

**Whalan City Council**  
**Regular Meeting**  
**Monday, March 13, 2023**  
**Meeting held at the Whalan Town Hall and via Zoom**

**Present:** David Hallum, Sheila Higbe, Kim Berekvam, Thore E. Johnson, Owen Lewis (Member Lewis participated remotely from 1511 East Florence, Casa Grande, AZ)

**Absent:** None

**Visitors:** Randy Berekvam, Tammy Hallum, Jon Smith, Larry Johnson, Lucas Johnson, Andrew Ferguson, Dale Peterson, Scott Hatteli, Jae Julianne, Michael McGrath, Diane Snyder, Benjamin Ruberg, Enoch Blazis, Linda and Doug Johnson, Autumn Johnson, Brok Johnson, Tammy Hughes, David Ruberg, iPhone, Kristin, and Frederick Beseler

**Public Hearing:** Mayor Hallum called the public hearing to order at 5:00 p.m. The following comments were shared:

- Scott and Sun Kerl: Clerk Peterson read aloud the email received. The Kerl's feel that there are currently enough short term rentals within Whalan. Concern was expressed for the number of residents able to serve on council or other volunteers.
- Andrej Peterka: Clerk Peterson read aloud the email received. Mr. Peterka felt that the ordinance was fair and that the total number of allowable units is balanced. He appreciated the guidelines within the ordinance that ensured guests respect the quiet and property within the community.
- Steve Snyder: Clerk Peterson read aloud the email received. Mr. Snyder shared concern for the lack of available lodging in the area and how that would impact the vitality of the area. He feels that encouraging people to visit our area will encourage them to potentially move here. Snyder also noted the importance of supporting local businesses, as well as concern for the number of regulations within the ordinance and the impact those could have on business. He felt that the ordinance should be simplified to include the requirement for a MN State lodging license, a City of Whalan permit. Finally he shared that the ordinances within Whalan should apply equally to all residences and businesses. He feels that imposing additional ordinances through the City will expose the community to more risk and less progress.
- Linda Johnson: Mrs. Johnson questioned the intent, purpose, and need of the proposed ordinance. They have had a short term lodging establishment in Whalan for 20 years, and have never had a problem. She noted that additional properties have since been renovated and improved. She felt that short term lodging establishments are being discriminated against.
- Doug Johnson: Mr. Johnson questioned the premise of the ordinance, as well as if it applied to all residents? He shared concern for the required timeframe to address concerns. He lives 2 miles outside of Whalan, however they have no cell service in the garden. Due to this he may not get any messages within the required time frame. He also shared concern for the distance requirement for property owners, in that it would limit their livelihood. Johnson shared he feels the ordinance violates the property owners 1st amendment rights.
- Tammy Hughes: Ms. Hughes shared her opinion that the proposed ordinance exceeds the necessity for Whalan. She questioned if the Clerk will be trained to inspect homes? Or will the City be looking to hire for this, and if so is there a budget to do so. She felt that the police should be enforcing the rules, and that the proposed fines seemed excessive. Most of the regulations within the ordinance are covered by the State license, which utilized trained professionals to evaluate.

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- Autumn Johnson: Ms. Johnson questioned the intent of the ordinance, as well as where the framework for the ordinance came from, and finally why the need? She also shared concern for the manpower and budget to enforce the regulations within the ordinance.
- Dale Peterson: Mr. Peterson shared that he felt the ordinance was over complicated and had a big city feel. He hoped that Whalan could retain its small town feel. Short term rentals in Whalan are not new, they have been around the community for a long time. Owners that utilize AirBnB and VRBO are already placed under strict guidelines that they must adhere to. It is within the property owners best interest and reputation to adhere to guidelines, if not they will no longer have a business. He asked the Council to reconsider a simpler ordinance, that is fair, limit's the number of allowable permits and ensures longevity. Finally Peterson questioned if other businesses are held accountable for their customers behavior.
- Michael McGrath: Mr. McGrath previously served as the City Clerk as well had a short term rental in town. He felt the proposed ordinance was overhill, and beyond the scope of Whalan. He did not feel that limiting the number of allowable short term lodging rentals was a good idea. He also noted discrepancies between the current zoning ordinance and the proposed short term rental ordinance. McGrath shared he did not feel it was a good idea to limit the number of rentals, as there is a natural turnover. He recommended that the Council consider the opportunity for future expansion within the City.
- Larry Johnson: Mr. Johnson shared that he felt the ordinance was very bloated and too much for Whalan. He felt that it put a negative light on renter and rentee. He suggested the Council consider a shorter simplified ordinance. Finally he shared that he believes the negative discussions are creating divide within the community, and therefore a compromise should be considered.

With no further comments the hearing was closed by Mayor Hallum at 5:29 p.m.

### **Regular Meeting:**

Mayor Hallum called the Regular Meeting to order at 5:30 p.m.

**A. The Pledge of Allegiance was recited.**

**B. Agenda:** Member Johnson motioned to approve the agenda with the additional discussion of porta potties. Member Higbe seconded the motion. Motion carried, with all in favor. Vote was done by roll-call with all in favor. Motion carried.

**C. Approval of Minutes:** Minutes of the February 13, 2023 Council Meeting were read by Mayor Hallum. Member Johnson motioned to approve the minutes as submitted. Member Lewis seconded the motion. Vote was done by roll-call with all in favor. Motion carried.

**D. Treasurer's Report:** Clerk Peterson provided the treasurer's report. The following are the balances as of 02/28/2023: General Fund \$41,855.10, Court Reimbursement Fund \$5,658.19, Taste of the Trail \$3,130.55, Ballfield Fund \$1,135.06, Beautification Fund \$187.00, General Capital \$27,427.17, and Electric Fund \$38,915.40. Member Higbe motioned to approve the treasurer's report including the following accounts payable:

<u>Claim No</u>	<u>Vendor</u>	<u>Detail</u>	<u>Amount</u>	<u>Check Number</u>
313231	City of Lanesboro	March Monthly Billing Rent	\$257.50	6144
313232	Whalan Museum	March Internet Expense	\$70.26	6145
313233	MiEnergy	Purchase Power, 485273 invoice 485309	\$3,580.19	6146

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313234	Preston Emergency Services	Invoice City06206	\$1,368.25	6147
313235	Acentek	12439765	\$41.01	6148
313236	Plunkett's Pest Control	Invoice 7925456	\$42.80	6149
313237	Fillmore County Journal	149140	\$25.32	6150
Payroll	Payroll Period Ending 02/28/2023	February Payroll	\$589.99	6151
313238	O'Koren Law Office LLC	Invoice 1020	\$785.00	6152
313239	Harter's Trash & Recycling Inc	Invoice 505179	\$72.23	6153
Payroll	Payroll Period Ending 02/28/2023	February Payroll	\$159.30	6154
3132310	Thore Everett Johnson	Snow Plowing	\$135.00	6155

Member Berekvam seconded the motion. Vote was done by roll-call with all in favor. Motion carried.

**E. Welcome to Visitors and Visitor Comments:** No comments

**F. New Business:**

- a. **Old Mower:** Mayor Hallum questioned what should be done with the old mower, should it be repaired and kept as a backup or sold? The engine replacement to repair the mower is estimated to cost \$2,300.00. Member Berekvam motioned to put the unit up for sale and solicit sealed bids. Member Johnson seconded the motion. Vote was done by roll-call with all in favor. Motion carried.
- b. **Vegetation Management:** A contractor for MiEnergy is requesting permission to access city owned property at the old water tower location in order to conduct vegetation management under the power lines. Member Lewis motioned to approve of this work to be completed. Member Johnson seconded. Vote was done by roll-call with all in favor. Motion carried.

**G. Continued Business:**

- a. **Ordinance 54.06 Public Utilities Fee Schedule:** Member Higbe motioned to approve the ordinance as presented. Member Johnson seconded the motion. Vote was done by roll-call with all in favor. Motion carried.
- b. **Ordinance 30.111 Fee Schedule:** Member Higbe motioned to approve the ordinance as presented. Member Berekvam seconded the motion. Vote was done by roll-call with all in favor. Motion carried.
- c. **Snow Plowing Policy:** Member Higbe motioned to approve the policy as presented. Member Berekvam seconded the motion. Vote was done by roll-call with all in favor. Motion carried.
- d. **Short Term Lodging Ordinance:** Member Lewis shared he felt the proposed ordinance was wordy and should be simplified. He felt the number of licenses should be limited, however this level of detail would be a burden to enforce. He also questioned if we had the ability to enforce the requirements within the ordinance. Member Berekvam shared appreciation for all of the hard work that went into producing the draft ordinance provided. However she did feel the depth of it was confusing and needs to be simplified. She noted that the State of MN regulates much of the regulations contained within the ordinance. Additionally she shared concern for the timeline for property owners to meet the requirements, as well as enforcement concerns. She is hoping that a final version would be simpler and easier to understand. Member Lewis motioned to send the ordinance back to the Zoning Board for modification. Member Johnson seconded the motion. Vote was done by roll-call with all in favor. Motion carried.

**H. Miscellaneous:**

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- a. **Porta Potties:** Currently the DNR provides one unit along the trail, however the Council would like to have an additional one brought in that would be in place May 1, 2023 until November 1, 2023 with weekly maintenance. Clerk Peterson has two bid amounts, and Member Johnson will also get a bid from the company in Rushford. Member Higbe motioned to approve rental of the unit to the lowest bidder for a regular bathroom, as the DNR provides an accessible unit. Member Johnson seconded the motion. Vote was done by roll-call with all in favor. Motion carried.

**Next Meeting: Monday, April 10, 2023 at 5:00 p.m.**

**ADJOURN:** Member Johnson moved to adjourn at 6:03 p.m. Motion seconded by Member Lewis. Motion carried with all in favor.

Respectfully Submitted,

Michele Peterson  
City Clerk/Treasurer