

**CITY OF MILACA  
COUNCIL MINUTES**

July 20, 2023

**Call to Order Roll Call**

Mayor Dillan called the meeting of the Milaca City Council to order at 6:33 p.m.

Upon roll call, the following council members were present: Mayor Dave Dillan, Councilors: Ken Muller, Norris Johnson, Lindsee Larsen and Laurie Gahm.

Staff present: City Manager Tammy Pfaff, Communications Specialist Mary Mickelson, City Attorney Damien Toven, Assistant City Clerk Deloris Katke, Assistant Public Works Superintendent Warne Johnson, Liquor Store Manager Vicki Jeys, and Fire Chief 1 Jesse Gerads.

Others present: Dan Hollenkamp, Jim & Roxie Gerads, Greg Ransom Foreston Fire Department, Chloe Smith, Myron Mollet, Greg Chaffin of Bluewaters-Potato Patch-Milaca LLC.

**Approval of the Agenda**

Mayor Dillan called for a motion to approve the agenda. Johnson made a motion for approval, seconded by Gahm. Mayor Dillan stated there were a couple of additions to the agenda: under 9 c. Ordinances and Resolutions add Resolution #23-24 Approval for Non-DOT Drug and Alcohol Testing for Commercial Drivers Policy, under 13 b. New Business add Temporary Off Premise Sales for El Jalisco Grill & Bar for Rec Fest and 13 c. New Business add Special Event Application for Airport Fly-In August 4-6.

Mayor Dillan called for a motion to approve additions to agenda. Larsen made a motion for approval, seconded by Muller. With no further discussion, all in favor of the approval of the amended agenda; motion passed.

**Approval of Consent Agenda**

Mayor Dillan called for a motion to approve the Consent Agenda of the following items:

- a. Approval of the Minutes – June 20, 2023
- b. Approval of Bills
- c. Indemnification for Bike Trails
- d. **Resolution #23-21 Resolution Approving Donations**

Larsen made a motion for approval of Consent Agenda, seconded by Muller. No further discussion. All in favor; motion carried.

**Citizen Open Forum**

Mayor Dillan asked if anybody present wanted to address anything not on the agenda. Myron Mollet spoke in regard to the condition of West River Road and requested to consider resurfacing this road. He stated there are 15 homes within the city limits and quite a few people use this road. Myron presented pictures of the condition of the road. Mayor Dillan stated that we have had this discussion before in regard to repairing this road.

**Public Hearings**

**Requests and Communications**

Mayor Dillan presented Jim Gerads with a Recognition of Service for his 40 years of serving on the Milaca Fire Department.

### **Ordinances and Resolutions**

**Resolution #23-22** Calling for a Public Hearing on Road Right of Way Vacation on 5<sup>th</sup> St SW. Mayor Dillan called for a motion to approve. Motion made by Johnson, seconded by Gahm. This Public Hearing will be at the August meeting. With no further discussion on Resolution #23-22, all in favor. Resolution #23-22 passes.

**Resolution #23-23** Approval for Preliminary PUD for Bluewaters Potato Patch-Milaca. Mayor Dillan called for a motion to approve. Motion made by Johnson, seconded by Muller. Greg Chaffin stated they are raring to go. City Manager Pfaff stated everything was approved at the Planning Commission meeting. With no further discussion on Resolution #23-23, all in favor. Resolution #23-23 passes.

**Resolution #23-24** Approval for Non-DOT Drug and Alcohol Testing for Commercial Drivers Policy. Mayor Dillan called for a motion to approve. Motion made by Johnson, seconded by Gahm. Johnson asked if this was just a modification of something that was in place. City Manager Pfaff stated there is some updated language and it is a League of MN Cities recommendation regarding the usage of cannabis that became legal. Gahm asked that if someone was using over the counter cannabis and they got drug screened, would that be an issue? City Manager Pfaff stated it could be especially if it was safety sensitive. The policy does address the issue of prescription versus using recreationally. With no further discussion on Resolution #23-24, all in favor. Resolution #23-24 passes.

### **Reports of Departments, Boards and Commissions**

*City Manager* – There may be an update in next month's packet on the airport. Letters were sent to the residents that live along the road in regard to the update on the airport road.

*Police* – Nothing

*Parks* – Nothing

*Public Works* – Revised Quote for the Senior Center front door entrance – Some discussion ensued in regard to having one door versus two doors. Mayor Dillan called for a motion to approve the quote for one door at the Senior Center in the amount of \$3,300.00 from ECSI System Integrators. Muller made the motion, seconded by Johnson. With no further discussion, all in favor. Motion passes.

*Public Works*- Approve plans and authorize bidding for road out at the bypass. City Manager Pfaff stated she hopes the bids come in under \$110,000.00. This will be a 30' road, light pole will need to be moved and we will need to come up with a name for the road. (City Attorney reminded Mayor Dillan to call for a motion first). Mayor Dillan called for a motion to approve. Larsen made the motion, seconded by Johnson. Johnson asked if this would make provisions for a road to the south for the future and City Manager stated it would. With no further discussion, all in favor of plans. Motion passes.

*Liquor Store* – Nothing

*Fire Department* – Old Ranger and Skid Unit Request from Foreston Fire Department - Milaca Fire Department Chief 1 Gerads stated they got their side-by-side Ranger, and he has talked to Fire Chief Ransom from Foreston Fire Department if they would be interested in the old unit. Unit would stay in the area and be used for mutual aid. Unit would also be available for the DNR. Mayor Dillan asked for a

motion to approve the sale of the 2004 Polaris Side by Side in the amount of \$5,000.00 to Foreston Fire Department. Larsen made the motion, seconded by Muller. All in favor, motion passes.

Fire Chief 1 Gerads further stated that they are getting quotes and specs for the new fire engine.

*Planning and Zoning - Nothing*

### **Committees**

Budget –

EDC –

### **Unfinished Business**

Mayor Dillan called for a motion to un-table considering the possible refund of First Baptist Church building Permit. Gahm made the motion, seconded by Johnson. With no further discussion, all in favor. Motion passes.

Mayor Dillan called for a motion to discuss considering the possible refund of First Baptist Church building Permit. Johnson made the motion, seconded by Larsen. Mayor Dillan stated they had received more information from last month's meeting. Johnson commented that the work and inspections that were done at this time were covered by the original permit and inspections and feels this is a duplicate. Muller stated he feels the scope of the permit is different as this permit didn't include sprinkler work. Muller further stated that he didn't want to set a precedent. Johnson stated the work done now is framing work that should have been caught 20 years ago. Muller asked if they had inspections back then and Johnson stated they did. Johnson stated the permit is a repeat of what was done before. Johnson stated all the inspections were done because if they weren't called in, the building official has the authority to stop the work if inspections are not done. Mayor Dillan stated there has been a lot of "makeup" (reimbursement) from contractors so they have had a significant decrease in the project costs.

City Attorney Damien stated that he could not speak for what happened 20 years ago but the building code as it exists now outlines when permits have to be applied for and a fee to do certain work, those change all the time. So, whatever it was that happened recently, it requires a building permit. Some of the concerns that exist, is that the fees have been paid for already. So, it is somewhat analogous to what happened a few years ago due to covid and the idea of refunding money to community members for water and things like that. From an audit standpoint, this is now public funds and it is not clear what the underlying legal authority is other than to be generous. Johnson further stated that he sees a little responsibility on the city had it been caught at the proper time. Johnson further stated he was approached by Mike Johnson, who signed the permit. Gahm asked if they were thinking the original was not done well? Johnson stated yeah, the repairs that are done now go back to the original construction that was not done properly and had it been done properly at that time, none of this would have been necessary. Muller stated that that could be an argument for any work done 20 years ago. Muller continued to say that we have an obligation to pay the inspector. Mayor Dillan stated that the building inspector gets 60% of the fee and that he (the building inspector) will be donating that fee back to the church. With no further discussion, Mayor Dillan called for a roll call vote to consider the possible refund to First Baptist Church building permit. Larsen – No, Gahm – No, Muller - No, Johnson- Yes, Dillan – No. With 4 no's and 1 yes, motion failed.

### **New Business**

Temporary Off Sale Premise Sales for El Jalisco Grill & Bar Reggae Rock Festival. Mayor Dillan called for a motion for approval. Motion by Larsen, seconded by Gahm. With no further discussion, all in favor. Motion for Temporary Off Sale Premise Sales for El Jalisco Grill & Bar Reggae Rock Festival passes.

Temporary Off Sale Premise Sales for El Jalisco Grill & Bar Rec Fest. Mayor Dillan called for a motion for approval. Motion by Larsen, seconded by Gahm. With no further discussion, all in favor. Motion for Temporary Off Sale Premise Sales for El Jalisco Grill & Bar Rec Fest passes.

**Special Event Application - Airport Fly-In August 4-6.** Mayor Dillan called for a motion to approve Special Event Application for Airport Fly-In. Motion by Muller, seconded by Larsen. Mayor Dillan stated the Legion will be serving breakfast. Muller stated he got an email from the Lion's Club and they are really involved with this as well. With no further discussion, all in favor; motion passed.

### Miscellaneous

#### Council Comments

Council member Gahm commented that she had a couple people approach her about the Kids Event and stated there was not as much for the kids to do this year. City Manager stated it was scaled down from last year when we had the 125th Anniversary and Mayor Dillan stated there was nothing the kids made this year but there was a lot of fish.


Johnson commented that the skatepark in Rec Park is phenomenal. It is huge.

Council member Muller congratulated Jim Gerads on his retirement. Parks and grass and mowing looks really good and they have been doing a good job.


Mayor Dillan also congratulated Jim Gerads on his retirement.

#### Adjourn:

Mayor Dillan called for a motion to adjourn. Larsen made a motion to adjourn, seconded by Johnson. No further discussion. All in favor; motion carried. Meeting adjourned at 7:12 p.m.

  
Mayor Dave Dillan

Attest:

  
City Manager Tammy Pfaff