



**Approved
12/12/2023**

**MEETING MINUTES
CITY COUNCIL
November 28, 2023**

Present: Mayor Gustafson, Council Member Rivers, Battles, and Meyers, Dresel

Absent: None

Staff: City Administrator Pechman, City Attorney Doran, Associate Planner Nelson, City Engineer Guzik, Chief Police Schlumbohm

Public Attendance: Leilani Freeman, Elizabeth Baxter, Gloria West, Micheal Cathcart, Alisa Ridler

REGULAR MEETING-CALL TO ORDER 6:30

Mayor Gustafson called the meeting to order at 6:30 p.m.

1a. "Pledge of Allegiance"

The Pledge of Allegiance was recited.

Action

1b. Roll Call

All members present.

Action

AGENDA

Mayor Gustafson asked for approval of the agenda.

Administrator Pechman would like to add item 7j. Payment Request #4 Downtown Street Project.

Council Member Rivers made the motion to approve the agenda, Council Member Dresel seconded, all in favor, all ayes, motion carried.

CONSENT AGENDA

3a. Minutes of October 24, 2023

Action

3b. Payment of Bills/Finance Information

Action

3c. Committee Reports

Discussion

3d. Resolution – 23-11-01 designating polling place

Action

3e. Resolution – 23-11-02 shed variance 28820 Green Lake Avenue

Action

Mayor Gustafson asked for a motion to approve the consent agenda.

Council Member Rivers made the motion to approve the consent agenda, Council Member Dresel seconded, all in favor, all ayes, motion carried.

PUBLIC COMMENT/AGENDA PLACEMENT

Mayor Gustafson asked if anyone had any comments or concerns on anything which was not on the agenda.

Elizabeth Baxter said she would like to hear more on the variance which had been approved for 28820 Green Lake Avenue. Ms. Baxter had walked the neighborhood seeking signatures on a petition in support of denying the variance. There had been a variance application for a grandfathered in deck and they had to cut because it was 6 inches in towards the bluff. Ms. Bater reads through a summary she has prepared. There were 2 existing sheds about 8 x 9 ft placed on the property within the last 10 years without a permit. There were on a permit in 2017; they were not grandfathered in or 30 years old. The structures did not require a retaining wall and the roof line allowed water to hit level ground; these sheds had been removed. A new shed 14 x 28 ft with a height of about 11 ft. was purchased and is not the same footprint of the old sheds. New roofline directly sheds water on the bluff. The rocks are not a means to improved imperious surfaces. In 28 years I have never had issues with boulders rolling down the hill. They moved in a truck load of boulders and tried to roll them down the hill. The bluff was extended with Versa Lok Blocks not intended for a bluff. The wall was not engineered. Approximately half of the shed extended beyond the natural bluff of the lakeshore. If the Planning Commission had been given the correct information, I believe they would have denied the variance. They were told it was not a bluff and that the DNR did not have a comment. The City Administrator denied variance. The first recommendation from the DNR supports the city to deny the variance. In addition, the DNR recommended the retaining wall be removed and the shed be moved off the bluff. Very lastly the DNR commented that at a minimum the water needs to be addressed with gutters. The purpose of this shed is to house a side by side ATV. The height of 11 ft was specifically for this purpose. Following the three-step practical difficulties this shed does not qualify for a variance. There is not a hardship or need for this type of structure on the bluff of lakeshore property. The existing property already has a three-stall garage. Many other rent storage for boats fish houses, etc. The role of our city government is to enforce the ordinances in place, not to interpret if the ordinances are necessary. The council needs to be fair and equitable for all. If ordinances need to be amended that must happen. It is not the role of the council to chose when to ignore codes and play favorites among the community. Last spring a person hired someone to replace deck boards on an existing deck. When the company pulled the permit they were required to cut the boards 6 inches because they were to close to the bluff. In approving this variance the council is selecting to enforce ordinances for the front yard and not the backyard. The public letter did not reach all the neighborhood and it did not explain the exact violations of the ordinances and codes. Suggestion to provide public notification about the details of all variance approved or denied so the public can understand how ordinances have changed and what is now allowed for everyone. I am requesting that you make room on tonight's agenda to revisit this variance application. Ms. Baxter asked if they had any questions for her.

City Attorney Doran said he has instructed the council not to speak tonight because of the pending litigation she had initiated.

Ms. Baxter asked what the harm in this she wanted to be taken seriously.

City Attorney Doran said they will not speak on this tonight; but she has been welcomed to speak tonight.

PETITIONS, REQUESTS, COMMUNICATION

None.

PUBLIC HEARING

None.

NEW BUSINESS

7a. 2024 Triathlon Permit Application-Gloria West

Action

Parks Superintendent Zacho stated that Gloria West is present tonight for the Chisago Lakes Triathlon. Zacho stated at the last city council meeting it was directed to go back to the Park Commission for review. At the park meeting we concentrated on the parks use and are asking if we can move forward with hosting it again next year. We have included the list of items which had been discussed and is in their packets. Dutrirun will donate \$10,000 to the parks for previous years use.

Council Member Meyer stated he had attended the Parks meeting and it was quite a lengthy discussion. Gloria had provided a list of points that they were going to do moving forward if approved. This year they have approved the kids race, spaghetti dinner, pancake breakfast and donation to the city parks.

Council Member Meyer made the motion to approve moving forward with the list provided by Gloria and it would be reviewed annually, Council Member Dresel seconded.

Council Member Dresel asked if they had they had discussed any of the other issues besides the park, like the parking and such; is there anything else that needs to be completed.

Gloria West said they will be covering things.

Parks Superintendent Zacho stated they held a private meeting with members and they had discussed all of the items which had been issues.

Council Member Battles stated thank you for bringing back the community events.

Mayor Gustafson stated there is a motion on the table, all in favor, all ayes, motion carried.

7b. Liquor and Tobacco License Renewals – 23-11-03

Action

Administrator Pechman stated annual license application, fees, and insurance information are due prior to State approval. On-sale liquor license holders will have, the second half of the payment, due July 1, 2023. LAPD has not expressed any concerns with any of the licensees and have included all the call outs for the establishments in the packet. Police Chief Schlumbohm is recommending approval

Council Member Rivers made the motion to approve resolution 23-11-01, Council Member Dresel seconded.

Council Member Meyer asked how these establishments are doing.

Police Chief Schlumbohm stated the local establishment are all doing well and we do not have a lot of complaints.

Mayor Gustafson stated there is a motion on the table, all in favor, all ayes, motion carried.

7c. Certification of Delinquent Sewer & Water bills – 23-11-04

Action

City Administrator Pechman stated according to our City Ordinances #120.09 section (F), it is the City's policy to certify to the County Auditor, water and sewer bills with delinquent amounts greater than \$300.00 or accounts in which no payments have been made in the current year, to be applied as an assessment on their taxes payable 2024. Attached are a list of 2023 delinquent accounts to be certified. The total amount past due for accounts meeting the above criteria is a total of \$87,619.97. As allowed by ordinance, a 10% penalty and an administrative fee of \$15.00 have been added to each delinquent account, which is included in the grand total. Motion to adopt Resolution #23-11-04-RES to certify the attached list of delinquent utility bills to their taxes payable 2024.

Council Member Rivers made the motion to approve resolution 23-11-04, Council Member Dresel seconded, all in favor, all ayes, motion carried.

7d. Certification of Grass Mowing 2023- 23-11-05

Action

City Administrator Pechman stated the City of Chisago City hired a lawn care company to clean up properties that had complaints of unkept yards throughout 2023. There were 2 properties total that the city paid for via invoicing, already approved by city council. In these scenarios, we add these expenses onto the respective parcels as special assessments to their 2024 property tax roll through Chisago County.

Council Member Rivers made the motion to approve resolution 23-11-05, Council Member Dresel seconded, all in favor, all ayes, motion carried.

7e. 8920 275th St. – Solar Farm IUP

Action

Associate Planner Nelson stated Michael Cathcart of Sunrise Energy Ventures has applied for an Interim Use Permit (IUP) at the address 8920 275th Street Chisago City, MN 55013 PID # 13.10238.00. The IUP is for a period of 25 years. He is requesting to install and operate a 5 megawatt (MW) community solar garden. The Planning Commission held a duly noted public hearing on November 2, 2023. Prior to the meeting City staff received comment from the DNR stating they did not have any concerns, staff also received two comments from neighboring property owners which were in favor of the variances and IUP. At the public hearing three residents provided a verbal comment in favor of the variances and IUP. The property owner was also present to answer questions. Commissioners agreed that because solar is already on the property and an easement for overhead power lines runs the 100 feet deep from south to north on the east side of the property, it makes sense for solar to be installed in the area. Discussion centered around the screening and berming requirements, benefits to the community and drainage. Appearance from public space is important, the existing solar garden is not screened well. Commissioners agreed if additional screening for the existing solar garden could be included in this project that would be ideal. Commissioners wanted some reassurance from Sunrise Energy Ventures that the Chisago City community members would see a financial benefit in the form of discounted rates or other tangible benefit. Commissioners also agreed that proper storm water drainage would be required on site and a storm water drainage plan should be reviewed and approved. Motion was made to recommend approval the of the IUP with the proposed variances. Conditions of the recommendation for approval include: A landscape plan be provided, reviewed, and approved. A storm water plan be provided, reviewed, and approved. The property is approximately 96 acres. A majority of the property is being used for agricultural purposes. The site currently has 1 MW Solar Garden occupying roughly 8 acres that was approved in 2020. The property is zoned Low Density Residential (R-1). Community Solar Energy Systems are allowed with an interim use permit. The applicant is proposing to place the solar array north and east of the existing system. They are proposing to follow the overhead powerline easement and place it close to that easement. The easement includes 100 feet from the east property line. The other setbacks are listed in the table of memorandum. Perimeter fencing is proposed around the solar array. The fence is proposed to be 8 feet high made of chain link on wooden posts. The plan is showing the CSES that is asking for three variances. One of the variances requested is to not install an 8-foot berm around the entire perimeter of the solar system.

The applicant is proposing to install an 8-foot berm with plant screening near the southwest corner of the property, which is approximately 2,000 linear feet. It is showing 1,400 feet to the north and 600 feet along the south property line. The applicant is proposing to install an 8-foot berm with plant screening near the east side of the property, which is approximately 1,500 linear feet. They are proposing plant screening along the north property line. The plant screening would include planting two staggered rows of coniferous and one row of shrubs. The spruce trees are 8-feet high at planting and will mature to 12 ft high or higher and planted 8-feet apart. The dogwood would mature to 4-feet high and planted at 16-feet apart on center. The height of the ground mounted solar system is 12 feet high at maximum tilt. The Planning Commission did moved to vote count five ayes and zero nays, motion approved.

Council Member Meyer said the Planning Commissioner had discussed the screening but they are not to scale and not meeting what they are discussing. He would like to see this continued to the next meeting until they can update the plans.

Council Member Meyer made the motion to continue until updated plans are complete, Council Member Dresel seconded.

Council Member Rivers said the berm should be continued on the entire property line to the west.

Alisa Ridler 8758 275th Street stated she would appreciate the berm being completed and she has tried to grow trees to screen the property because it is going to be there forever. So of her property floods with the increase of activity in the area.

Mayor Gustafson stated there is a motion on the table, all in favor, all ayes, motion carried.

7f. Voting Allocation Funding Chisago County Agreement

Action

Administrator Pechman stated in the 2023 Legislative Session \$1.25 million annually was allocated for expenses directly related to elections and will be distributed to all 87 counties by OSS. 20% is allocated equally to all 87 counties, 80% is allocated based on registered voters. The funds come to the county and are allocated: 50% to County, 25% to jurisdiction responsible for administering absentee voting (the County) and 25% to cities and townships based on registered voters or if agreed upon retained by the County or other distribution formula. The County is required to report annually to OSS by December 15 on use of funds. If funds are disbursed to municipalities, you will need to report to the County before that time on use of the funds. The County is proposing entering into an agreement for the County to retain those funds because the County provides to each municipality at no cost all equipment, programming, ballot printing, equipment testing and notice publication. Many counties charge these costs back to the municipalities for Primary/General Elections. Chisago County does not. Chisago City's portion is \$346.72 and we are suggesting to leave the portion with the county.

Council Member Dresel made the motion to approve funds staying with the county, Council Member Rivers seconded, all in favor, all ayes, motion carried.

7g. 3M/Dupont PFAS Settlements

Action

Administrator Pechman stated the class action lawsuit against 3M and Dupont have reached a settlement. Perfluoroalkyl (PFAS) are manmade chemicals that have been widely used for decades in many products including: non-stick cookware, stain-resistant carpets / fabric, fire fighting foam and cleaning products. The class action suit requires the city to do one of three things. One would be to join the settlement class. Two would be opt out of the settlement and pursue a claim on our own. Lastly, the city could do nothing and give up any compensation or ability to litigate in the future.

CITY COUNCIL MINUTES

November 28, 2023

Page 6 of 6

The city has detected trace amounts of PFAS in our water system. The amounts are below the health base guidelines set by the MN Department of Health. Staff is seeking direction from the council as the deadline to join is in the next few weeks.

Council Member Rivers made the motion to be included in the lawsuit, Council Member Meyer seconded, all in favor, all ayes, motion carried.

7h. Personnel Policy & Credit Card Policy Update

Action

Administrator Pechman stated in 2023, the State of Minnesota adopted various state statues that would affect our Personnel Policy. The updated changes have been highlighted in yellow. There were a few other highlighted changes that we updated to align with our current procedures. The City also has a few credit cards (Walmart, Kwik Trip, and MidwestOne Credit). Staff recommendations found it appropriate to have a credit card policy in place, along with a form that employees that use the credit cards would sign to protect both the city and employee. The personnel committee met in November to go over the details of these policy changes.

Council Member Dresel made the motion to approved the updated policy, Council Member Rivers seconded, all in favor, all ayes, motion carried.

7i. Accept 1991 Peterbuilt Fire Truck Bid

Administrator Pechman stated the received a bid of \$11,500 for the truck to purchase the truck; it was on the League of Minnesota Cities website. Staff is recommending approval of the bid.

Council Member Meyer made the motion to approve the bid, Council Member Rivers seconded, all in favor, all ayes, motion carried.

7j. Payment Request #4 Downtown Project

Administrator Pechman stated this is the payment for the Downtown Project submitted by City Engineer Guzik.

Council Member Meyer made the motion to approve the pay request, Council Member Rivers seconded, all in favor, all ayes, motion carried.

UNFINISHED BUSINESS

None.

ADJOURN

Council Member Rivers made the motion to adjourn, Council Member Dresel seconded, all in favor, all ayes, motion carried.

Respectfully Submitted by:
Paula Oehme,
Deputy City Clerk