

Mayor Richard Bullard called the regular council meeting to order at 7:00 p.m. on Tuesday, June 13, 2023, with Council members Julia DeMars and Ryan Christensen attending. Marjorie Quammen attended virtually from her location at Buchholz Seed Farms, 4255153 Ave. SE, Mapleton, ND 58059. Don Maslow attended virtually from his location at 306 Henning Street East, Battle Lake, MN 56515. Both attended virtually due to health issues. Also present at City Hall were Clerk/Treasurer, Val Martin; Public Works Superintendent, Chris Johnson; Chief of Police, Todd Quaintance; Liquor Store Manager, City Attorney, JJ Cline, and attending virtually was Adam Freyholtz.

The Pledge of Allegiance was recited.

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

PUBLIC COMMENT PERIOD: Mayor Bullard opened the Public Comment Period to discuss the Police Department policy and the use of portable recording devices. Chief Quaintance presented the policy and explained the need for a public comment period as directed in State Statute. Mayor Bullard called for public comment with no comments made. Christensen made a motion to approve the policy as presented. DeMars seconded. With a roll call vote members voting in favor, Quammen, DeMars, Maslow, Christensen, and Bullard with no members voting no. MCU

Visitors

Rick Schara was in attendance from West Central Initiative along with Kurt Mortenson, County Commissioner, and a member of the WCI's Economic Development Board. Rick reviewed projects and assistance to the City of Battle Lake that came through WCI along with several programs that are available to communities. This was their yearly visit to thank the council for their financial support.

Jeff Godwin, C & I Construction was in attendance to request a renewal of the right-of-way permit that closed Henning Street in front of the Hatchery Row project until August 13, 2023. Bullard made a motion to approve the extension but to have at least one lane open July 1st through the 4th and fully open for Wenonga Days, July 20th through the 23rd. DeMars seconded. With a roll call vote members voting in favor, Quammen, DeMars, Maslow, Christensen, and Bullard with no members voting no. MCU

Dan Ukkelberg, Ag Instructor for the Battle Lake Public School was in attendance as a follow-up to the discussion held at the last council meeting regarding the school having chickens. Quaintance reviewed the ordinance a little more closely and found that the school is exempt and would be allowed to have the chickens. Council requested they limit the amount to 12 as discussed

Jade Berube, City Engineer Report:

- **Well No. 5:**

- *Work over the past month has consisted of final instrumentation and controls cleanup and work in Wellhouse No. 4 which was approved by the Change Order in February.*
- *Partial Pay Application No. 17 is in your Council Packet. The payment is for work completed through May 23rd, which included the following major items:*
 - *Controls and Electrical work*
 - *Change Order No. 3 Items*
- *The pay request is for \$20,221.32 and will be funded through the DWRF Loan/Grant Program*

Maslow made a motion to approve the pay request of \$20,221.32 as presented. Quammen seconded. With a roll call vote members voting in favor, Quammen, DeMars, Maslow, Christensen, and Bullard with no members voting no.

- **Olaf Avenue/Memory Lane:**

- *Sherbrooke Turf was out on-site last week to address cleanup areas that did not take with the turf establishment completed last fall.*
- *A meeting with Ottertail Aggregate to review the punch list and outline the grading yet to occur is scheduled for Thursday morning. Following the meeting, they will begin to address the remaining items.*

- **Bluff Repair:**
 - Ben Wolden Landscaping had a contractor lined up for tree removal two weeks ago, but they have been unable to get to the site. He indicated they will be starting the tree removal within the week and will work on the bluff repair shortly after the tree removal is complete.
- **Street Condition Review:**
 - Over the course of the past month, Chris and I have met with a pavement restoration company and started a street condition survey. The information provided by the restoration company shed light on the current pavement concerns the City is seeing on various roadways with discussion centered around the emulsion product that has been used occasionally on seal coats within the past ten years.
 - The street condition survey will outline the roadway conditions throughout town and discuss potential maintenance activities that may be necessary over the course of the next three to five years.

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

- *Treasurer's Report*
- *Claims List*
- *Minutes*
- *Extra Hours Report*
- *Work Log Compilation*
- *Outdoor Liquor License – July 1st for Shoreline Restaurant*
 - PW - \$200 for use of trailer – PD no expenses
- *Special Event Permit - Battle Lake 542 Foundation 5K and 10K – July 22nd*
 - PW – No added expense PD – Staff time – 2 hours for a total of \$130
- *Special Event Permit – Prospect House – Wenonga Days Activities – July 22nd*
 - No expenses for PD or PW. **Prospect House must notify residents within 350 feet if they are shooting the cannon.**
- *Special Event Permit – Prospect House – Woodstack – Saturday, September 22nd*
 - No expenses for PD or PW – If going late, will be in violation of the permit. **Prospect House much notify residents within 350 feet due to their residential location.**
- *Special Event Permit – Craft Affair – August 12th*
 - PD – No added expense, PW Expense – Trailer with picnic tables \$200, the additional trailer for garbage, use of garbage cans and provide bags \$100, Staff time 4 hours @ \$65 Grand total \$560

DEPARTMENT HEAD REPORTS:

Liquor Store Report – Adam Freyholtz

| Month – May | | | |
|---------------------|---------|----------|---------|
| Sales | 243,047 | + 39,683 | + 19.5% |
| Transactions | 6,525 | + 733 | + 12.6% |
| Average Sale | \$37.25 | + 2.14 | |
| Gross Profit | 30.65% | | |

| Year | | | |
|---------------------|----------------|-----------------|---------------|
| Sales | 635,304 | + 48,517 | + 8.2% |
| Transactions | 18,248 | + 777 | + 4.4% |

Record Memorial Day weekend. Up 27% over last year.

Public Works Report – Chris Johnson

- *Worked on opening bathrooms, airport, putting up benches, flags, watering flowers, boat launch, patching roads, Mowing, spraying weeds, fixing plow damage, bike path mowing, garbage cans, bulk water meter on, irrigation maintenance and startup, water sampling, wastewater sampling, transferring water at ponds, mower maintenance, tractor maintenance, building NG meter sets, turning on seasonal waters, assisting with planning/zoning, meeting with contractors on the many projects in town, working on NG parts supplies, matching water and NG installs to customer needs.*
- *Still moving forward on the pickleball court plan.*
- *Working on a street plan for the extra “delaminating” that is happening.*

Police Report – Todd Quaintance

| | |
|---|------------|
| Accident-1050-MV-Rec Veh | 1 |
| 911 Hangup Calls | 4 |
| Alarm-Burglary | 1 |
| Animal Call | 2 |
| Assistance-Public | 11 |
| Assistance | 6 |
| Civil Dispute | 2 |
| Child Custody Issues | 2 |
| Death Investigation | 1 |
| Driving Complaint | 1 |
| EMS-Injury Accident | 1 |
| EMS-Medical | 8 |
| Fire Call-Other | 2 |
| Fire-Grass | 1 |
| Fire-Structure All | 1 |
| Harassment/Stalking | 2 |
| Littering/Illegal Dumping | 1 |
| Lost & Found | 3 |
| Nuisance | 1 |
| Open Door/Window | 1 |
| Other Calls For Service | 2 |
| Parking Comp/Privileges | 3 |
| Resid/Busin/Area Checks | 14 |
| Scam | 1 |
| School Assistance | 14 |
| Sexual Assault | 1 |
| Social Media | 1 |
| Terroristic Threats | 1 |
| Theft/Fraud Rep | 2 |
| Vehicle Theft | 1 |
| Vandalism | 1 |
| Warning-Traffic | 60 |
| Welfare Check | 3 |
| Battle Lake Police Dept | 156 |
| Bike Rodeo | |
| All 1st letters have been sent regarding public nuisance- went out in two batches | |
| -36 properties total | |

The council discussed the nuisance letters that were sent out. One was sent to a commercial business which included a need to license a couple of snowplow trucks. These are not used off the premise but the ordinance still requires current tabs on all vehicles. The council discussed exceptions or different standards for commercial property. The Ordinance Committee will also review this ordinance and bring back recommendations.

Administration Report – Val Martin

Report from Otter Tail County Community Development Agency (CDA) – May 16, 2023

- *The CDA will be closing on the old youth center in Battle Lake in June.*
- *Vergas was awarded a \$25,000 grant for a parking lot project.*

- *The legislature has passed a new program to help pay for infrastructure on new residential development – up to 50%. This is specifically for smaller projects in Greater Minnesota. The CDA will work on this grant application for a project in Pelican Rapids.*
- *The Legislature is also funding workforce housing and will be a good fit for the Battle Lake project. If the ask is less than \$200,000, Davis Bacon wages do not apply.*
- *Childcare grants are still being distributed for both centers and in-home childcare.*
- *Workforce – a new website has been set up for businesses to add summer jobs for students.*
- **Activities to note:**
- *Out on leave until 5/15/23 but continued to check emails, receive calls, and help staff with any questions that came up.*
- *Economic Development Authority.*
 - *General phone calls and requests for information*
 - *Staff continue to keep the information kiosk filled with visitor info.*
 - *Second Breakfast and Brainstorming was held on May 17th.*
 - *Assistance to new businesses as they are opening up.*
 - *Prepared cards and key rings for the graduates.*
 - *Update businesses on several items sent via email.*
- *Planning and Zoning:*
 - *Several site visits and permits were completed. Contacts made for applications needed.*
 - *Greg Maynard has started inspecting using our new process.*
 - *Research related to a property split.*
- *Worked on several new short-term rental applications.*
- *Prepared for and interviewed for the administrative position.*
- *Worked on the Natural Gas budget to create a new margin process which will determine usage rates.*
- *Work on recodification after council approval.*
- *Additional items for auditors.*
- *Continued work on fireworks donations.*

BLAFRA – Minutes. Maslow reported that the Fire Chief has resigned.

Lakes Area Community Center (LACC) – Minutes

Art Advisory Committee – Minutes

EDA – Minutes & financials

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 \$1.02; June rates: \$.99

The council reviewed the quotes from Region V and from Hometown Planning. Martin suggested they work with Hometown Planning as the prices are similar. The council wants to make sure Hometown Planning has the ability to facilitate in order to engage participants and the ability to provide a useful final document. Martin will check with other Cities on their experience with Hometown Planning.

DeMars made a motion to approve the change to Chapter 111 Alcoholic Beverages as presented. Quammen seconded. With a roll call vote members voting in favor included Quammen, DeMars, Maslow, and Bullard with Christensen voting no. Motion carried. The change would authorize the municipal liquor store to sell products as listed in MS 34A.412 Subd. 14 instead of listing the specific products.

Maslow made a motion to approve the changes to Chapter 41 Special Event Permits. Quammen seconded. With a roll call vote members voting in favor, Quammen, DeMars, Maslow, Christensen, and Bullard with no

members voting no. MCU The change would only allow the yearly City's celebration parade to travel on Highway 78/Lake Ave.

The council reviewed the animal ordinance related to farm animals. The ordinance allows farm animals on any property that exceeds 10 acres and is 300 feet from adjoining property lines. This includes any type of farm animal. There are several properties that are over 10 acres. The ordinance committee will meet, discuss, and bring recommendations to the council.

Christensen made a motion to approve **Resolution 2023-05-13A Approving the Certification of Past Due Utilities to Property.** Maslow seconded. With a roll call vote members voting in favor, Quammen, DeMars, Maslow, Christensen, and Bullard with no members voting no. MCU

At the request of Council member Christensen, the council discussed when and who should attend in person or attend virtually now that the COVID-19 emergency has passed. The council prefers that members of the public that are applying for zoning permits or commercial applications should attend in person along with consultants for the City. Also discussed was the need for the in-person attendance of Freyholtz, Liquor Store Manager. All were in agreement that he would not need to attend, either in person or virtually, unless something is specific to his department. His attendance can be decided at the Department Head meeting the day prior to the council meeting.

Maslow approved **Resolution 2023-06-13B Shaffer Variance.** DeMars seconded. With a roll call vote members voting in favor, Quammen, DeMars, Maslow, Christensen, and Bullard with no members voting no. MCU

Martin reported that Mr. Mouser from Sand Bay CIC has not completed the changes to his upper deck into a pergola as agreed to with his variance review. Martin distributed a letter that was sent to him requesting he get the work done immediately.

NEW BUSINESS

Christensen made a motion to approve **Resolution 2023-06-13C Setting a Public Hearing on an Alley Vacation.** Bullard seconded. With a roll call vote members voting in favor, Quammen, DeMars, Maslow, Christensen, and Bullard with no members voting no. Christensen abstained. Motion carried. Attorney Cline said that the alley would go to those property owners that were part of the plat with none going to the Elmers according to state statute because the assumption is that the alley was part of the original plat. The council discussed where the alley vacation would stop and as long as the full alley goes to the property owners to the south, the alley can end on the east side of the Paulson Apartments.

Apple trees received from the West Central Initiative were planted at the school.

Christensen made a motion to approve a donation to the LACC for Wenonga Day's events.

The old well house east of City Hall has now been demolished. The council was in agreement that they would like to pursue the idea of additional parking in this area. City Engineer Berube will come up with a plan.

Police Chief Quaintance did some research on the access at Sand Bay Park. What the City uses as the park next to the lake is owned by the adjacent property owner. There was some type of agreement to allow this but it appears that nothing has been recorded. Attorney Cline will do some research on this – it's the possibility that a prescriptive easement applies.

NOTICES/ANNOUNCEMENTS/CORRESPONDENCE:

- Next Council Meeting – July 11, 2023
- A thank you was received from the Prospect House

Adjourn 9:15 p.m.

Valerie Martin, Clerk/Treasurer