

Mayor Richard Bullard called the regular council meeting to order at 7:00 p.m. on Wednesday, March 15, 2023, with Council members Julia DeMar, Don Maslow and Ryan Christensen attending. Marjorie Quammen attended virtually from her location at Staples Lakewood Health-49725 County 83, Staples, MN. Also present at City Hall were Clerk/Treasurer, Val Martin; Liquor Store Manager, Adam Freyholtz (attending virtually), and Attorney Crystal Lemmers in place of City Attorney, JJ Cline.

The Pledge of Allegiance was recited.

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

Public Hearing – Conditional Use Permit: Beach House Resort Condominium located at 719 Lake Shore Drive is applying for a Conditional Use Permit - *To build a new year-round home on the Unit 1 parcel where a seasonal cabin currently exists. Will remove the current seasonal cabin and three trees. The Beach House CIC association members have approved building the proposed new home. Total impervious space will not exceed 22% for the Beach House CIC. No other property changes will occur within the Beach House CIC.*

Conditional
Use Permit
– Beach
House CIC

Mayor Bullard called the Hearing open with the applicant presenting the information for his application. Martin provided a staff report.

STAFF REPORT:

1. *The subject property is located at 719 Lake Shore Drive and is zoned residential.*
2. *The original CIC (also known as a Planned Unit Development) was approved in 2008.*
3. *After many months of working with both Ben Olesen from Hometown Planning and JJ Cline, City Attorney, we found changes are allowed through a Conditional Use Permit Process per Planning Commission minutes when it was approved. We also went through the original application, zoning ordinance, and relative state statutes to make sure it is allowable. Everything is in line to allow this change.*
4. *The CIC was required to submit a revised plat showing the changes, impervious surface, and open space calculations.*
5. *The CIC was also required to hold a meeting and get approval from all its members. This was done with minutes attached to their application.*
6. *We also suggested that the members discuss any other changes as long as they are updating the plat and those changes could be included. No members had plans for changes.*
7. *Property owners of this CIC own their building along with additional land outside their building. The Ekre's are planning on staying within the boundaries of their specific lot. The CIC, as a whole, has to follow setbacks along with impervious surface. All items are within the zoning code regulations.*

No correspondence was received.

Council reviewed the CUP checklist approved by the council with no changes:

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

The granting of the variance will be consistent with the Comprehensive Plan. The Comprehensive Plan lists the protection of the public waters as such: *The lakes are subject to increasing pressure from growth and development. Protecting this resource is critical to the long-term health of the entire community.* Granting the variance will lessen the flow of stormwater to the lake. Also, the Comprehensive Plan lists the maintenance of existing homes as an important goal: *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.* **Construction of this new home will improve the area's appearance and will blend well with other houses on Lake Shore Drive. The public waters will not be impaired due to this construction project as the stormwater will stay on the property or go into the street's stormwater system.**

2. Will it be harmonious with the Zoning Code?

The intent of the Shoreland Management Ordinance reads: The uncontrolled use of shorelands of the city affects the public health, safety, and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety, and welfare to provide for the wise subdivision, use and development of shorelands of public waters. The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by the city. The Council and Planning Commission recognizes the preservation of local waters and tax base in this request. Stormwater runoff will go to the west, and into the wetlands on the CIC property and the balance will go to the street which has curb and gutter, and a stormwater system, keeping the water out of the lake. The house will provide an additional tax base and an improved appearance to this area.

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?

Yes, it will blend in well with other homes along Lake Shore Drive and be an improvement to the area.

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

Yes, the building will be new construction with no safety concerns.

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?

Yes, it will be served by existing water and sewer connections and the driveway will be in the same location. Drainage will be similar with a portion going into the street's stormwater system and the rest staying on the property, moving to the wetland.

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?

Yes, No need for additional public facilities or services. It will enhance the economic welfare of the community by providing an additional tax base.

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?

Yes, no change to the use. Outside lighting will be minimal.

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

Yes, no change to the approach - it will be in the same location.

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

Yes, nothing in this area.

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, it is residential in a residential area and will not change any of these concerns.

The planning commission recommended approval based on the checklist with the condition that any future changes of the CIC must be requested through a Conditional Use Permit along with an updated plat. DeMars made a motion to approve the Conditional Use Permit with the recommended condition and direct Martin to prepare a resolution with the information for approval at the next meeting. Maslow seconded. With a roll call vote, those in favor include: Quammen, Bullard, Christensen, DeMars and Maslow with no members voting no. MCU

Jade Berube, City Engineer Report:

- **Olaf Avenue/Memory Lane:**
 - *Work has been suspended for the season, with punchlist items remaining. Work will pick up following the winter season with minor grading, sidewalk repair, and turf touch up left to complete.*
- **Well No. 5:**
 - *Completion of punchlist items has been the primary goal by Eagle over the course of the past month. Work on the rehabilitation of Wellhouse No. 4 has been occurring, with another touch up on Well No. 5 also being addressed.*
 - *There was no pay request submitted by the contractor this month.*
 - *Change Order No. 3 was approved by the City Council in February. Eagle has ordered the parts needed to complete the items within the change order, with the longest delay associated with the flow meter replacement. The new flow meter is anticipated to arrive in May, which will allow for the completion of all items included in the Change Order. Following completion of the punchlist items and Change Order items, the project will be closed out.*

Engineer's report

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

Consent Agenda

- *Treasurer's Report*
- *Claims List*
- *Minutes*
- *Extra Hours Report*
- *Work Log Compilation*
- *Otter Tail County HRA Report – Small Cities Grant*
- *DanceBARN Screendance Festival – July 22, 2023 in Art Alley*
- *Bethel Church Special Event Permit – July 22, 2023 in 2nd Block of Railroad Park*
- *LACC Special Event Permit – Wenonga Days – July 22, 2023 (contingent on working with staff on final parking and layout).*

DEPARTMENT HEAD REPORTS

Liquor Store Report – Adam Freyholtz

Month – Feb			
Sales	95,025	+ 8,921	+ 10.4%
Transactions	2863	+ 252	+ 9.6%
Average Sale	\$33.19	+ 0.23	
Gross Profit	30.57%		

Liquor Store Report

Year			
Sales	191,766	+ 17,886	+ 10.2%
Transactions	5,806	+ 483	+ 9.0%

- Advertising for 2-3 part-time clerks for the summer.

DeMars made a motion to approve the resignations of Sara Moen and Donna Hochstein and to approve the hiring of Julie Bjorklund at Pay Grade 2, Step 1, contingent on background check. Maslow seconded. With a roll call vote, those in favor include: Quammen, Bullard, Christensen, DeMars and Maslow with no members voting no. MCU

Resignation
of Sara
Moen and
Donna
Hochstein
Hiring
Julie
Bjorklund

Public works Report – Chris Johnson

- Public works has been busy with snow, general maintenance, and training this month.
- Snow-hauling truck had three breakdowns this month as you can tell by the pile in the lots, Should be back up and running next week.
- I attended the MRWA training in St. Cloud this week. It was another great training and networking event.
- The city did not get into the top three this year with the water taste test.
- Working on Pickleball courts, Lift station bids, water tower paint specs, finishing yearly reporting, and looking ahead to spring.

PW Report

Administration Report – Val Martin

Report from Otter Tail County Community Development Agency (CDA) – February 2023

- CDA is working on purchasing and demolishing the old youth center building to prepare it for a developer.
- The HRA and CDA will not be combined into one entity.
- The annual report was reviewed.
- **Activities to note:**
 - Economic Development Authority.
 - The EDA meeting was held at the school with about 65 people attending.
 - Year-in-review report
 - Several phones calls, visits, and requests for business space
 - Planning and Zoning:
 - CUP application for Beach House CIC – research and review extensively. Prepare items for PC and Council.
- Complete grant with MN Dept of Health for pickleball courts
- Complete the AARP grant for Pickleball courts.
- EFT Policy
- Updated LQ expansion financials
- Presented about Battle Lake expansion at a meeting at Lakes Country Service Coop
- Insurance renewal for work comp
- Snow removal comparisons
- Updates to year-end investments
- Updates and information for strategic planning
- Review the comprehensive plan
- YE gambling report
- Investment policy

Admin
Report

Police Report – Todd Quaintance

Accident-1050-MV-Rec Veh			1				
Animal Call			3				
Assistance-Public			1				
Assistance			6				
Civil Dispute			1				
Disturbance			1				
Domestic Assault			1				
Med Alarm-lifeline			1				
EMS-Medical			4				
Fire Call-Other			1				
Fire-Hazardous Material			1				
Littering/Illegal Dumping			1				
Other Calls For Service			1				
Programs-Tours-Events			1				
Resid/Busin/Area Checks			19				
Road/Street Hazard			1				
Scam			2				
School Assistance			13				
Suspicious Activity			3				
Traffic Stop Citation			1				
Unlock			1				
Warning-Traffic			42				
Welfare Check			4				
Radio Purchase-							
Quote for extra 5 radioschargers/power supply- total \$30,000.24							
Continued Squad issues-							
January - 2016 squad powertrain issues							
February - 2020 squad significant warranty issue with replacing axel..squad down for over a week							
Training-							
Attended training in Eau Claire WI late February. Great training, plenty to bring back to the department regarding weapon sighting system.							

Police Report

Approve purchase of radios

Christensen made a motion to approve the purchase of radios for \$30,000.24 as presented utilizing American Rescue Funds. Maslow seconded. With a roll call vote, those in favor include: Quammen, Bullard, Christensen, DeMars and Maslow with no members voting no. MCU

BLAFRA – Maslow reported. Annual meeting to be held March 16th at 7:00 p.m. at the Firehall.

BLAFRA

Lakes Area Community Center (LACC) – minutes. DeMars reported they are working on Wenonga Days and Christensen said the parade committee has met. There was some discussion on rerouting the parade this year.

LACC

Art Advisory Committee – minutes

AAC

EDA – minutes and financials

EDA

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

NG Rates

Christensen made a motion to approve the amendment to the Utility Adjustment Policy as presented. DeMars seconded. With a roll call vote, those in favor include Quammen, Bullard, Christensen, DeMars, and Maslow with no members voting no. MCU

Utility Adjustment Policy

Maslow made a motion to approve **Special Event Ordinance #41 with Summary Publication along with the new application.** Christensen seconded. With a roll call vote, those in favor include Quammen, Bullard, Christensen, DeMars, and Maslow with no members voting no. MCU Council discussed the addendum that would be added to the permit application which shows the actual costs for the event. The council stated staff should only include overtime hours on the form.

Special Event Ordinance And Form

Maslow made a motion to approve an amendment to **Ordinance #92 – Noise.** DeMars seconded. With a roll call vote, those in favor include Quammen, Bullard, Christensen, DeMars, and Maslow with no members voting no. MCU

92 Noise Ordinance

A proposal for a wage study was received from David Drown & Assoc. Council was not certain that the City needed to do a wage study and they were concerned about the cost of the study. Martin will work on getting another proposal and asked the council to table it until Johnson and Quaintance were at a meeting. The council tabled the decision.

Wage Study

The council discussed the zoning site inspector position that was brought up at the last meeting. This would be a new position to inspect the site three times during construction, which has not been done in the past. There is a retired individual that is interested in doing the job and may be a good opportunity to test out this added inspection service. There was a discussion about the amount of compensation for that individual. Martin stated that this person would not qualify as a contractor so he would need to be paid through payroll. Maslow suggested the council return the job of planning and zoning to the public works department. His concern was the number of individuals getting paid to do site inspections. Council asked Attorney Lemmers to check the legality of requiring the Public Works Superintendent to take over the planning and zoning role.

Zoning Site Inspector

NEW BUSINESS

The council reviewed the Railroad Park Lease – tabled until April 11th.

Railroad Park

The council reviewed the investment policy and discussed the safety of money held at the bank with the recent closure of a bank in California. Martin explained that any money over \$250,000 is collateralized by the bank which is like an insurance policy for those funds. The council asked for more information on collateralization. Attorney Lemmers will research this. The investment policy was tabled.

**Collateral
&
Investment
Policy**

Christensen made a motion to approve **Resolution 2023-03-15A Accepting a \$500 Donation to Parks from Otter Tail Power/Nancy Vetter**. DeMars seconded. With a roll call vote, those in favor include Quammen, Bullard, Christensen, DeMars, and Maslow with no members voting no. MCU

**Donation
Resolution**

Maslow made a motion to submit a notification of interest to Otter Tail County for FEMA funding to help pay for a tornado shelter. The shelter could be part of a school building project or it could be a stand-alone building, possibly something in the downtown area that could also serve as public restrooms. Christensen seconded. With a roll call vote, those in favor include Quammen, Bullard, Christensen, DeMars, and Maslow with no members voting no. MCU

**Storm
Shelter**

Christensen made a motion to approve a \$1500 donation from City funds - \$1000 from Liquor Store Fund and \$500 from the General Fund (same as last year) for fireworks. Maslow seconded. With a roll call vote, those in favor include Quammen, Bullard, Christensen, DeMars, and Maslow with no members voting no. MCU

Fireworks

NOTICES/ANNOUNCEMENTS/CORRESPONDENCE:

- Request from the Battle Lake Food Shelf for a donation. The council declined the request to donate to the Food Shelf at this time.
- Council Meeting – March 28, 2023 – Review Comprehensive Plan
- Council Meeting – April 11, 2023

**Food Shelf
Request**

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

**Closed
meeting**

The meeting was reopened and adjourned at 9:03 p.m.

_____ Valerie J. Martin, Clerk/Treasurer