

Jackson, Minnesota
August 20, 2019

The Jackson City Council met in regular session in the Council Chambers of City Hall at 6:30 p.m. on Tuesday, August 20th, 2019 with the meeting called to order by Mayor Wayne Walter. On the roll call, the following persons were present: Mayor Wayne Walter, Aldermen Matt Madden, Larry Anderson, Jeffrey Gay and Dave Cushman, City Administrator Matt Skaret, City Attorney Brad Anderson, Engineer Greg Mitchell of Bolton and Menk, Jackson County Advocate for the Southwest Crisis Center Maria Ahmed, Jackson County Parks Board Chairman Michael Haeffner, Street Superintendent Phil Markman, City Clerk/Council Secretary Dave Maschoff, Justin Lessman of the Jackson County Pilot and Dave Schmidt of KKOJ/KUXX Radio. (Aldermen Brandon Finck and Donnie Schoenrock were absent.) (A quorum of the City Council was present.)

CALL THE MEETING TO ORDER

Mayor Wayne Walter called the regular meeting of the Jackson City Council to order. He noted the roll called showed all Councilmembers were present except for Aldermen Brandon Finck and Donnie Schoenrock.

There were no Public Hearings, Bid Lettings or Open Forum.

CONSENT AGENDA

ANDERSON/GAY moved and it was unanimously carried to approve the Consent Agenda as presented.

There were no Unscheduled Guests who attended the meeting.

Council Discussion Items

MARIA AHMED – SOUTHWEST CRISIS CENTER REQUEST FOR RIBBONS ON THE STREET LIGHT POLES

Maria Ahmed of the Southwest Crisis Center explained October is Domestic Violence Month. She said the Southwest Crisis Center is asking for the blessing of the City council to put purple ribbons on the street light poles.

Ahmed said the Southwest Crisis Center is also asking business owners to put up posters in their businesses to bring awareness to domestic violence and what the purple ribbons represent.

Ahmed distributed informational flyers to the Mayor and Councilmembers about the Southwest Crisis Center and the services they provide.

Skaret asked Ahmed which light poles they would be putting purple ribbons on.

Ahmed said they would put purple ribbons on the light poles on Main Street. She noted the purple ribbon information program will be conducted in five counties.

Cushman asked how long the ribbons would be on the light poles.

Ahmed said the ribbons would be up during the month of October. She said ribbons that are torn or tattered would be replaced during the month. Ahmed said members of the Southwest Crisis Center would maintain and take down the ribbons.

CUSHMAN/ANDERSON moved and it was unanimously carried to allow the Southwest Crisis Center to put ribbons on the street light poles on Main Street during the month of October.

Ahmed thanked Mayor Walter and the City Council.

DEWEY STREET CONNECTOR TRAIL BIDS

Skaret explained the Dewey Street Connector Trail project was rebid. He said the project has been in the plans for past four or five years.

Skaret said when the project was bid this spring there was one bid which came in about three times higher than the engineer's estimate. He said it was thought a better bid could be obtained so the County Engineer went back and rebid the project.

Skaret said one bid was received last week. He noted the bid was lower but still quite a bit above the engineer's estimate. Skaret said the bid was for \$165,065 from Phoenix Corporation of Spring Grove, Minnesota.

Skaret noted the funding for the Dewey Street Connector Trail is a Safe Routes to School Project. He said Jackson County Public Works Superintendent Tim Stahl confirmed that the State would still pay for 80 percent of the project even with the higher bid. Skaret said the local share for the project would be 20 percent which would be split by the City and the School District. He said the City's share would be \$16,506.50.

Skaret explained money has been set aside in the City's 222 Capital Improvements Fund for trails. He said there is approximately \$54,927 available so the City's share of \$16,506.50 would come out of that.

Skaret said the thought is the project could be rebid again next spring, but that's a risk and a great unknown of what would happen then. He said the bids could come in higher and there may be regret that this current bid wasn't accepted.

Skaret said it's the County Engineer's recommendation to accept the bid as is. He said the project could still be done this fall contingent upon the School District also accepting the bid.

CUSHMAN/MADDEN moved and it was unanimously carried to approve the bid for the Dewey Street Connector Trail Project from Phoenix Corporation in the amount of \$165,065 and the City's share for the project of \$16,506.50 which will come out of the funds set aside in the City's 222 Fund for trails contingent that the School District and Federal Government also participate in the project.

Cushman said the bid approved is \$6,400 more than what was anticipated. He said he knows that's real money but noted what will be gained out of it because the Dewey Street Connector Trail will probably have a lot of use.

ASHLEY PARK SHELTER HOUSE PLANS AND AUTHORIZE THE SOLICITATION OF QUOTES

Skaret said the Park Board has been working hard during their last couple of meetings on plans for the renovation of the Ashley Park Shelter House. He said they have been working closely with Boekett Building Supply.

Skaret said the Park Board has come to an agreement on a concept for the renovation of the shelter house. He passed around samples of building materials to the Mayor and Councilmembers to look at.

Skaret said the shelter house is a 24 foot by 64 foot building. He said the proposed plans include residing the entire building with Royal Siding from Celect which is supposed to be siding that is very waterproof. Skaret said that's important because that area does flood at times. He said there is some water damage on the current garage doors and in the lower part of the building.

Skaret said plans also include installing PVC liner panels for the interior of the building. He noted there are currently seven garage doors on the shelter house and three of those doors would be eliminated. Under the plan, Skaret said the shelter house would have four doors and two windows added on the south side of the building. He explained the Park Board doesn't want to install too many windows because of concerns about vandalism.

Skaret said the plans also include two new regular entry doors and two ceiling fans. He said the lighting, electrical and plumbing would be improved along with improvements to the sink.

Skaret said all total with materials and labor, the renovation of the shelter house is estimated at \$50,000 to \$55,000.

Skaret said given that most of the contractors in the area are extremely busy right now, it's unlikely the renovation could be done this fall. He said if it could that would be wonderful but being realistic, it's anticipated the project would be done next spring. Skaret noted there might be some work like the electrical and the plumbing that could be done beforehand.

Regarding funding for the renovation, Skaret said there's about \$121,000 set aside in the City's 222 Capital Improvements Fund for park improvements. He said this would certainly be a major improvement. Skaret said it's the desire of the Park Board to help make Ashley Park the premier park and have the shelter house something the town can be proud of as a nice place for family gatherings, parties and so forth and make it a more inviting asset to Jackson.

Alderman Anderson said the Park Board discussed the fact that the Ashley Park Shelter House is just about used every weekend for family reunions and birthday parties. He noted the Farmers Market and Garden Club uses the shelter house. Alderman Anderson said the shelter house is a focal point in Ashley Park and gets used a lot.

Skaret pointed out the conception drawings available for the Mayor and Council to review.

Alderman Anderson pointed out the windows in the shelter house that will be facing towards the river.

Gay asked if there was a need to have the garage doors on the shelter house.

Alderman Anderson explained the garage doors are basically for airflow.

Gay asked why would there be garage doors and have them open and shut. He said he looks at a shelter house basically as more of an open concept. Gay pointed out garage doors are expensive, expensive to maintain and are prone to get dented by people who don't care.

Gay said he would rather see more of a kitchen area on one end of the shelter house that could be used for a serving line and a clean-up sink. He said the shelter house could be an open concept. Gay said the area for the serving line could be enclosed and used for the storage of items.

Gay expressed he's not a proponent of having garage doors on the shelter house. He commented it looks like a farm shed. Gay said that's his opinion.

Alderman Anderson said his opinion is if you have inclement weather and are having a reunion or party in the shelter house and don't want a 30 or 40 mile per hour wind blowing rain in on your party you need some way to keep that out. He said thus the garage doors are for the air flow and also for any inclement weather that would come up. Alderman Anderson said if there are strong winds, you don't want the wind blowing all the items off the tables.

Gay said he thinks there's some other ways to look at closing that off for inclement weather instead of garage doors that are going to be susceptible to a lot of maintenance. He noted the current garage doors can hardly be opened now.

Alderman Anderson asked Street Superintendent Phil Markman if there's a lot of maintenance on the shelter house garage doors.

Markman said the new garage doors would be a modern design. He explained park items are stored in the shelter house during the winter and it's secured which is another reason for having the garage doors. Markman said the park personnel will go and clean the shelter house before an event and lock it up so someone doesn't go in there and mess it up before a party comes in. He said being able to have the garage doors and lock the shelter house narrows down the shenanigans that can go on in there.

Gay said there are pluses and minuses to all of it.

Markman pointed out if you develop an extensive kitchen area, then there are a lot of State rules that have to be met regarding stainless steel and the price increases dramatically.

Gay said he understood that because he's had experience in installing a commercial kitchen in Marshall. He noted there would be virtually no kitchen equipment in the shelter house if glass poured walls were installed inside for cleaning, a stainless steel serving line and then a sink.

Gay said he doesn't see the need for the garage doors especially at that cost. He said to him it's the premier park in town and we need to fix it up and we'll get it fixed up. Gay asked then what's the other shelter house going to look like. He asked is that going to be fixed up to match. Gay said it seems like the City does things like it's putting a band aid on it and it's good enough. He said it doesn't have the appeal. Gay pointed out a lot of people go to Ashley Park to have lunch at noon.

Gay said he doesn't agree with having garage doors on the shelter house but that's his opinion.

Madden said personally he likes the idea of having the garage doors and closing up the shelter house in the wintertime especially with the new siding and installing ceiling fans and redoing the entire inside. Madden pointed out otherwise the shelter house would fill up with snow. Besides, Madden noted the shelter house can be used for storage in the winter.

As far as the other shelter house at Ashley Park, Madden said that seems to be in really good shape to him right now. He said the siding might not match the new renovated shelter house, but there's really no siding on the secondary shelter house.

Gay said he likes to present things so people look at it and say wow let's go there because this is really nice instead of let's maybe go there. He said there's a lot of issues there. Gay said he loves Ashley Park but if the City is going to do something there and spend that amount of money; it should be done in a manner that's going to make it "pop" so to speak. He said there are a lot of other things we can do with that park as a community to maybe make it pay for itself.

Mayor Walter noted a blessing was being sought from the City Council at this meeting to seek quotes.

Skaret explained the action being sought from the Council is to approve the renovation concept and seek quotes. He said the Council doesn't need to do an official advertisement for bids because the project is under the bidding threshold. Skaret said the City needs to obtain a minimum of two quotes.

Gay asked if the City charges to use the shelter house for events.

Markman said the City charges \$25 to reserve it.

Cushman noted there some groups that the reservation fee is waived rightfully so.

Cushman said the shelter house gets a lot of use now as it currently is. He said with the improvements that usage may increase.

Cushman said discussion about improving the Ashley Park Shelter House has been underway for seven years. He said it needs some updates. Cushman said there could be a hundred different ways to do this. He said frankly he thought the estimate for the renovation would be a lot higher for what was needed. Cushman said this would certainly be a good start to get the shelter house up and functional and cleaned up.

Gay said he thinks it's a lot of money for what the end product is for what the City could spend to get a functional shelter house.

Cushman noted the City has a functional shelter house right now and the City hasn't spent anything on it at all.

Gay said that's true. He said he looks at the aesthetics of things and how to improve and bring more interest down to this area downtown. He said we could argue this all night, but that's his opinions and so forth.

Mayor Walter asked for a motion.

MADDEN/ANDERSON moved and it was carried on a three to zero vote (3-0) to authorize the solicitation of quotes for the Ashley Park shelter house plans.

Voting in favor of the motion were Aldermen Matt Madden, Larry Anderson and Dave Cushman.

Alderman Jeffrey Gay abstained.

Skaret explained once quotes are received from contractors, the Park Board will review the quotes and make a recommendation to the City Council.

Markman noted there has been discussion of eliminating the sheeting for the ceiling to avoid the echo effect of sound inside the shelter house. He said that may lower the price of the renovation. Instead of the sheeting for the ceiling, Markman said City personnel can spray the inside peak of the shelter house white to brighten up the inside of the building.

ASHLEY AND CENTRAL PARK TENNIS COURT STRIPING QUOTE

Skaret explained a new layer of asphalt has been put on the tennis courts at Ashley and Central Parks. He said it's a multi-phase project. Skaret explained the asphalt is down but the striping and the top coating still needs to be completed.

Skaret said the tennis court at Ashley Park would be striped for pickleball.

Skaret said two quotes were submitted. He said one quote was from C & H Sport Surfaces; Incorporated for \$18,500 plus \$250 for the pickleball layout and the other quote was from the Tennis Court Doctor for \$24,600.

Skaret said the courts would again be blue with white lines to match the Jackson County Central school colors.

Skaret noted the Park Board's recommendation is to approve the quote from C & H Sport Surfaces, Incorporated.

Cushman asked if the resurfacing would be completed yet this year.

Haeffner said it was his understanding the work would be completed this year. He said he would contact C & H Sport Surfaces on August 21st.

GAY/ANDERSON moved and it was unanimously carried to approve the quote of \$18,500 from C & H Sport Surfaces, Incorporated for the striping and top coating at the Ashley and Central Park Tennis Courts plus \$250 for the pickleball layout on the court at Ashley Park.

508 SIXTH STREET PROPERTY OWNER REIMBURSEMENT – DAMAGED DRIVEWAY FROM ELECTRIC DEPARTMENT

Skaret said the damage occurred last fall. He explained while doing some work the Electric Department's trucks somehow damaged the driveway at 508 Sixth Street.

Skaret said rather than fixing the damage and the City reimbursing the property owner, the property owner prefers that the City compensate him for the amount of \$1,625.75 based on an estimate from Kulseth Lawn and Landscape and Concrete of Windom. Skaret noted the owner of the residence has indicated that he wants to put in an additional driveway at the property as it is a duplex. He said it doesn't make sense for the property owner to repair the driveway and then tear it out again to put in an additional driveway.

Alderman Anderson asked if only one quote was received.

Skaret said only one quote was received.

Cushman asked if the damage was caused during the underground electric conversion project.

Skaret said it was not. He said the damage occurred during some other Electric Department work. Skaret said MRES Jackson Distribution Maintenance Foreman Jeremy Boogerd said the damage to the driveway was definitely caused by the Electric Department.

In the future, Cushman said he thinks the City should be getting two quotes so the City is making sure of what they're actually paying for.

Alderman Anderson said he agreed with Cushman.

CUSHMAN/MADDEN moved and it was unanimously carried to compensate the property owner of 508 Sixth Street in the amount of \$1,626.75 for damage caused by the Electric Department to the property owner's driveway.

COUNTY LAW ENFORCEMENT AGREEMENT 2020-2022

Mayor Walter informed the Council that there were not enough Councilmembers present to vote on the agreement.

Alderman Anderson pointed out that he would have to abstain from voting on the agreement since he is employed at the Law Enforcement Center.

Mayor Walter said the Council could discuss the agreement or they could wait to discuss it at the next Council meeting when hopefully all the Councilmembers are present.

Gay suggested waiting to discuss the agreement until the next Council meeting.

2018-2019 UNDERGROUND ELECTRIC CONVERSION PROJECT PAY APPLICATION NO. 3

Skaret explained contractor Castrejon has been in Jackson working on the Underground Electric Conversion Project for the past couple months. He said the engineer recommends payment of Pay Application No. 3 in the amount of \$123,649.30 to Castrejon, Incorporated.

Skaret said Castrejon isn't making as much progress as they were hoping they would. He said they are working on the west side of Jackson and are running into a lot of gravel and rock. Skaret said Castrejon is running behind schedule but they are doing the best they can with the conditions they have.

Alderman Anderson asked if Castrejon would be returning to fix the yards where they have been digging.

Skaret said they will return to fix the yards.

Markman reported Castrejon has been doing a very good job of doing restoration of the areas where they have been digging.

Mayor Walter said he has also heard comments that Castrejon has been doing a good job of restoring the areas where they have been working.

MADDEN/ANDERSON moved and it was unanimously carried to approve 2018-2019 Underground Electric Conversion Project Pay Application No. 3 in the amount of \$123,649.30 to Castrejon, Incorporated.

SWIMMING POOL PAYMENT

Skaret explained he received a message from Jackson County Central Finance Director Jim Hoffbeck that the Pool Fund ended the school's fiscal year on June 30th with an approximately \$44,000 deficit. He said part of that was due to the emergency heating and ventilation system repair that had to be done at the pool which was about \$40,000. Skaret said the school district received a small amount of grant money for those repairs but it was for less than half the amount of the cost. He said part of the \$44,000 deficient was due to those repairs plus just the operation of the pool.

Skaret said the School District has been very aggressive about getting the maintenance at the pool under control and doing a lot of cleaning. He said the pool looks really nice. Skaret said he gives Pool Director Jacqueline Knips and her staff a lot of credit for the work they have done in getting the pool up to speed.

Skaret said the School District is requesting \$22,000 reimbursement from the City, which would be half of the deficient, to bring the fund back into the black.

Skaret said he would recommend that the City pay the School District's request.

CUSHMAN/GAY moved and it was unanimously carried to approve the City reimbursing the Jackson County Central School District \$22,000 for the Pool Fund.

BIKE SHARE LIABILITY WAIVER AND MAINTENANCE AGREEMENTS

Skaret noted City Attorney Brad Anderson has drawn up the Bike Share Liability Waiver and Maintenance Agreements. He said the liability waiver agreement is probably the most key element to be approved before getting the Bike Share Program up and running. Skaret said it's a hold-harmless agreement.

City Attorney Anderson explained the reason he split the hold-harmless agreement out was to make sure it was absolutely clear that the liability stops with the bicycle rider, the person using the bike. He said there were so many rules that were presented, and good rules. Attorney Anderson explained there are so many rules that if you were in a court of law the judge would point out there are eight pages of rules here and who's going to read all of that.

Attorney Anderson said he pulled out the indemnification part which means that the bicycle rider will hold the City holdless-harmless from any kind of liability that may arise, the assumption of risk saying the rider understands that this can be hazardous and that you can get hurt and hurt others, and the rider is assuming full responsibility for that and then the release from liability that the rider is not going to sue the City and they're doing this knowing that if the City would ever have to defend themselves, that the bicycle user would even have to pay for the City's costs to enforce the agreement. He said the final part of it is the Bike Share Program rules that the bicycle rider would have to comply with under all circumstances.

Attorney Anderson explained they tried to make the Hold Harmless Agreement very bold, very clear and as short as it could possibly be made and very concise. He said if the City ever does end up in a court of law, the court can say this is basically one page that the bicycle user read and that was the first and foremost part of all the rules and how could the bicycle rider not understand them. Attorney Anderson said that would take away that defense.

Attorney Anderson pointed out one of the "whereas" in the Hold Harmless Agreement is that the City has declined to allow the undersigned to rent. He said the City still has to decide whether they are going to rent the bikes out or not. Attorney Anderson went on to point out the "whereas" also says the City will not allow the undersigned to rent and use said bicycles unless and until the undersigned signs this indemnification and release of all claims agreement.

Attorney Anderson said a person would not be allowed to ride the bikes unless they agree to hold the City holdless harmless. He said the hold-harmless part was part of the plain language that wanted to be included in the agreement to make sure there was no misunderstanding.

Attorney Anderson said the Hold Harmless Agreement before the City Council was a draft copy and there were probably a few things that needed to be tweaked before final approval.

Skaret said the agreement could be approved by the Council subject to final revisions. He said he knows that the Friends of the Jackson County Trails Bike Share Committee is anxious to get the Bike Share Program up and running.

Attorney Anderson noted that the agreement includes language about renting the bicycles and that's something the City Council still needs to decide whether rent will be charged for the bikes or not. He said that can be easily removed from the draft agreement.

Attorney Anderson asked if there were any questions.

Alderman Anderson said the agreement looked pretty cut and dried to him.

Attorney Anderson said there are a lot of rules but they are good rules. He said he knows the risk, the liability issue was foremost on the Council's mind and that's why he really wanted to address that very boldly, clearly and concisely.

Skaret noted the other issue to be addressed is the maintenance agreement with the Trails Committee. He said the Trails Committee is still indicating that they would take care of all the maintenance and would charge the City. Skaret said the liability part is what's first and foremost.

Cushman asked if the maintenance would be a separate agreement.

Skaret said it would.

Cushman asked if after five years the Bike Share Program has used up its life and is not being utilized, how long does the City have to keep maintaining and sustaining something that was donated to the City.

Attorney Anderson said in his opinion the City could cancel the agreement anytime the City wants.

Attorney Anderson said the maintenance agreement basically identifies who will take care of the bikes and assigning to them the responsibility to maintain the bikes to keep them operable.

Cushman said that sounds very good.

Gay asked if the bike user would have to sign the hold-harmless agreement.

Attorney Anderson said he understands the hold harmless agreement will be on a telephone app that the user will sign.

Skaret said a person will need to have a smart phone with the app to be able to unlock and check out the bikes.

Attorney Anderson pointed out there's nothing in the rules regarding boundaries where the bikes can be used. He asked if there were any concerns about having boundaries of where the bikes can be taken.

Alderman Anderson said as long as the person has the bike returned by sunset.

Gay pointed out he thought the bikes would be available as a convenience for people to use in town. He asked if the bikes could be loaded up and taken to another community outside of Jackson County.

Alderman Anderson said the bike user won't be allowed to do that. Alderman Anderson noted point Number 11 in the Bike Share Program User Rules, Agreements and Waivers that states *I agree to only ride the Bike in designated areas or within normal riding distance from a bike station. I will not, under any circumstances, remove the Bike from designated area, ride a distance from bike station beyond my ability to return, or transport Bike in or on any vehicle.*

Madden asked if any Council action was needed on the agreement at the August 20th meeting.

Skaret said the agreement can be refined and brought back at the next City Council meeting.

Mayor Walter noted there was discussion on a couple things that need to be changed. He said the Council should decide on how the City wants to handle the rent situation.

Skaret said it had been talked about not charging anything for the first year or for however long a period is desired.

Madden said he didn't think the City should charge for renting the bikes for the first year of the program. He pointed out the bikes were donated. Madden said the City doesn't have much time invested in the bikes and who's going to manage the money if the City charges rent for them.

Cushman agreed with Madden.

Alderman Anderson also noted the City is not being charged for bike repairs.

Skaret said work will continue on the Hold Harmless Agreement and a revised draft will be brought back to the next City Council meeting.

VOLUNTEER RECOGNITION AWARD PROGRAM 2019

Skaret said this will be the fourth year for the Volunteer Recognition Award Program. He said now would be the time to begin advertising that the City is accepting nominations for the awards. Skaret said the nominations would be due by Friday, October 4th with a review of the nominations by a committee designated by the Council.

Skaret said the award categories would be as they have been in the past. He said there is a Senior Citizen Award, Youth Service Award and Individual Service Award. He noted a formal presentation would be held before the first City Council meeting in December with some light refreshments. Skaret said the presentation of the awards would be right at the start of the City Council meeting.

Skaret asked the Council if they wanted to continue the Awards Program.

Cushman said he thinks the City Council should continue the program. He said the program has gone very well. Cushman said it's nice to recognize some of the people in our community that don't get the recognition that they sometimes should.

Mayor Walter appointed Aldermen Jeffrey Gay and Donnie Schoenrock to the Volunteer Recognition Program 2019 nomination review committee.

ANDERSON/CUSHMAN moved and it was unanimously carried that the City once again do the Volunteer Recognition Program and that Alderman Jeffrey Gay and Donnie Schoenrock be the City Council's representatives on the Volunteer Recognition Program nomination review committee.

ELECTRIC RATE STUDY PRESENTATION BY MRES AT THE SEPTEMBER 3, 2019 CITY COUNCIL MEETING STARTING AT 6 P.M.

Skaret reminded the Mayor and City Councilmembers that the next City Council meeting on September 3rd will start at 6 p.m. He said there will be a presentation of the electric rate study by a representative from MRES (Missouri River Energy Services).

Other:

Senior Center Building Needs

Skaret said he met with Helen Mekosch from the Senior Center on what they would consider are the highest priorities on the list of repairs and improvements that they would like to see done.

Skaret said the top priorities include an ADA door with a handicap pushbutton on the south side of the building coming off of White Street. He said Mekosch reported a lot of senior citizens struggle to open the door.

Skaret said there is some repair work needed to the cement at the front door along Highway 71. He said the senior citizens would also like handicap railings in the bathrooms and automatic flushes for the toilets. Skaret said they would like to see new toilets in general because the old toilets are kind of low. He said those would be the top items.

Markman noted the cement at the front door of the Senior Center has already been repaired.

Skaret said pricing information can be sought for the ADA door and the handicap railing for the bathrooms.

Cushman said pricing could also be sought for the higher toilets.

Skaret said the City is in the budgeting season. He said planning can begin on how those items will be addressed. Skaret said he would obtain quotes.

ADJOURNMENT

With no more business, ANDERSON/GAY moved and it was unanimously carried to adjourn the City Council meeting at 7:19 p.m.

David A. Maschoff, Council Secretary

Wayne Walter, Mayor

