:00 p.m.

Karalee M Brandner,
Deputy Clerk/Treasurer