

City of Battle Lake Council Meeting – October 10, 2023

Acting Mayor Don Maslow called the regular council meeting to order at 7:00 p.m. on Tuesday, October 10, 2023 with Council members Majorie Quammen, and Julia DeMars present. Absent were Ryan Christensen and Mayor Rich Bullard. Also present at City Hall were Clerk/Treasurer, Val Martin; Public Works Superintendent, Chris Johnson; Chief of Police, Todd Quaintance; and City Attorney, JJ Cline. Additional visitors from the public were in attendance.

The Pledge of Allegiance was recited. DeMars made a motion to approve the agenda. Quammen seconded. MCU

Visitors

Dale Camerson, John Christenson, and Brady Cameron were in attendance to discuss the request for a commercial application for Battle Lake Standard.

Battle Lake Standard – request for commercial permit

The request is to build a new structure east of the Sinclair Station main building. The structure will be 64 x 120. The impervious surface is 14%. The building will be constructed on the highest elevation on the northeast corner of the bare lot. This will facilitate stormwater movement to the southwest where there is a natural swale and most of the stormwater in that area runs to that spot. There is a smaller building to the east of the proposed location that will be moved off of the property.		
	Yes	No
1	Will the use create an unreasonably excessive burden on existing stormwater management, streets, snow removal or utilities?	x
No - the stormwater will continue to move to the southwest. No utilities or streets are in the area.		
2	Is the request in any way incompatible with surrounding areas?	x
No - the whole area is zoning commercial, including the owners other parcels on this property.		
3	Will the intended use have an appearance that unreasonably, adversely affects nearby properties?	x
No, with the removal of the older building to the east, the new structure will have a better appearance.		
4	Will the intended use create an unreasonably adverse effect because of noise, odor, glare or general unsightliness for nearby property owners?	x
No, it will be a storage facility and will not create any of these issues.		
5	Is the intended use consistent with Battle Lake Land Use Ordinances and Comprehensive Plan?	x
It is. The location is in a commercially zoned area and will not change.		
6	Will the use create environmental concerns?	x
It will not - it will be for storage.		
7	In considering the setbacks: will the request cause issues with visibility and/or other concerns?	x
It will not - it is set back quite far from any streets or intersections.		
	Yes	No
8	Impervious surface calculations must follow city code (25% in shoreland management or 40% outside of it). Use of historic impervious permitted.	x
Impervious surface is well below the 40% requirement.		
9	Parking - is there enough parking to accommodate staff and customers?	NA
Additional Parking is not needed for this building		
10	Signage - the signage is in accordance with the city code?	NA
No signage for the building		
	Are there any safety/traffic concerns in the proposed location?	x
No the location will be out of the way of any type of traffic		
11	Are there any conditions?	x
No		

Quammen made a motion to approve the commercial permit as presented. DeMars seconded. MCU

Dale Cameron also voiced concerns about his neighbor to the north (Perks Coffee) paving their shared driveway. He feels that the neighbor paved onto his portion of the driveway and felt the City should be held responsible because a public works employee helped the neighbor find property pins. After a lengthy discussion, Attorney Cline told Mr. Cameron that the City holds no responsibility for any issues he sees with the paving project and it is clearly a civil matter. If Mr. Cameron felt that a portion of the driveway that he owns was paved, he would need to deal with the property owner. There continued to be a discussion on stormwater management and whether the paving is causing the water to flow differently or if the coffee shop caused some issues. Martin stated that she talked with the owner about the paving and no changes were being made to the slope of the property. The stormwater should flow the same with the pavement. There continued to be conversation on the historic stormwater issues in that area that starts at the clinic and moves south. Christenson and Berube agreed to meet to review the stormwater flow on the Perks Coffee site and report back to the council.

Cameron voicing concerns about neighbor

Chris McConn from Otter Tail County Solid Waste was in attendance to discuss the upcoming single-sort project in Battle Lake. The projected plan would require the waste haulers to also haul the recycling. This could be a significant expense for them to start with and may eliminate some of the current haulers. Solid waste is proposing that they write a grant application that would pay for containers and collection for 18 to 24 months for the residents of Battle Lake. After the grant is complete, it would be up to the haulers to bill the property owner such as what they do for the garbage portion or the City could decide to contract for hauling and bill the property owner.

Single-sort grant application – OTC

- They are trying to make the transition as friendly as possible and the grant application would assist the haulers with some upfront costs for containers, plus it would get them a solid customer base to start.
- The current bin sites will continue but it will be determined in the future if they are single-sort or the current sorted process.

Quammen made a motion for Otter Tail County to move forward with the grant application once they get approval from the County Commissioners. DeMars seconded. MCU

Jade Berube, City Engineer Report:

- **Well No. 5:**
 - *Eagle Construction has completed most of the remaining items on the Correction and Completion List, with minor items related to the chemical feed system yet to be finalized. The paperwork for the Final Pay Application has been submitted to the City for payment. The final payment would be approved contingent on the completion of the remaining chemical feed items at the wellhouse.*
 - *The pay request is for \$24,028.18 and will be funded through the DWRP Loan/Grant Program.*

Well project

DeMars made a motion to approve the \$24,028.18 payment for the Well project. Quammen seconded. MCU

- **Bluff Repair:**
 - *Last week, Ben Wolden Landscaping completed the final item for the project and the Soil and Water Conservation District (SWCD) was out to inspect and approve of the installation. Last month, the City paid \$38,772 of the \$43,080 for the project with the understanding that the remaining \$4,308 would be paid upon completion.*
 - *Following payment of the remaining \$4,308, the City will request reimbursement from the SWCD for \$20,140. Payment from the County to the City cannot be made until the project is accepted by the County, and proof of payment is sent to the SWCD.*

Bluff repair

Quammen made a motion to make the final payment of \$4,308 to Ben Wolden Landscaping. DeMars seconded. MCU

- **Olaf Avenue:**
 - *Concrete repair was completed two weeks ago addressing various damaged sections of the improvements from last year within the warranty period.*
 - *Final Payment is anticipated to be ready for Council Approval at the November Meeting.*
- **Water System:**
 - *Due to the recent Health Risk Advisory for Well No. 4, additional clarifications have been provided by the Minnesota Department of Health regarding potential improvements to the City's Water System. Previously, the indication was that the City would have to wait to determine future improvements in the next 12 to 18 months, but*

Olaf Ave.

PFA's – water system options

due to the advisory, the City will be allowed to request placement on the current year's funding list.

- City Staff and I have started reviewing the alternatives for funding the potential alternative investigations with programs already being prepared by the Department of Health and the Minnesota Pollution Control Agency.
- Lead service line inventory will need to be completed one year from now.

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

- Treasurer's Report
- Claims List
- Minutes
- Extra Hours Report
- Work Log Compilation
- Special Event Permit – Homecoming Parade
- Quarterly Financials
- 2023 Fixed Assets

Consent agenda

DEPARTMENT HEAD REPORTS:

Liquor Store Report – Adam Freyholtz

LQ Report

Month – September			
Sales	222,706	+ 16,728	+ 8.1%
Transactions	6,124	+ 255	+ 4.3%
Average Sale	\$36.37	+ 1.27	
Gross Profit	31.28%		

Year			
Sales	1,989,953	+ 145,211	+ 7.8%
Transactions	52,937	+ 2,127	+ 4.1%

Police Report – Todd Quaintance

Accident-1050-MV-Rec Veh	1
911 Hangup Calls	2
Animal Call	1
Animal Bite	1
Assistance-Public	3
Assistance	1
Burglary In Progress	1
Civil Dispute	1
Driving While Intoxicated	1
EMS-Injury Accident	2
EMS-Medical	5
Fire Call-Other	2
Info For Officers	1
Nuisance	1
Open Door/Window	1
Other Calls For Service	1
Parking Comp/Privileges	1
Resid/Busin/Area Checks	11

PD Report

Road/Street Hazard	1
Scam	1
School Assistance	8
Suspicious Activity	2
Theft/Fraud Rep	1
Traffic Stop Citation	2
Unlock	1
Warning-Traffic	32
Welfare Check	1
Total	
Calls -	86

DeMars made a motion to approve the following for the Police Department with Quammen seconding. MCU

- Stalker Radar (new radar) - \$3450
- North Central (New squad set-up) \$14,986.50
- Axon Enterprise, Inc. (New tasers – includes training) \$12,973.62, Billed at \$2,594.72 a year for five years.
- Visual Lab (Body cameras) - \$5,975.00

Approve radar, new squad set up, new tasers and body cameras

Public Works Report

- Worked with MDH on fluoride leak, resolution, and future precautions.
- Had our annual NG inspection with the MN office of pipeline safety.
- Had many meetings with hatchery row staff, Arvig for NG installations, MDH for PFAs, Apex for various projects around town.
- Working on the last summer projects before we start the fall race. Mowing, bathrooms, trash, pest trapping, training, spraying, and so on.
- Pond levels are low and ready for winter.

PW Report

Administration Report – Val Martin

Report from Otter Tail County Community Development Agency (CDA) – August 15, 2023

- Awarded a grant to New York Mills for \$2,500 for commercial renovations.
- Housing Summit set for November 16th.
- Additional grant opportunities opening for established and new childcare businesses.
- On the map – OT Tourism continues to work with the U of M athletes and other students.
- Marketing Summit set up for October 3, 2023.

Admin Report

Other 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. Finally completed in September. I am now waiting for the invoices to be sent to DEED for reimbursement.
- Planning and Zoning:
 - Several applications and site visits.
 - Comprehensive Plan Update – contract/set up meetings.
- Presented at LMC New Clerks Orientation.
- Airport committee meeting.
- Worked with Patrick Waletzko on the notification system.
- Work on carpet pricing with Karalee.
- Completed levy request and sent to the County.
- PFAS notice to residents in the newsletter.
- Viewed webinars on PFAs and settlements.
- Ordinance changes in the newsletter.

BLAFRA – Maslow reported - <i>Minutes</i>	BLAFRA
Lakes Area Community Center (LACC) – DeMars reported	LACC
Art Advisory Committee – <i>minutes</i>	AAC
EDA – <i>No meeting</i>	EDA
<u>UNFINISHED BUSINESS:</u>	
Natural Gas Rate: November 2022 Rate \$1.45; December 2022 Rate - \$1.65; January 2023 Rate: \$1.61; February 2023 Rate: \$1.57; March 2023 Rate: \$1.61; April 2023 Rates: \$1.56; May 2023 Rate: \$1.02; June 2023 Rate: \$.99; July 2023 Rate: \$1.02; August 2023 Rate: \$1.04; September 2023 Rate: \$1.04; October 2023 Rate: \$1.05	NG rates
The council reviewed some possible changes to Ordinance 111 Liquor. The changes would allow establishments to choose areas outside of their licensed structure where patrons can consume alcohol as long as it is contiguous to their licensed building and on their own property. The changes would also eliminate the requirement to enter and exit a patio only through the main licensed building. It is not legal to consume alcohol on the public sidewalk, roadway, alley, etc. The council was also in agreement to eliminate the need for the outdoor liquor permit and the ordinance includes language when an establishment needs a special event permit. DeMars made a motion to move forward with changes as presented with final approval at the November council meeting. Quammen seconded. MCU	111 Liquor Ordinance
Quammen made a motion to deny the request for a donation from the Otter Tail County Humane Society. Maslow seconded. MCU	Humane Society Donation
The council tabled any discussion on the rental of dock slips and lake access rental until the council meets with the Planning Commission on Monday, October 16 th .	Dock & lake access rentals
Martin presented the updated Clitherall Township rental agreement for the use of their offices, council room, restrooms, etc. DeMars moved to approve as presented. Quammen seconded. MCU Martin will send to Clitherall Township for their approval.	Clitherall Township leave
DeMars made a motion to approve the quote from House 2 Home for carpet replacement for administration, council room, police department, and public works and to also include the small meeting room and entryway which were not included in the quote. Quammen seconded. MCU	Carpet replacement
DeMars made a motion to approve the Otter Tail Lakes Country Gold Otter Membership for \$3,000. Quammen seconded. MCU	OT Lakes Membership
Maslow made a motion to approve \$1,000 donation for West Central Initiative for 2024. Quammen seconded. MCU	WCI Donation

NOTICES/ANNOUNCEMENTS/CORRESPONDENCE:

- Comprehensive Plan Update Meeting – Monday, October 16 at 7:00 p.m.
- Securing State & Federal Funding for Your Community – November 2, 203 at 8:00 a.m.
- Lakes Country Service Coop – Anyone Interested in Running for their Board?
- Information/Request from Rich Wentzel – Underwood, Support of Highway 210 to County 1 new road connection – Council reviewed this information and has no interest in participating in a request to Otter Tail County.
- Council Meeting – November 14, 2023 7:00 p.m.

Adjourn 9:20 p.m.

Valerie Martin, Clerk/Treasurer