

**Regular Council Meeting
Mountain Lake City Hall
Monday, August 5, 2019
6:30 p.m.**

Members Present: Darla Kruser, Mike Nelson, Dana Kass

Members Absent: David Savage, Andrew Ysker

City Staff Present: Michael Schulte, City Administrator/Clerk; Maryellen Suhrhoff, City Attorney, Rick Oeltjenbruns, Street Superintendent; Tim Coners, Fire Chief

Others Present: Sue Garloff, Jennifer Shouse-Klassen, Justin Klassen, Jay Schied, Doug Regehr, Gloria McKissick; Deanna Anderson, Observer/Advocate; Ellie Schulte, Owen Todd, Bolton & Menk; Rachel Yoder, Karen Stoesz

Call to Order

The meeting was called to order by Mayor Nelson at 6:30 p.m.

Approval of Agenda and Consent Agenda

Motion by Kass, seconded by Kruser, to add 2.G – Hire Scott Pankratz, Water/Wastewater Worker, effective August 5, 2019 and to add to 10.A That meeting may be closed as allowed in Minnesota Statutes 13D.05 to the agenda. Motion carried. Motion by Kass, seconded by Kruser, to approve the agenda and consent agenda as amended. Motion carried.

Bills: Checks #22697 – 22731, 617E

Payroll: Checks #64747 – 64764

Approve June 12 Library Board Minutes, June Monthly Report, & June Expenditures

Approve June 25 Police Commission Minutes

Approve July 10 Utilities Commission Minutes

Approve July 22 City Council Minutes

Hire Scott Pankratz, Water/Wastewater Worker, effective August 5, 2019

Public

No public comments were made.

Street Department Report

Rick Oeltjenbruns, Street Superintendent, gave the council a report of completed tasks in July. Storm clean-up of branches and sticks took around 3 days to complete. Chip sealing took place

across the city. Questions were asked about when bathrooms are locked on the weekends. The bathrooms are locked at night to prevent vandalism and opened in the morning. Police or the assigned on-call worker can open and close them.

Joint-User Agreement with Minnesota Energy Resources

An agreement with Minnesota Energy Resources was reviewed. The agreement allows Minnesota Energy to attach a small mechanical appliance to a city street light pole at the corner of 6th Ave and 11th Street North. The agreement abides the new Chapter 12 – Right-of-Way Management passed by Council late last year. Minnesota Energy will pay a \$100 fee application to the city, \$270 annual rent to the utility, and be billed monthly for electric usage. The agreement was reviewed by the city attorney and city staff. Motion by Kruser, seconded by Kass, to approve the joint-user agreement with Minnesota Energy. Motion carried.

Public Hearing – Ordinance #5-19 Amending Animal Regulations – Backyard Chickens

Motion by Kruser, seconded by Kass, to close the public meeting and open the public hearing at 6:45 p.m. Motion carried.

Ordinance #5-19 was reviewed and discussed. Interest in allowing backyard chickens was brought to the Planning and Zoning Commission in May. The Planning and Zoning Commission gave direction to the administrator to research ordinances and put together a draft ordinance that would be integrated into current city code. The presented ordinance was reviewed and recommended by the Planning & Zoning Commission in June for the council to approve. Two readings of the ordinance have been held at previous council meetings. Setbacks, structure standards, leg banding, and other components were discussed. Comments to amend the proposed ordinance were made. No comments against the ordinance were made.

Motion by Kass, seconded by Kruser, to close the public hearing and open the public meeting at 7:20 p.m. Motion carried.

Ordinance #5-19 Amending Animal Regulations – Backyard Chickens

Motion by Kass, seconded by Kruser, to approve Ordinance #5-19 with the following amendments: Change “no more than 4 hens be kept on one lot” to 6 hens, change “no chicken coop or chicken run shall be located closer than 40 feet to any primary residential dwelling on another person’s property” to 30 feet, strike C.6 “Leg banding of all chickens is required. The bands must identify the owner’s name, address, and telephone number” and strike “and shall not exceed one hundred twenty (120) square feet or floor area” in C.7. Motion carried.

2020 Budget

The 2020 Budget Guide for Cities by the League of Minnesota Cities was reviewed and discussed. 2020 Local Government Aid was certified in the past week. Mountain Lake will

receive \$911,618 in LGA, an increase of \$22,765. The state legislature did not approve any new small city street fund which will be a revenue decrease of nearly \$20,000 for 2020. PERA aid for employers will also expire in 2019 which will be a decrease in revenue of \$1,228. Bond funds were reviewed and discussed. Street assessments and lot sales in the commercial park and at Lakeview Estates are factors that affect revenue for these bond payments. How much the city wants to plan short term and long term will impact the overall city levy. Various line items in revenues and expenses were discussed. Direction was given to the administrator to provide options on various levy increases from 2019 to discuss at the next meeting. Tim Coners, Fire Chief, presented quotes to lease-to-own SCBAs for a total cost of \$134,213.25. The Fire Department will pay \$80,000 in a down payment and pay a lease for 5 years of an annual payment estimated to be \$12,085.54 to Republic First National. Motion by Kass, seconded by Kruser, to approve the purchase of the SCBAs for the Fire Department to pay down \$80,000 upfront and pay an annual lease over 5 years. Motion carried.

City Attorney

City Attorney Suhrhoff attended a scheduling hearing regarding the Hiebert Greenhouses on July 24. The property owners did not have an attorney representing them at the hearing. A request from the property owners to have an extension to find an attorney was requested but denied. The court requested that mediation take place before August 31. Suhrhoff has contacted three mediators to schedule a date. A pre-trial has been set for September 11. Trial has been scheduled for September 25. A few public nuisances were briefly discussed.

Trail Position

\$2,500 was budgeted for wages for the seasonal trail position out of the trail budget out of the general fund. The amount is expected to be reached this pay period. Jay Schied reported work that has been completed and what work can still be done. The Lake Commission recommended to fund the position until the end of August using Lake Commission funds. Motion by Kruser, seconded by Kass, to allow 50 hours of additional work until the end of August and to fund the position using Lake Commission funds. Motion carried.

2nd Ave & Other Punch List Items

Motion by Kruser, seconded by Kass, to close the public meeting at 8:13 p.m. to discuss threatened litigation. Motion carried. Motion by Kruser, seconded by Kass, to open the public meeting at 8:28 p.m. Motion carried. Owen Todd of Bolton & Menk announced that M.R. Paving of New Ulm will fix the issues on 2nd Ave and the other punch list items in September of this year at no costs to the city.

Adjourn

The meeting was adjourned at 8:29 p.m.

Approved August 19, 2019

ATTEST:

Michael Schulte, Administrator/Clerk