

**City of Mountain Lake
Regular City Council Meeting
Mountain Lake City Hall – 930 Third Ave
Monday, November 6, 2023
5:45 p.m. – Regular City Council Meeting
6:30 p.m. – Greenhouse Public Hearing**

Members Present: Andrew Ysker, Dean Janzen, Darla Kruser, Bryan Bargaen

Members Absent: Mike Nelson

City Staff Present: Michael Mueller City Administrator; Maryellen Suhrhoff City Attorney,
Doug Bristol Police Chief; Louis Norell Assistant Police Chief

Others Present: Mary Dieken, Abby Rieckman, Doug Regehr, Jill Pankratz, Josiah
Bargaen, Luke Ewald, Rachel Yoder, Sherrie Penner, Susan & Delbert
Dick, Paul Christianson

Call to Order

The meeting was called to order by Councilmember Ysker at 5:45 p.m.

Approval of Agenda & Consent Agenda

Motion by Janzen, seconded by Bargaen to approve the agenda and consent agenda as presented.

Motion carried 4 – 0.

Bills: Checks #27687-27758, 973e-981e

Payroll: Checks # 67652-67685

Approve September 18 EDA Minutes

Approve October 12 Utilities Commission Minutes

Approve October 16 City Council Minutes

Approve October Street Department Report

Approve Mountain Lake Cross Country Team Proclamation

Accept Sandy Schroeder Resignation effective 11/22/2023

Public

No comments

MnDOT's Hwy 60 Project

Mary Dieken MnDOT Project Manager and Abby Rieckman Alliant Engineering Project Manager presented to City Council the Highway 60 Project, the history, process overview, and project goals.

Fire & Ambulance Hall

The city administrator provided an update on building costs and estimates from local contractors for the Fire & Ambulance Hall. The council provided direction to keep moving forward on a solution. The council requested further information on the differences with constructing the building with EPS or steel. The city administrator will continue to research building materials, costs and financing options.

Utilities Commission

There was a third and final reading for Ordinance # 4-23 Electric Service Regulations. The ordinance would be amended by adding E in City Code Section 3.40 Subdivision 3 Electrical installations to read as follows: The City shall require a new meter socket for any new construction or service upgrades to be a minimum of 200 AMP lever type meter bypass. Motion by Kruser, seconded by Janzen to adopt Ordinance #4-23 Electric Service Regulations. Motion carried 4 – 0.

The City of Mountain Lake received two genset bids, Kohler and Caterpillar. Barr Engineering reviewed those bids, thoroughly evaluated both from a technical perspective with respect to the specification issued for bid. Barr Engineering recommended Caterpillar due to its compact design, completeness of bid, integration of equipment, service and support proposal and proximity, and familiarity with the City. The Utilities Commission reviewed the two bids and Barr's recommendation, and they also made the recommendation for the City Council to award the bid to Caterpillar. Motion by Bargaen, seconded by Kruser to award the generator bid to Ziegler Power Systems, Caterpillar, total price of \$6,449,420.00. Motion carried 4 – 0.

Active Living Committee

Luke Ewald presented to the City Council the Active Living Plan, as well as the Active Transportation Grant opportunity. The grant would cover the cost for the infrastructure for a sidewalk, trail, path or bike lane. A proposed trail was discussed, the north side of Prince Street from Golf Course Road moving east, either ending from 9th Street or until it reached 11th Street. An estimated infrastructure cost was \$585,000, which would be paid by the grant, if awarded. The cost to the City would be the engineering fees, estimated at \$115,000, in addition to the cost to put the above electrical lines underground, estimated at \$200,000. Discussion ensued. City Council agreed to not proceed with the Active Transportation Grant this year.

Greenhouse Public Hearing

Motion by Bargaen, seconded by Janzen to close the meeting and open the public hearing. Motion carried 4 – 0.

Hiebert Greenhouses, Paul Christianson, appeared and was heard by the City Council regarding the public nuisance concerns on Parcel Number 22.034.0310.

The Mountain Lake Police Department (MLPD) provided notice to Paul Christianson as officer and registered agent for Hiebert Greenhouses of Minnesota, Inc. that the subject property constitutes a public nuisance under the Mountain Lake City Code.

The subject property is titled in the name of Hiebert Greenhouses of Minnesota, Inc. The officers of the corporation are Marjorie Christianson (now deceased) and Paul Christianson. The corporation was administratively dissolved by the Secretary of State in 2015. The last time the property was used for production of plants for commerce was 2014. Many of the buildings on-site are dilapidated.

The city lawfully obtained an administrative warrant to take photographs of the vehicles and the rank growth of weeds and trees on the property.

The MLPD took photographs of the vehicles and each license plate of each vehicle and verified through Department of Public Safety that the vehicles were not currently registered. Photographs and motor vehicle records were provided to the council as well as to Paul Christianson. Officers also observed that the vehicles have not been operated in years, are rusty and are sunken into the ground. Most of the vehicle registrations were from 2004 to 2015, some were not on record due to their age and last registration.

Chief Bristol, Councilman Janzen and Councilman Ysker commented from their experience that it would be extremely unlikely for the vehicles to start after sitting in one spot and not running for almost 10 years. Christianson did not offer evidence that the vehicles run or that he has started them except for the 2 white trucks that he recently registered. Christianson admitted he moved one truck to hold up one building, as other parts fell off while he was strapping the harness to make sure the building did not fall.

Christianson stated that the trees in the greenhouse are wild mulberry trees, and he wants to use them to cultivate and harvest for his business. Chief Bristol asked Christianson the sizes of his mulberry trees, Christianson replied 15 feet. Chief Bristol asked how many feet mulberry trees grow each year, and Christianson replied 8 feet. Chief Bristol responded that was incorrect, they grow roughly one foot each year. Christianson stated he registered the mulberry trees with the Department of Agriculture, and believes he is exempt from law due to his Agriculture business.

The city has had numerous calls of trespassers on the site. Police Chief Doug Bristol stated that there have been at least 12 trespass calls since the greenhouse has been used for production since 2014. The trespassing calls came from Christianson after he saw them on video surveillance and Christianson complained that the MLPD did not catch any of the trespassers. Chief Bristol responded they did not catch anyone, due to the call/trespassers happening after the fact.

Officers also observed that weeds, shrubs and volunteer trees are growing inside and around the buildings and along foundations and are not being maintained. Christianson stated the trees are needed as a deterrent for trespassing and to shade the building to preserve the greenhouse panels.

An animal trap was also observed on the grounds.

Mountain Lake City Code Section 8.01 subdivision 3 requires that unregistered and inoperable vehicles should be in an enclosed building or removed from the property.

The property violates the following sections of the city code: Section 8.03, subdivision 3, Section 8.01 Subdivision 3. Storage of Motor Vehicles and/or Junk Vehicles, Section 8.17 Subdivision 1. Cutting and Removal of Grass, Weeds and Other Rank, Poisonous or Harmful Vegetation, and Section 4.07 Subdivision 17. Foundations, Exterior Walls and Roofs See Ordinance #3-16.

There was discussion on the reality of the cost of fixing the buildings and feasibility to start a new business and use all the vehicles, especially with one person. Councilman Barga stated Christianson has no plan of action and will not budge or work with the City to fix any of the concerns.

Motion by Kruser, seconded by Barga to close the public hearing and open the meeting. Motion carried 4 – 0.

The Mountain Lake City Council deems the property to be in violation of the city code and meets the definition of a public nuisance. Motion by Kruser, seconded by Janzen to approve Resolution #29-23 Finding a Public Nuisance. Paul Christianson is ordered to bring the property into compliance with the city code by November 20, 2023. If he fails to do so, the City Attorney, City Administrator and the Mountain Lake Police Department are directed to pursue a court order authorizing the city to abate the nuisances and assess the cost against the property to be collected along with taxes. Motion carried 4 – 0.

City Attorney

There was no update regarding civil processes on various properties, public nuisances, current processes, court procedures, agreements, and plans.

City Administrator

Effective January 1, 2024, Minnesota's earned sick and safe time law requires employers to provide paid leave to employees who work in the state. An employee is anyone who works at least 80 hours in a year for an employer in Minnesota, but does not include independent contractors. Temporary and part-time employees are covered under the law. Employers must provide each employee in Minnesota with one hour of ESST for every 30 hours worked, with the ability to accumulate at least 48 hours of ESST each year. Motion by Janzen, seconded by Barga to update our personnel policy, sick and safe time, to reflect the new ESST law. Motion carried 4 – 0.

Roundtable

An update was given to the council regarding board and commission meetings.

Adjourn

The meeting was adjourned at 7:55 p.m.

ATTEST:

Michael Mueller, Administrator/Clerk