

Mayor Richard Bullard called the regular council meeting to order at 7:00 p.m. on Tuesday, July 11, 2023, with Council members Don Maslow, Julia DeMars, and Ryan Christensen. Absent was Marjorie Quammen. Also present at City Hall were Clerk/Treasurer, Val Martin; Public Works Superintendent, Chris Johnson; Chief of Police, Todd Quaintance; and City Attorney, Crystal Lemmer, in place of JJ Cline. Additional visitors from the public were in attendance.

The Pledge of Allegiance was recited.

DeMars made a motion to approve the agenda. Christensen seconded. MCU

Public Hearing – Conditional Use Permit

Pursuant to City Code#152.064 of the City of Battle Lake, you are hereby notified of a hearing on a Conditional Use permit for Lake Region Healthcare of 410 Lake Ave. South. The request is to install a free-standing digital sign that measures 113" x 56" and will extend 15 feet from the ground to the top of the sign when installed on the pole.

Bob Wolf and Kent Mattson explained the request:

- For marketing use
- Content will include hours, community events, clinic programs, etc.
- Fixed images to alleviate drive distraction
- Message runs 24 hours a day but has an auto-dimming feature and will dim to 50% at night.
- Will stay outside of the MnDOT right-of-way
- IT people on staff 24 hours a day so if there should be an immediate issue, someone can call the Lake Region Healthcare main phone line.

STAFF FINDINGS:

1. The subject property is located at 410 Lake Ave. South and is zoned commercial. There are no specific setbacks for commercial property.
2. Digital signs require a conditional use permit according to the sign ordinance.
3. MnDOT regulations allow this type of sign as long as it is outside of the right of way.
4. It does not appear to interfere with traffic visibility and per Indigo Signs will be in line with the other LRHC sign and the dentist's office sign further south.
5. Martin contacted MnDOT and the project is in line with their requirements.

No communication was received regarding the CUP nor anyone in attendance that supported or objected.

The Council reviewed the Findings of Fact presented by the Planning Commission as follows:

1. Will it be harmonious with the comprehensive plan of the City?

From the Comprehensive Plan - Goal 5: Work to retain the charm of the downtown commercial and residential areas and the natural beauty of the surrounding areas, while encouraging a compatible and responsible transition between them. Part of the excitement of Battle Lake is the walkable downtown, a natural gathering place for social and economic transactions. The character of this area, as well as its economic vitality, is threatened by growth and sprawl throughout the surrounding environment. Battle Lake needs to stay a neighborhood of activity in the center of a beautiful and natural region, not simply another non-descript stop along the highway. The installation of a sign at this commercially zoned location will blend in with the other commercial signs and will keep with the charm of the community.

2. Will it be harmonious with the Zoning Code?

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 sign's location is in line with the requirements of the zoning code.

3. Will it be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the surrounding area and will not change the essential character of that area?

The location will be in line with the other signs along Lake Avenue and will complement what is already there.

4. Will it not be hazardous, unhealthy, or unsafe for existing or future neighboring uses?

The sign will have no impact on future use.

5. Will it be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems, and schools?

The sign will have no impact on public facilities and will be installed on the applicant's property.

6. Will it not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community?

It will require no additional assistance from the City and there is no economic impact.

7. Will it not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare because of excessive production of or offensive traffic, noise, smoke, fumes, dust, glare, vibrations, odors or other pollutants?

The sign will have an auto-dimming feature that will dim to 50% at night so it will not impact drivers while it's dark. Also, the IT department can be contacted 24 hours a day if there is an issue with the sign that would need to be dealt with immediately.

8. Will it have vehicular approaches to the property which are so designed as not to create traffic congestion or interference with traffic on surrounding public thoroughfares?

It is set back out of Highway 78 right-of-way and will create no congestion or interference. It is located right off their personal drive into the property. It will also have fixed images with a large enough font to make it easy to read as you drive by.

9. Will it not result in the destruction, loss or damage of a natural, scenic, or historic feature of major importance?

Although it is on the edge of a wetland area, Installation will have no impact on that or features of major importance.

10. Will it be compatible with surrounding buildings, circulation, open space, landscaping, and parking, and compatible with the existing natural topography, natural water courses, vegetation, exposure to sunlight and wind, and views?

Yes, there will be no adverse effect of the area. It will blend well with the area's commercial properties and existing signs.

Are there conditions for approval?

Connect with MnDOT and make sure the setbacks are measured correctly.

The Hearing was closed. Christensen made a motion to approve the Conditional Use Permit based on the Findings of Fact adopted by the Planning Commission and to direct the Clerk/Treasurer to create a Resolution for the next meeting with the findings. Maslow seconded. MCU

Christensen made a motion to approve the sign for Lake Region Healthcare as presented. DeMars seconded. MCU

Mayor Bullard called the Hearing open for consideration of an alley vacation. The alley is described as follows 925.5 feet of the East/West alley, starting at parcel #63000990356000 owned by Ryan and Jessica Christensen starting at County Road 89 on the west end and going east 925.5 feet to parcel 6300099363000 and stopping at the unnamed street running north and south, reserving the vacation area for drainage and utility easement for the City of Battle Lake. There was a call for public comment with no one present to object. The public hearing was closed. Maslow made a motion to approve **Resolution 2023-07-11A Approval of the Vacation of an Alley**. DeMars seconded. With a roll call vote, those in favor included DeMars, Bullard, and Maslow with Christensen abstaining. No members voted no. MC

Visitors

Rob Nudell, School Superintendent was in attendance to discuss the hiring of Clerk Martin on a part-time basis to run this fall's school election. Staff members at the school do not have the time to run the election and Martin would be hired as a school employee and she will do the work outside of her normal City work hours. Martin stated that she spoke with attorney Cline and he did not see it as a conflict of interest. Council members were all in agreement that this part-time job for Martin was not a conflict of interest.

Jade Berube, City Engineer Report:

- **Well No. 5:**
 - *Work over the past month has consisted of the demolition of Wellhouse No. 3 which was approved by the Change Order in February along with general cleanup of the project area.*
 - *Partial Pay Application No. 18 is in your Council Packet. The payment is for work completed through June 25th, which included the following major items:*
 - *Wellhouse Demolition*
 - *Retainage Reduction*
 - *The pay request is for \$40,024.29 and will be funded through the DWRF Loan/Grant Program along with insurance proceeds for the well-house demolition.*

DeMars made a motion to approve the pay estimate of \$40,024.29 to Eagle Construction. Christensen seconded. MCU

- *A meeting will be held on-site with the State Engineer with the Drinking Water Revolving Fund to review the project on July 26th.*
- **Olaf Avenue/Memory Lane:**
 - *The majority of the Punchlist items remaining from the Olaf Avenue and Memory Lane Project have been addressed over the course of the past month, with the Railroad Park fill being the last item currently being completed.*
 - *Turf Establishment is scheduled for tomorrow with watering set to take place following the placement. Any turf that may be damaged by the Wenonga Days activities will have to be repaired following the event.*
- **Bluff Repair:**
 - *Ben Wolden Landscaping has begun work on the bluff repair project by removing trees and vegetation last week around the washout area. Ben didn't think he would be back this week to continue with the repair work due to some poison ivy as a result of last week's activities.*
- **Various Additional Items:**
 - *Stormwater Management*
 - *Summit Street Turn-Around*
 - *Pavement Management Review*
 - *City Hall Parking*

A meeting of the Street Committee was set up for July 21st at 9:00 a.m. to discuss changes to the public parking lot adjacent to the Hatchery.

Maslow made a motion to approve the Consent Agenda. DeMars seconded. MCU

- *Treasurer's Report*
- *Claims List*
- *Minutes*
- *Extra Hours Report*
- *Work Log Compilation*
- *Gambling Permit – Battle Lake Sporting Club Raffle – February 24, 2024*
- *Gambling Permit – Art of the Lakes – Raffle on September 30, 2023 at Stub's*
- *Special Event Permit – Gathering of Airplanes – September 2, 2023*
 - *Cost for PW Department - \$830 and Cost for PD - \$0*
- *Special Event Permit – The Hollo Gravel Classic – August 12, 2023*
- *Gambling Permit – Battle Lake Sporting Club Raffle for Gathering of Airplanes – September 2, 2023*
- *Special Event Permit – Battle Lake Sporting Club Fishing Derby – Feb. 24, 2024*
- *Quarterly Financials*
- *Quarterly Zoning Permit Report*
- *Updated Short-Term Rentals*

DEPARTMENT HEAD REPORTS:

Liquor Store Report – Adam Freyholtz

Month – June			
Sales	327,616	+ 36,522	+ 12.5%
Transactions	8,459	+ 633	+ 8.0%

Average Sale	\$38.73	+ 1.63	
Gross Profit	31.11%		

Year			
Sales	962,920	+ 85,040	+ 9.6%
Transactions	26,707	+ 1,410	+ 5.5%

Daily sales record: Saturday, July 1st -- \$53,555.11 (previously 51,743.50 in 2016)

Police Department Report – Todd Quaintance

Battle Lake Police Department
June 2023

Accident-1050-MV-Rec Veh	2
911 Hangup Calls	2
Animal Call	6
Assistance-Public	4
Assistance	8
ATL-Warrant To Serve	1
Burglary Report	1
Driving Complaint	2
Driving While Intoxicated	1
EMS-Injury Accident	1
EMS-Medical	12
Harassment/Stalking	1
Hazardous Material	1
Handgun Applications	1
Info For Officers	2
Lost & Found	1
Mental Health	1
Nuisance	1
Open Door/Window	2
Other Calls For Service	1
Parking Comp/Privileges	4
Prints Finger	1
Programs-Tours-Events	1
Records Check	1
Resid/Busin/Area Checks	21
Road/Street Hazard	1
Suspicious Activity	2
Traffic Stop Citation	3
Unlock	1
Vandalism	1
Vehicle Off Rd/non Rep Cr	1
Warning-Traffic	71
Welfare Check	1
Total	160

Public Works Report June 2023

- Public works in the swing of summer now, mostly just trying to keep up with the daily routine and work on road maintenance, trimming, locating, mowing, and so on.
- Lift station rehab should start in the next few weeks. Of course, some of the parts were delayed.
- We finally received a shipment of NG meters (first in 2 years) Just waiting on a few other parts and we can resume hooking up customers.
- Irrigated out the first full pond of the year.

Administration Report – Val Martin

Report from Otter Tail County Community Development Agency (CDA) – June 20, 2023

- Received a legislative update from the Executive Director of the Greater MN Partnership – many opportunities for communities this year.
- Update from Erik Osberg – Otter Tail Tourism has a partnership with U of M athletes. Several visited the area last week with good press coverage. Additional nonathlete programs and partnerships are being developed.
- The CDA will be hiring a consultant that can research and apply for state/federal grants. This person can also assist Cities with their projects.
- Ness Backhoe will be doing the demolition on the old youth center once the property has closed.
- **Activities to note:**
 - Economic Development Authority.
 - General phone calls and requests for information
 - Staff continue to keep the information kiosk filled with visitor info.
 - Continue working on the removal of contaminated soil from the City farm.
 - Several questions from prospective purchases of the 3rd Hidden Meadows house.
 - Planning and Zoning:
 - Several site visits and permits were completed.
 - Alley Vacation
 - Conditional Use Permit
 - Changes made to ordinances that were approved – also published and on the website.
 - Consumer Confidence Report for drinking water completed.
 - Additional items for auditors.
 - Continued work on fireworks donations.
 - Continued research on Comprehensive Plan – contacted other communities about Hometown Planning.
 - Completed short-term rentals.
 - Met with Mayor and TriCity group.
 - Completed special event permits that were approved.
 - Completed past-due utility certification to the County.
 - Meeting with staff and Patrick Waletzko, Otter Tail County Emergency Management.
 - Review audit report for approval.
 - Assistance with Wenonga Days promotion.

BLAFRA – Minutes - Maslow reported

Lakes Area Community Center (LACC) – Minutes – DeMars Reported

Art Advisory Committee – No meeting

EDA – No meeting

Otter Tail County CDA – Minutes

Safety/Emergency Management Committee – Minutes

- The council was in agreement that we should continue to pursue funding for the construction of a storm shelter/safe house.

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; July rates: \$1.02

Martin shared reviews from several other Cities that have experience with using Hometown Planning for their Comprehensive Plan. All the reviews were positive. Bullard made a motion to approve Hometown Planning for the update on the City's Comprehensive Plan. DeMars seconded. MCU

The council discussed the following Ordinance Amendments which will be brought to a future meeting for approval:

- Chapter 90 Animals – changes to farm animal regulations and going back to a yearly licensing for pets.
- Chapter 93 – Nuisance Ordinance – Quaintance reported that he worked with a consultant from the League of MN Cities on language that is less restrictive for commercial property. Some concerns of the council were discussed. Ultimately, if the council wants changes in enforcement, the language will have to be changed. Staff will do more research on grass and weeds, specifically for undeveloped areas.
- The staff will have more direction on changes to the Water Ordinance and the Wellhead Protection Ordinance after a meeting with the MN Dept. of Health.
- Chapter 74 – Changes to Special Vehicle Ordinance – the council discussed changing back to a yearly license.

Sand Bay Park Access - Martin reported what Attorney Cline had found in his research of the Sand Bay Park lake access. There are no recorded documents for the City or others granting an easement. His office will request an easement (probably an exclusive easement) for City park use from the current property owners.

Sand Bay variance update: Dr. Mouser has completed the transition of the 2nd-floor deck to a pergola.

Martin reported that we have donations totaling \$5,680 for Wenonga Days fireworks.

NEW BUSINESS

Braaten's will be listing the commercial property they own next to the camper dump. They asked if the council was interested in purchasing the property. The council agreed that they were not interested in the property at this point.

The City Council was in agreement that any use of City meeting rooms should only be permitted if there are staff members there to open and close the building when the request is outside of regular business hours.

The meeting was closed due to Attorney-Client Privilege under MN Stat. 13D.05.

Mayor Bullard reopened the meeting. Bullard made a motion to approve the \$2,500 settlement for the case the City attorneys have been working on. Maslow seconded. MCU

NOTICES/ANNOUNCEMENTS/CORRESPONDENCE:

- Legislative Session Information from MN Association of Small Cities
- Legislative Update from the League of MN Cities
- Council Meeting – August 8, 2023 – 7:00 p.m.
- Council Meeting/Budget Work Session – August 22, 2023 – 7:00 p.m.

Adjourn 9:02 p.m.

Valerie Martin, Clerk/Treasurer