

Lanesboro City Council
Regular Meeting
Wednesday, September 7, 2022

Meeting held in the Lanesboro Community Center Meeting Room and via Zoom

Present: Jason Resseman, Mitchell Walbridge, Mindy Albrecht-Benson, Joe Goetzke, and Chase Bakke

Absent: None

Visitors: Attorney Joseph O’Koren, Brian Malm, Mike Bubany, Hannah Wingert, Bonita Underbakke, Charles Horihan, Greg & Shari Qualy, Kody Bearbower, Matt Holtegaard, Anna Loney, Creighton Horihan, Jerry & Susan Ritter, Jon Buggs, Rick & Cheryl Lamon, Ken & Therese Graner, Molly Gage, Keith Eide, Gayle Burdick, Rich Horihan, Karen Heimdahl, Paul & JoAnne Meldahl, John Levell, Kate O’Neary, Ceil Allen, Stacey Schultz, David Bakke, Drew Darling, Steve McCaulson, Paul Kritzeck, and Creighton Horihan

Zoom Participants: Chad Kingsbury, D Smith, Corrine Hager, Grant, Kayla, Iphone, Dan, Guest, TW, Diane Peterson, Deane Benson, Char, Coffee Street Inn, Jack, Lori Bakke, Robert Petzer, Mike Ask, Tom Smith, Olivia Holtegaard, Guest, Horihan, Katie, Jeff Lepper, Vicki McKinney, tbrudvig, Andrzej Zalasinski, Pam Engebretson, Sam, Andy Bunge, Lester Dunn, Nena Highum, Marlin Miner, Scott Sindelar, John Willford, Kristen Asleson, SM-P905V, dn.

Public Hearing on Sidewalk Improvements (5:45 p.m.) Anna Loney questioned if the Council would like to create a walkable community or enforce a blanket policy for sidewalk improvements. The goal would be to plan for the future, following the Comprehensive Plan and develop a walkable community. Loney would volunteer to help find funding sources and planning.

With no further comments the Public Hearing was closed at 5:49 p.m.

Public Hearing on Approval of Property Tax Abatement (6:00 p.m.) No comments were received. The Public Hearing was closed at 6:03 p.m.

Regular Meeting:

Mayor Resseman called the Regular Meeting to order at 6:04 p.m.

A. Agenda: Member Albrecht-Benson motioned to approve the agenda with the addition of Liability Coverage Waiver Form to New Business and removal of the Fire Department Report. Member Bakke seconded the motion. Motion carried with all in favor.

B. Public Comments: The following comments were heard:

- a. Susan Ritter: The agenda does not list the motions to be made, therefore comments can not be considered ahead of time.
- b. Bonita Underbakke: Concerned for the Interim Use Application on the agenda for a Photo Booth. The Photo Booth does not represent the values of Lanesboro.
- c. Jerry Ritter: The posted agenda does not reflect the motions to be made. He is concerned for the necessary actions to be taken regarding 18 Beacon Street, as well as safety concerns for the structure itself.
- d. John Lavelle: Inquired if consideration has been given to mitigate the negative impact to property values with the implementation of the newest grain bin. Additionally he is concerned what impact the proposed subdivisions in town will have on his property values.

- e. Molly Gage: Feels that it is the Council's duty to enforce the ordinance in order to protect the safety of the community. Gage noted concern for the liability of the city, size of the structure, as well as the tension in the community.
- f. Lori Bakke: Bakke is a longtime business owner in this Agricultural Community and agrees that legalities set forth need to be followed. Lanesboro is a Tourist and an Agricultural community, we need to unite and support RLH Grain.
- g. Vicky McKinney: The rules were not followed, and they should have been.
- h. Gregg Qualey: Is a long time resident of Lanesboro, and has had concerns with the property at 18 Beacon Street for many years. The truck traffic has increased, and changes have been made in the area to accommodate them. He requested the Council consider closing Fillmore Avenue No to truck traffic.
- i. Kate O'Neary: Shared concern for the taking of City property, noting the vacation must be of benefit to the community. Everyone needs to follow the same rules.
- j. Susan Ritter: Suggested the Council should vote for letters of correction, or to have the structure taken down. Ritter also shared concern for the parking violations, aesthetics, as well as the mitigation of safety concerns.
- k. Rich Horihan: Horihan shared that the drawings that were submitted with the original application in 2020 did show the proposed height of the structure. In 1989 he was told by a City staff member that the property line was the utility pole, and therefore has gone off of that information acting in good faith that he understood where the property line was. Although he has wanted to cooperate with the City's request, he feels that he does have a valid permit to build the structure where it is. He supports the tourism industry, and believes that both tourism and agriculture industries should receive equal treatment with a fair implementation of the rules. He would like to work together to find a resolution.
- l. Kate O'Neary: O'Neary questioned the authority to allow the building to continue being built.

C. Approval of Minutes:

- ❖ Minutes of the Regular Meeting, August 1, 2022: Member Walbridge motioned to approve the minutes as presented. Member Albrecht-Benson seconded the motion. Motion carried with all in favor.

D. Consent Agenda:

- 1. Accounts Payable
- 2. Parking Spaces on Parkway for October 1, 2022 11a.m. - 3 p.m.
- 3. Buffalo Bill Days REcap and Fireworks Permit
- 4. Gage Bed and Breakfast License Application
- 5. Fiscal Agent request for Leadership Boost Grant Application - Blandin Foundation
- 6. Resolution 2022-31 Authorizing Assessment for Unpaid Utility Charges
- 7. Resolution 2022-34 Accepting Donation

Member Goetzke motioned to approve the Consent Agenda items as presented. Member Bakke seconded the motion. It was noted the Council needed to approve the donation due to it being deposited into the City account. Motion carried with all in favor.

E. Project Reports:

a. Wastewater Treatment Facility

- i. **Pay Request #21:** Brian Malm noted the recommendation of the pay request in the amount of \$213,761.43. Member Goetzke motioned to approve the pay request. Member Albrecht-Benson seconded the motion. Motion carried with all in favor.

b. 2022 Street & Utility Improvements:

- i. **Pay Request #1:** Brian Malm noted that the first Pay request in the amount of \$673,345 was from the start of the project through mid August. Member Albrecht-Benson motioned to approve. Member Goetzke seconded the motion. Motion carried with all in favor.

F. Department Reports:

a. EDA

- i. **Member Application:** Member Goetzke motioned to approve the appointment of Thomas Pursell pending verification of residency requirements. Mayor Resseman seconded the motion. Motion carried with all in favor.
- ii. **Sparrow Valley Properties:** Financial Advisor Mike Bubany provided an explanation of the proposed funding mechanism with the understanding that the Developer agrees to the funding requirements. Member Goetzke motioned to approve the development agreement at an interest rate of 4%, and disbursement to be made the first month after completion of the project. Member Bakke seconded the motion. Motion carried with all in favor. Member Goetzke then motioned to approve Resolution 2022-33 Approving Property Tax Abatement Related to 2022 Sparrow Valley Properties, LLC Housing Project. Member Walbridge seconded the motion. Motion carried with all in favor.

G. Continued Business:

- a. **Public Street Dedication Request:** Attorney O’Koren recommended that no action be taken at this time due to ongoing civil litigation between property owners in the area.
- b. **Administrator Review Format:** Members noted that a separate meeting should be held to conduct a review for the Administrator. Administrator Peterson will coordinate a time and date for the meeting to be held.
- c. **Ordinance 112.10 Tobacco Licensing:** Member Goetzke motioned to table the discussion. Member Albrecht-Benson seconded the motion. Motion carried with all in favor.
- d. **Ordinance 112.22 Liquor Licensing:** Member Goetzke motioned to table the discussion. Member Albrecht-Benson seconded the motion. Motion carried with all in favor.

H. New Business:

- a. **Liability Coverage Waiver Form:** Member Walbridge motioned to approve the waiver as submitted. Member Goetzke seconded the motion. Motion carried with all in favor.
- b. **Sidewalk Improvements:** Member Goetzke motioned to approve Resolution 2022-35 Adopting Assessments and approved work to be done. Member Albrecht-Benson seconded the motion. Motion carried with all in favor.
- c. **Resolution 2022-32 2023 Preliminary Budget:** Member Goetzke motioned to approve Resolution 2022-32 Approving the Preliminary Tax Levy with an increase of \$2,000 to the levy amount listed. Member Walbridge seconded the motion. It was noted that although there is a 14% increase to the levy, tax capacity has also increased, and therefore there is a decrease in the tax rate for the City. Motion carried with all in favor

The Council Meeting was recessed at 7:18 p.m. The meeting resumed at 7:25 p.m.

- d. **Environmental Project:** Mayor Resseman motioned to table the discussion. Member Goetzke seconded the motion. It was noted that Council Members should begin to formulate ideas for a discussion at the next meeting. Motion carried with all in favor.

- e. **City Council Decisions:** Member Albrecht-Benson shared her concern for the format and the level of detailed information provided to the Council prior to the meetings, noting she did not feel it invited critical thinking.
- f. **Interim Use Application:** Mayor Resseman shared the recommendation from Planning & Zoning to approve the application. Member Albrecht-Benson also shared a recommendation from the Heritage Preservation Commission to approve the application. Member Goetzke motioned to approve the Interim Use Application for Traveling Old Time Photo Booth. Member Bakke seconded the motion. Concerns were shared for the aesthetics. Member Goetzke voted in favor. Members Albrecht-Benson, Walbridge, Bakke, and Mayor Resseman voted against. Motion failed.
- g. **18 Beacon Street Review:** Members discussed the format to review the various topics, additionally advice was shared by City Attorney Joseph O’Koren and City Engineer Brian Malm. Member Goetzke motioned to approve the height variance. Member Bakke seconded the motion. It was noted that the practical difficulties should be reviewed prior to a vote on the variance request. Member Goetzke withdrew his motion.
 - i. Is the variance in harmony with the purposes and intent of the ordinance? Member Goetzke motioned to approve, the purpose and intent of the maximum height requirement in the ordinance is to provide consistency and avoid wide variation in building heights within a designated zoning district. Although the proposed bin height is significantly higher than the City Code requirement, there are several other existing structures on the site that also exceed the City Code requirement. The highest existing structure on the site, prior to construction of the proposed grain bin, is the existing grain leg, at an approximate height of 120-ft. The existing grain leg currently exceeds the City Code height limit by approximately 75-ft. The proposed grain bin would exceed the City Code height limit by 83-ft, 4-inches, and would exceed the existing grain leg height by 8-ft, 4-inches. Given these considerations, the grain bin height, as proposed, is in harmony with the purpose and intent of the ordinance as it will not allow a significantly taller structure than what currently exists on the site. Member Bakke seconded the motion. Members Albrecht-Benson and Walbridge voted against the motion. Members Goetzke, Bakke, and Mayor Resseman voted in favor. Motion carried.
 - ii. Is the variance consistent with the comprehensive plan? Member Goetzke motioned to approve. The City of Lanesboro’s comprehensive plan was last updated in 2021. The future land use plan included in the comprehensive plan indicates no changes in proposed land use for the proposed project area. There are no specific provisions in the comprehensive plan addressing or limiting building heights in the industrial zone. Additionally, the comprehensive plan purports to support economic development opportunities that strengthen and diversify the City’s economic base as well as to enhance the commercial core’s economic viability. Therefore, the proposed variance is consistent with the comprehensive plan. Member Walbridge seconded the motion. Motion carried with all in favor.
 - iii. Does the proposal put property to use in a reasonable manner? Member Goetzke motioned to approve, the proposed facility is a grain bin, which would be considered a warehouse or storage facility. According to Chapter 151.28, paragraph (B), warehouse and storage facilities are permitted uses in Industrial Districts. Therefore, it is considered a permitted use in this location. The use of the site is reasonable given that it is a permitted use in the current zoning and is nearly identical to existing uses on the site. Member Bakke seconded the motion.

Members Bakke, Walbridge, Goetzke, and Mayor Resseman voted in favor. Member Albrecht-Benson voted against. Motion carried.

- iv. Are there unique circumstances to the property not created by the landowner? Member Goetzke motioned to approve, the purpose of the grain bin is to allow for the storage of a specific volume of grain. An alternative to constructing a bin with a height of 128-ft, 4-inches with the same volume, would be to construct a shorter bin with a larger diameter. There is limited space on the site to increase the diameter of the bin. Also, topography to the south limits the ability of the applicant to purchase more property to build a larger diameter bin. Therefore, the size of the lot and the topography to the south are unique circumstances to the property not created by the landowner. Mayor Resseman seconded the motion. Member Albrecht-Benson voted against. Members Bakke, Goetzke, Walbridge and Mayor Resseman voted in favor. Motion carried.
- v. Will the variance, if granted, alter the essential character of the locality? Member Albrecht-Benson motioned to approve, the proposed facility is a permitted use in the current zoning and is identical to other existing uses on the site. The existing site is a grain elevator with existing grain bins. The proposed variance would allow construction of a grain bin at a height only slightly taller than the tallest existing structure on the site. Granting the variance would not change the essential character of the locality. Member Walbridge seconded the motion. Motion carried with all in favor.
- vi. Member Goetzke motioned to approve the height variance request based on the practical difficulties. Member Bakke seconded the motion. Members Albrecht-Benson and Walbridge voted against. Members Goetzke, Bakke, and Mayor Resseman voted in favor. Motion carried.
- vii. Mayor Resseman motioned to table the discussion on Set-back requirements, Floodplain, and Lot Coverage. Member Albrecht-Benson seconded the motion. Motion carried with all in favor.

I. Miscellaneous:

- a. **Wastewater Treatment Facility Completion Inspection:** Mayor Resseman motioned to table the discussion to allow time to speak with the Attorney. Member Goetzke seconded the motion. Motion carried with all in favor.
- b. **Canvassing Board Meeting Schedule - November 15,16,or 17, Time to be determined:** Mayor Resseman motioned to hold the Canvassing Meeting Tuesday, November 15th, 2022 at 5:30 p.m. Member Goetzke seconded the motion. Motion carried with all in favor.
- c. **December 5, 2022 Truth in Taxation Meeting:** Member Bakke motioned to hold the 2022 Truth in Taxation Meeting on Monday, December 5th, 2022 at 6:00 p.m. Member Albrecht-Benson seconded the motion. Motion carried with all in favor.

Next Meeting: Monday, October 3, 2022 6:00 p.m.

ADJOURN: Mayor Resseman adjourned the meeting at 8:40 p.m.

Respectfully Submitted,

Michele Peterson

City Administrator/Clerk