

**CITY OF MILACA
COUNCIL MINUTES**

October 19, 2022

Call to Order Roll Call

Acting Mayor Dillan called the meeting of the Milaca City Council to order at 6:00 p.m.

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

Staff Present: Assistant City Clerk Deloris Katke, City Attorney Damien Toven, Police Chief Quinn Rasmussen, Officer Tate Orazem, Assistant Public Works Supervisor Warne Johnson, Administrative Communications Specialist Mary Mickelson, and Fire Chief Jesse Gerads; City Manager Tammy Pfaff via speaker phone

Others Present: Diane David, Thea Keil, Lisa Anderson, Julie Rogalla, Jonathan David, David Anderson, Dan Hollenkamp, Chloe Smith, Laurie Gahm, Dan Hakes, Lisa Hakes, Ethel Hakes, and Stantec Zoning Consultant Phil Carlson

Approval of the Agenda

Acting Mayor Dillan called for a motion to approve the agenda. Larsen introduced a motion for approval. Muller seconded the motion. Acting Mayor Dillan added Ordinance No. 505 to the agenda. Larsen stated her last name was spelled incorrectly on the agenda. Acting Mayor called for a motion for approval of the amended Agenda. Johnson introduced a motion for approval. Muller seconded the motion. No further discussion. All in favor, motion carried.

Approval of Minutes — September 15, 2022 and Special Meeting September 27, 2022

Acting Mayor Dillan called for a motion to approve minutes for 9/15/22 and 9/27/22. Johnson introduced a motion for approval. Larsen seconded the motion. There was no further discussion. All in favor; motion carried.

Approval of Bills and Quarterly Financial Reports

Acting Mayor Dillan called for a motion to approve. Muller introduced a motion for approval. Johnson seconded the motion. There was no further discussion. All in favor; motion carried.

Open Forum

Acting Mayor Dillan asked if anybody present wanted to address anything not on the agenda. Nothing was presented. Acting Mayor Dillan gave an update on Rec Fest. He stated he met with the Rec Fest committee on Monday and they have plans to move forward and they have some questions to work through but a lot of positive things happened. They are working on some organizational items and hopefully they can move forward with that. The biggest thing they have to do get some bands penciled in for dates so they don't lose out on them, which they can do on their own. They are working on items in trying to get their organization going in a different direction but Rec Fest hopefully will move on. They have a group of dedicated volunteers.

Requests, Communications, Petitions and Complaints

Update State –

Update County –

Update Townships –

Ordinances and Resolutions

Resolution 22-41 PERA for Full-Time Police Officer. Acting Mayor Dillan called for a motion to approve. Johnson introduced a motion for approval. Larsen seconded the motion. No further discussion. All in favor; motion carried.

Resolution 22-42 Assess Lawn Mowing. Acting Mayor Dillan called for a motion to approve. Johnson introduced a motion for approval. Larsen seconded the motion. No further discussion. All in favor; motion carried.

Resolution 22-43 Appointing Election Judges. Acting Mayor Dillan called for a motion to approve. Larsen introduced a motion for approval. Muller seconded the motion. No further discussion. All in favor; motion carried.

Ordinance No. 499 Amending Title III Chapter 33 City Policies Section 33.20 Criminal History License Background Investigations – 2nd Reading. Acting Mayor Dillan called for a motion to approve. Muller introduced a motion for approval. Johnson seconded the motion. No further discussion. All in favor; motion carried.

Ordinance No. 500 Amending Title IX Chapter 94 Section 94.18 Public Nuisances Affecting Peace and Safety (F) Noise – 2nd Reading. Acting Mayor Dillan called for a motion to approve. Larsen introduced a motion for approval. Muller seconded the motion. No further discussion. All in favor; motion carried.

Ordinance No. 501 Repealing Chapter 116 Gambling Regulations – 2nd Reading. Acting Mayor Dillan called for a motion to approve. Johnson introduced a motion for approval. Muller seconded the motion. No further discussion. All in favor; motion carried.

Ordinance No. 502 Authorizing and Regulating the Conduct of Lawful Gambling within the City – 2nd Reading. Acting Mayor Dillan called for a motion to approve. Larsen introduced a motion for approval. Johnson seconded the motion. Acting Mayor Dillan stated there were some changes. City Attorney Damien Toven stated there was a typo in one section, changed the language in 116.15 to limit the documentation that is required, and changed the percentage of the proceeds that have to be spent in designated area to 50% from 100%. Acting Mayor Dillan commented that he was in contact with Travis Hall, who was here last time to talk about that issue. Travis read the new Ordinance and thought it will work for them and their organization. No further discussion. All in favor; motion carried.

Ordinance No. 503 Amending Title IX Add Chapter 98 Beekeeping – 1st Reading. Council Member Johnson made a motion to table the reading as it needs further research and background. Muller seconded the motion. Acting Mayor Dillan asked that before this get tabled, Dan had some clarifications. Dan agreed to have this tabled and then work on it. Council Member Larsen stated she is against tabling. Acting Mayor clarified if Johnson was tabling 503 and 504 together and Johnson stated yes but that separate motions should be made. No further discussion. Acting Mayor Dillan called for vote on tabling No. 503. Council Members Johnson and Muller and Acting Mayor Dillan in favor, Council Member Larsen opposed to tabling Ordinance No. 503; Ordinance No. 503 tabled.

Ordinance No. 504 Amending Title IX Add Chapter 99 Chickens – 1st Reading. Council Member Johnson made a motion that since there was no urgency in passing this, he would like to see this tabled as well. Muller seconded the motion. Acting Mayor Dillan called for a vote on tabling Ordinance No. 504. Council Members Johnson and Muller and Acting Mayor Dillan in favor. Council Member Larsen opposed to tabling Ordinance #504. Ordinance #504 tabled.

Reports of Departments

City Manager – City Manager Pfaff reported via speaker phone that staff is working on items that need to be accomplished. She is working on the Comprehensive Plan at home and is working with Phil Gravel on some new mapping in the Comp Plan. There is a lot of language that needs to be updated from 2017. She is hoping to have a community event that people can be part of the Comp Plan and their goals for the city, hopefully later on in the year. In January she is hoping for the Planning Commission to review the final Comp Plan and bring it to council for final passage.

Acting Mayor Dillan requested to go back to Ordinances. We missed Ordinance No. 505.

Ordinance Amending Title III Administration Chapter 30 Section 30.19 Order of Business of the City of Milaca Code of Ordinances. Amendment to add a Consent Agenda. Acting Mayor Dillan called for a motion. Motion by Johnson. Larsen seconded the motion. Acting Mayor Dillan asked for discussion and requested to waive the second reading. Muller made a motion to waive the second reading. Johnson seconded the motion. All in favor of waiving the second reading; motion carried. Acting Mayor Dillan then called for a motion to approve Ordinance No. 505. Muller made a motion to approve Ordinance No. 505. Johnson seconded the motion. All in favor; motion carried.

Back to Reports and Departments

Police Department – Police Chief Quinn Rasmussen introduced a new officer and administered the Oath of Office to Officer Tate Orazem. Chief Quinn reported they sold three of their forfeited vehicles on the city auction. Have about 10 that are pending forfeiture. He expects 3500 - 4000 ICRs for the year, which is pretty steady.

City Manager Pfaff requested Acting Mayor Dillan to go back to the Memo of Understanding that is on the agenda to add Juneteenth to the Union contract. Acting Mayor Dave Dillan called for a motion to approve the Union addition of Juneteenth. Larsen made a motion. Seconded by Muller. No further discussion. All in favor; motion carried.

Parks Commission – None

Public Works – None

Liquor Store – Two bids received for sidewalk around beer cave cooler: All Day Concrete \$4,500.00, Johnson's Custom Creations \$4,000.00. Assistant City Clerk stated Liquor Store Manager Vicki sent out an email requesting Johnson's Custom Creations to finish the concrete work at the liquor store. Acting Mayor Dillan called for a motion to approve Johnson's Custom Creations. Johnson made a motion to approve. Muller seconded the motion. No further discussion. All in favor; motion carried.

Planning Commission – **Resolution #22-44 Conditional Use Permit 555 State Hwy 23 8 Unit Apartments.** Acting Mayor called for a motion. Muller introduced a motion to approve. Johnson seconded the motion. Phil Carlson, Planner from Stantec, stated that this Resolution was for a Conditional Use Permit from Shawn Williams of CKW Developers. Carlson stated that Multiple Family Residential is allowed as a conditional use in the B2 District. Carlson went on to say the council could impose reasonable conditions on that use like landscaping and lighting and building materials, which this does. Planning Commission did vote to approve this, with the conditions of landscaping and lighting. There are five conditions in the resolution. There are also four findings of fact in the resolution. Carlson further stated that if the council agrees with this, their motion is to approve Resolution 22-44. Acting Mayor Dillan called for any discussion. Assistant City Clerk Katke stated there were a couple of letters that were opposed to this mainly due to traffic, and water/sewer lines. Acting Mayor Dillan stated that the water and sewer lines would be an engineering issue and be looked into and Phil Carlson stated they would be to make sure they can be connected properly. Phil Carlson pointed out that this lot has been B2 Commercial for many years and is currently vacant. This lot could be used for many other uses that could come in and would just need a building permit and not need special attention from the Planning Commission or approval from City Council. Phil continued to say that there will be a privacy fence on the west side of the property, there will be landscaping around it, and traffic would probably be less than what many commercial uses could be on that property. Johnson asked if this would be connected to the alley and be a through street. Phil stated there are two access points: off of Hwy 23 on the north side and a shared driveway with the parcel next to that with easements in place and it does connect to the alley. Phil also stated that his report shows the site plan with a garage proposed on the south side and that garage building would be a barrier to the traffic activity. Muller questioned if there was a fence on the west side and Phil

stated there is a fence on the west side on a portion of the property. No further discussion. All in favor; motion carried.

Resolution #22-45 Variance Corner Set Back at 355 3rd Ave SE. Acting Mayor Dillan called for a motion. Johnson made a motion for approval. Muller seconded the motion. Acting Mayor called for discussion. Phil stated this is a vacant lot and like a lot of the older lots in the city, it is less than the standard of 80 foot wide and 10,000 square feet. With this narrow dimension off of Hwy 23, putting any kind of building on this lot would be difficult to meet the setbacks. If done, it would be a skinny, long rectangle which would not be reasonable. CKW Developers is proposing a 24-foot-wide house, and setting it back 14 feet instead of the required 30 feet. Phil also noted that the lot was originally 66 feet wide. The highway took an additional 10 feet easement some years ago. He also noted that the properties down the next two blocks, just about all of those structures are well in front of that 30-foot setback. Allowing that 14-foot setback instead of the 30-foot setback gives some extra room on the north side. Phil said that allowing the 16-foot variance off of the 30 feet so that it is a 14-foot setback that is proposed is reasonable. Planning Commission recommended approval and findings of fact are in Resolution 22-45. Acting Mayor Dillan stated it is a nice improvement for that corner. No further discussion. All in favor; motion carried.

Resolution #22-46 Variance Lot Line Adjustment 315 and 325 3rd Ave NW – Acting Mayor Dillan called for a motion. Larsen made a motion for approval. Muller seconded the motion. Acting Mayor Dillan called for discussion. Phil stated this is a request for a lot line adjustment and variances to lot size and width for 315 and 325 3rd Ave NW. This is a situation where the north lot line of 315 encroaches into the house by 1.6 feet, so the house is over the lot line. The owners want to adjust this so part of the structure and garage aren't on the next lot to the north. They are proposing to move the lot line by 11 feet. This would then allow the required 10-foot setback to both structures. There is more than 20 feet now between the structures. Like many of the older lots in Milaca, these lots are under the minimum required 10,000 square feet and 80-foot lot width so the request to simply move that lot line does require those variances because the new lots would be under the lot size and under lot width but it would improve the situation. Planning Commission recommended approval of this and Resolution #22-46 has the findings of fact in the Resolution. This does involve 2 separate actions: approval of the lot line adjustment and approval of the two variances and it will affect both properties. With one motion, you can affect those two actions and it will affect those two properties. Each property would then need to file this with the county separately, but it would be one decision of the city council. No further discussion. All in favor; motion carried.

Resolution 22-47 Conditional Use Permit 260 5th Ave SE - Acting Mayor Dillan called for a motion. Johnson made the motion to approve. Muller seconded the motion. Phil stated that this is a request for a multiple dwelling in the R2 district, and approving this Resolution is actually denying the Conditional Use Permit which was the recommendation of the Planning Commission. This structure was built as a single-family home. It was converted to three units – not approved by the city. Staff then said they need to come in and get some kind of approval as it could not continue as is. The Resolution and report states that multiple dwellings are allowed as a Conditional Use permit in that zone, R2, but there are some important conditions: a single-family home cannot be converted to more than two units and this has been converted to three, a use that is not allowed and they are contemplating having a fourth unit in that home. The discussion in this report and in this resolution points out that this conversion even to three units is not allowed. In addition, the lot area does not meet the requirements for a two-family home. As an existing single family home sitting on this lot can stay as long as they want but this conversion to three units and even four units is simply not allowed. That is recorded in the report and in the findings of fact in the resolution. The recommendation of the Planning Commission was to deny the Conditional Use Permit. Passing Resolution #22-47 would deny that Conditional Use Permit. Because this is a use that is not allowed and has been developed without city approval, there may be additional actions that city staff or

the city attorney may recommend. Acting Mayor Dillan asked for any more questions. No further discussion. All in favor of denying Conditional Use Permit for 260 5th Ave SE; Motion carried.

Fire Department – Chief Gerads thanks all who came to the fire department open house. It was a huge success. Fiscal year coming up at the end of October.

Airport – None

Committees

Economic Development – Acting Mayor Dillan stated the last meeting was a presentation on childcare and the survey that was done. There will be more information coming from that. They have created a task force on ways to address that county wide and in Milaca.

Personnel – None

Budget – None

New Business

Genesis Technology Corporation – Site Lease Agreement-Renewal – Acting Mayor Dillan called for a motion for approval. Johnson made the motion. Larsen seconded the motion. City Manager Pfaff commented that this is a renewal for another three years and this is for the old water tower. No further discussion. All in favor of approving the Site Lease Agreement-Renewal; Motion carried.

Easement by Bypass/Pearson Property – City Manager Pfaff stated this is just for discussion and to ask for a directive from the council. Pfaff stated the Pearsons are asking for an easement from a prior meeting. The easement location as planned has been approved by Great River Energy, and as long as we have a zero-grade change to the land, the road can be put there. If the Council agrees with that location, it will only be about a 50-foot road so that is not close to the beer cave in the back. Damien, staff, and the City Manager can work out the measurements, which would require a survey. Acting Mayor stated that it would be a survey by the developer, not the city. Acting Mayor Dillan further commented that there was talk about the east and going on that side, but where the parking lot ends, there is quite a drop and it just didn't make a lot of sense and, we were not going to allow straight through the parking lot and turning the parking lot into a road so this was the only option that we came up with. Acting Mayor Dillan stated this came about because they wanted to list this and you can't list it when it is landlocked. Acting Mayor Dillan asked if it was ok for staff to look into this and the council agreed.

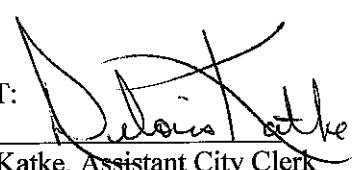
Acting Mayor Dillan asked for council comments. Larsen – none. Muller thanked the Fire Department on the open house. Johnson – none.

Adjourn

With no other business presented before the council, Acting Mayor Dillan called for a motion to adjourn. Larsen made a motion to adjourn. Muller seconded the motion. Motion carried. Meeting adjourned at 7:10 p.m.


Dave Dillan, Acting Mayor

ATTEST:


Deloris Katke, Assistant City Clerk