

City of Baudette
Work Session Agenda
Thursday, February 29, 2024 8:00 a.m. **Council Chambers**

- I. Call to Order
- II. Pledge of Allegiance
- III. Public Forum/Recognition of Visitors
 - 1.
- IV. Staff Reports
 - 1. Finance
 - 2. Library
 - 3. Zoning
 - a. Sign Ordinance
 - 4. Liquor
 - 5. Parks/Cemetery
 - 6. Streets/Building/Utilities
 - 7. Personnel
 - a. Update on Superintendent Search
 - b. Update on Deputy Clerk Position
 - 8. Fire
 - 9. Airport
- V. NEW BUSINESS
- VI. OLD BUSINESS
 - 1. Delegate Public Safety Funds
 - 2. Old Nursing Home Property
 - 3. Baudette Bay Beach Project
- VII. NOTICES AND COMMUNICATIONS
- VIII. COUNCIL REPORTS
- IX. Adjourn

Tina Rennemo

From: Kelli Pelland
Sent: Thursday, February 22, 2024 9:44 AM
To: Tina Rennemo
Subject: Fw: MN Statutory Language 134.195 Library Operated by City and School District

Tina,

There are only 2 libraries in the state of Minnesota that run a school/public library. There are a lot of stipulations, and the two main ones are a separate entrance & bathrooms for the public to use because of minors at the school. Pipestone is in the process of dissolving its partnership with its school board. A lot to read but informative.

Kelli

From: Mollie Stanford <mollie.stanford@alslib.info>
Sent: Wednesday, February 21, 2024 3:41 PM
To: Kelli Pelland <kelli.pelland@alslib.info>; Kelli Pelland <KelliP@Ci.Baudette.Mn.Us>
Subject: MN Statutory Language 134.195 Library Operated by City and School District

Hi, Kelli --

Here is the statutory language that applies to a library operated by a city and a school district. I misspoke earlier -- there is another combined school/public library in Comfrey, MN. Here are some links for both Comfrey and Meinders Community Library in Pipestone:

- Comfrey Area Library: <https://comfrey.mntm.org/page/3663>
- Meinders Community Library: <https://www.progressivepipestone.com/310/Library>
- Meinders Library opinion piece related to possible separation: <https://www.pipestonestar.com/articles/a-new-different-location-for-public-library/>

I hope this helps! Let me know if you need more information and/or get more questions!

Best,
Mollie

134.195 LIBRARY OPERATED BY CITY AND SCHOOL DISTRICT.

Subdivision 1. Establishment.

A school district and a city that has established a public library under sections 134.07 and 134.08, by ordinance or resolution, may jointly finance and operate a public library for use by school students and the public. If the city is already taxed for public library service by a county, approval of the board of county commissioners is required. If the city is served by a regional public library system, approval of the regional public library system board is required. Public library service established under this section may be discontinued by action of the city council or the school board upon one year's notice to the other party.

Subd. 2. Appointment of joint library board.

The ordinance or resolution shall establish a library board of five, seven, or nine members and shall state the number of members to be appointed by the mayor, with the approval of the city council, and the number of members to be appointed by the school board. One member of the city council and one member of the school

board shall be appointed to the library board. The remaining members of the library board may not be members of either the city council or the school board. Board members shall be residents of the city or the school district.

Subd. 3. Board terms of office.

The terms of office for board members shall be established according to section 134.09, subdivision 2.

Subd. 4. Removal of board members.

The mayor, with the approval of the council, or the school board may remove for misconduct or neglect any member it has appointed to the library board.

Subd. 5. Abolishment of board.

Upon recommendation of a majority of the library board established under subdivision 2, the city council and the school board may abolish the library board provided that the city council and the school district shall immediately establish, by ordinance or resolution, a successor library board of five, seven, or nine members. The appointment of successor board members shall be as provided in subdivision 2 and the terms shall be as provided in subdivision 3.

Subd. 6. Board vacancies and compensation.

The library board president shall report a vacancy on the board to the appointing authority who shall fill the vacancy by appointment for the unexpired term. Library board members shall receive no compensation for their services but may be reimbursed for actual and necessary travel expenses incurred in the discharge of library board duties and activities.

Subd. 7. Powers and duties of board.

Except as provided in subdivision 9, the library board has the powers and duties set forth in section 134.11, subdivision 2.

Subd. 8. Funding.

The ordinance or resolution establishing the library shall provide for joint financing of the library by the school district and the city. The city shall provide at least the minimum dollar amount established in section 134.34, subdivision 1. The school district shall provide money for staff and materials for the library at least in proportion to the use related to curriculum, as determined by the circulation statistics of the library.

Subd. 9. Contracts.

The library board may contract with the school board, the regional library board, or the city in which the library is situated to provide personnel, fiscal, or administrative services. The contract shall state the personnel, fiscal, and administrative services and payments to be provided by each party.

Subd. 10. Criteria.

Public library services established according to this section, including materials, programs, equipment, and other public library services, whether located in an elementary or secondary school building or elsewhere, shall be available for simultaneous use by students and residents of the area. If public library services are located in an elementary or secondary school building, a separate entrance, accessible from the outside of the school building, shall be provided for use by the residents. The library shall meet all requirements in statutes and rules applicable to public libraries and school media centers. A media supervisor licensed by the Professional Educator Licensing and Standards Board may be the director of the library. The library shall be centrally located in the community and available for use by residents during all hours the school is in session, at least 15 additional hours each week

Tina Rennemo

From: Tom Eaton
Sent: Monday, February 26, 2024 10:05 AM
To: Tina Rennemo
Subject: FW: ordinances
Attachments: work session 22521signlanguage.doc

Here ya go.

From: Anderson, David T. <DAnderson@Kennedy-Graven.com>
Sent: Monday, February 19, 2024 3:21 PM
To: Tom Eaton <TomE@Ci.Baudette.Mn.Us>
Subject: RE: ordinances

Tom,

I had a chance to review the minutes you provided and the city's existing sign regulations. A few initial thoughts:

1. Although it appears that the city council indicated a desire to amend the sign ordinance, that apparently never happened. The only way to amend and/or repeal an existing ordinance is to do so by adopting a new ordinance. The direction provided to staff at the 2/25/21 work session alone was not adequate. That direction suggests that staff was to work with the previous city attorney on language, but you indicated that never happened. Because the current ordinance was never formally amended, all language is still in effect.
2. Keep in mind that Minn. Stat. 211B.045 provides the following: "All noncommercial signs of any size may be posted in any number beginning 46 days before the state primary in a state general election year until ten days following the state general election." What that means is that between now and November 15, 2024, people can post as many noncommercial signs on their property as they might desire notwithstanding the city's requirements related to size and number. In other words, for the next nine months or so, the city has no ability to regulate in any way the size or number of political signs, election signs, or any other noncommercial signs. That provides some time to look at potential amendments depending on the desires of the council.
3. Upon review, I do see some potential issues with the sign regulations as they are currently written. For example, there are some inconsistencies with the election sign language and the existing statute (referenced above). It's also problematic that the regulations appear to allow certain commercial signs, albeit with a permit, in various districts but similar noncommercial signs are prohibited. There is nothing wrong with imposing reasonable time, place and manner restrictions within a sign ordinance, but to provide for content-based regulations is likely an issue that should be fixed. Many sign ordinances have what's called a substitution clause, which essentially allows for the message contained on any allowed sign to be substituted for any sort of noncommercial message. I see nothing in your ordinance that provides for that.

In light of the above, my suggestion is that we consider rewriting the sign ordinance in a manner that brings it into compliance with various First Amendment regulations while retaining the city's goals/desires for regulating signs in a content neutral fashion. I'd be happy help through that process, although admittedly it might take some time and effort. I assume the goal is to get something in place before November, but maybe the sooner the better before the various elections and campaigning heat up.

Let me know what you think. It might be worth taking the council's temperature on this before we do too much legwork.

Thanks
Dave

City of Baudette
Work Session
VFW Meeting Room
February 25, 2021 8 a.m.

Present: Mayor R. Rone and Council members S. Johnson, B. Hanson, B. Stebakken and M. Carlson

Absent:

Staff present: Clerk/Treasurer Tina Rennemo, Zoning Administrator Tom Eaton, Liquor Manager Erica Anderson, Public Works Greg Johnson and Library Director Kelli Pelland

Others Present: Sheriff Gary Fish, County Attorney Jim Austad, City Attorney Steve Anderson, County Emergency Management Director Jill Olson, Devlin Reasy, Mike Gamache

- I. Call to Order**
- II. Pledge of Allegiance**
- III. Public Forum**
 - 1. Sign Ordinance**

Several guests (37) from the city and surrounding county attended to voice support for Sheriff Gary Fish and freedom of speech. Mayor Rone opened the discussion noting that the ordinance is vague in the descriptions of what isn't allowed—and added that he has a candidate flag on his porch. Zoning Administrator Tom Eaton provided a timeline of the actions taken based on complaints that have been submitted to the city. Devlin Reasy shared his understanding of the ordinance—pointing out that flags are not listed and that ordinance 1106 section D—outlines what qualifies as an exempt sign. Reasy noted that permitted signs are not considered exempt and added that he pays a permit fee annually. City Attorney Steve Anderson stated that it would be a city permit requirement. One visitor shared a list of court cases in which sign ordinances were ruled as violating freedom of speech. City Attorney Steve Anderson countered that in some cases—two lower courts ruled the ordinances were not in violation of freedom of speech and then the supreme court ruled they were—not a clear determination when the courts are split. Council and visitors were given an opportunity to speak—council members looking to clarify language and the public looking to defend the Sheriff and protect their rights to display flags on their property. Reasy advised the council that the billboard had been vandalized—further indicating that he has a revision that according to the state will make the message compliant and remove the vandalism.

Motion by R. Rone, second by B. Stebakken to repeal section 1106 (D)—Class D: Exempt and section 1110 (F)—Class D—Exempt Signs of the Zoning Ordinance Article XI Sign Regulations. Further discussion. Motion carried unanimously. Staff will draft clarification language with the assistance of the city attorney and present to the council, at a later date.

2. Tree Removal—Jill Hasbargen Olson

Hasbargen-Olson explained to the council that the County has installed the microwave unit that is required to transmit frequency on the 800 Armor radio units for emergency response. Council inquired about additional obstructions—structures related to future development etc—Council inquired about possibly moving the unit. Olson will follow up on specific height obstructions. Greg Johnson attending on behalf of the Utility Superintendent, reported that the trees provide a screen that protects neighbors from the city maintenance yard and suggested a partial removal along the sight line of select trees versus removing all of the trees.

- IV. Staff Reports**
 - 1. Finance**
 - 2. Library**

K. Pelland the application deadline for the mural project is Friday—one received so far. Pelland is working on the annual report and recently attended the ALS meeting via zoom.

3. Zoning

- a. VRBO**

Eaton advised the council that there isn't a lot of information on the operation of short-term rentals in residential areas—council reviewed the information provided and discussed pros and cons and the considerations being taken by the county board on the same topic. Council agreed to review the information provided and determine what if anything should be required by the council to govern short-term rentals.

4. Liquor

Anderson reported the they encountered some issues with the fryer—they have been resolved. The majority of the staff will be attending a beverage server training today. Anderson reported additional and ongoing issues with the pull tab operation at the liquor store. Council directed Anderson to contact Keith Block to access the machine and get funds deposited in it so that

Tina Rennemo

From: John Butenhoff <jbutenhoff36@gmail.com>
Sent: Friday, February 2, 2024 7:54 PM
To: Tina Rennemo
Subject: Beach revisit

Hey Tina,

I know it's been forever since this was brought up already, I meant to follow up with you much sooner than this! 😊

Based on what Stephanie was saying, and the measurements I took I think that in order to create a long-term, well received and functioning ramp, it would require a permit and extend 40ft from the ordinary high-water level. It could certainly be done with 30ft, but I just think it could invite some problems. If that is the direction the city wants to go, then it would mean a charge of \$1200 for the permit amendment and the 30 day comment period.

On a personal level, I would still love to see a public beach in Baudette. I know that there will be some maintenance/upkeep involved and it will never be "perfect" based on the limited space and location, but I really do think this scenario could work. The reality is though that it's not just up to me, and the city and community will need to accept, utilize and care for the beach long term if its going to last.

I saw most of the splash pad presentation at the County and I believe you guys had a similar presentation as well. I know that there is a lot of push for that to go forward, which I think is great! In the presentation they showed quite a bit of beach options and cool floatables, which got me thinking. (Again maybe being too optimistic) but a floating 8x8 platform is like \$3000, but all it is is an aluminum frame, 4-6 floats and wood decking. Wouldn't it be awesome if we could have the school weld the frame, Ani supply done barrels and Dodds or a lumber mill to provide the decking? 😊 I have also seen some geese deterrent items that would be useful as well. Anyways, just seeing if there is still interest in this and if so maybe get things going again. I know the parking lot/concrete items will need some time for bids and engineering.

From: Klamm, Stephanie (DNR) <stephanie.klamm@state.mn.us>
Sent: Friday, September 15, 2023 10:08 AM
To: John Butenhoff <john_b@co.lotw.mn.us>
Cc: Tina Rennemo <tinar@ci.baudette.mn.us>
Subject: RE: Beach Project - Permit 2021-3291

CAUTION ! This message originated from outside of the Lake of The Woods County email system. Please use caution when clicking hyperlinks, downloading pictures, or opening attachments

Yes, it does.

From: John Butenhoff <john_b@co.lotw.mn.us>
Sent: Friday, September 15, 2023 10:05 AM
To: Klamm, Stephanie (DNR) <stephanie.klamm@state.mn.us>
Cc: Tina Rennemo <tinar@ci.baudette.mn.us>
Subject: RE: Beach Project - Permit 2021-3291

Ok Thanks! Looks like that puts it right about on where I had estimated, unfortunately!

