

**February 22, 2024  
Jackson, Minnesota**

**The Jackson City Council met in regular session in the Council Chambers of City Hall and also by Teleconference and Zoom at 6:30 p.m. on Thursday, February 22, 2024 with the meeting called to order by Mayor Marcus Polz. On the roll call, the following persons were present in-person, Mayor Marcus Polz, Alderwoman Sara Mix and Aldermen Mark Titus, Chris Naumann, Brandon Finck and Nathan Peterson. Also attending in-person were City Attorney Brad Anderson, Public Works Director Tony Oxborough, Jackson Fire Chief Dave Bond, Missouri River Energy Services Jackson Distribution Maintenance Foreman Tony Nitchals, Engineer Troy Nemmers of Bolton and Menk, Janette Simon, Catherine Koppen, Luke Ewald of Des Moines Valley Health and Human Services, Brandi Fletcher, Brenda Nielsen, Chris Tusa, Jesika Mitchell, Kim Klassen, Crosby Klassen, City Clerk/Council Secretary Dave Maschoff, Mathew Grisham of KKOJ/KUXX Radio and Justin Lessman of the Jackson County Pilot. Joining the meeting via Zoom and Teleconference were City Administrator Matt Skaret, Engineer Richard Parr of SEH, and John Weland of the Jackson County Animal Protection Society. (Alderman Joe Pell was absent.) (A quorum of the City Council was present.)**

#### **PLEDGE OF ALLEGIANCE**

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Mayor Polz announced the Pledge of Allegiance would be recited before the City Council meeting was called to order. All those attending in-person and by Zoom and Teleconference recited the Pledge of Allegiance.

#### **CALL THE MEETING TO ORDER**

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Mayor Polz called the regular meeting of the Jackson City Council to order. He said the roll called showed all Councilmembers were present except for Alderman Joe Pell.

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

## Unscheduled Guests:

Mayor Polz asked if there were any unscheduled guests in the Council Chambers.

Brandi Fletcher said she and Brenda Nielsen attended the February 12<sup>th</sup> Planning and Zoning Commission meeting regarding plans to open a Cannabis Dispensary in a building located on Riverside Drive. She said she wanted to double check with the Mayor and Councilmembers to see if they were still good to move forward with their plans according to the State's guidelines.

Mayor Polz asked City Zoning Administrator Dave Maschoff if he had any additional information.

Maschoff said Fletcher and Nielsen both attended the February 12<sup>th</sup> Planning and Zoning Commission meeting. He said they outlined their plans to have their Cannabis business located in the former Hample's Appliance Store building on Riverside Drive. Maschoff said the building is zoned properly as "Service Business". He said the City is still waiting for some final rules regarding Cannabis dispensaries from the State of Minnesota but at this point the City has done all they can do and the building and property is zoned properly which is the big thing.

Fletcher said basically they will proceed with their plans at their own risk. She said the only thing they're doing is entering into a lease with the property owner. Fletcher said they are going to begin their remodeling but they will not be opening their store or anything like that until everything is set in place. She said all they'll be doing is remodeling.

Mayor Polz asked if there were any other unscheduled guests.

Mayor Polz asked for a third time if there were any unscheduled guests.

Seeing and hearing no further unscheduled guests, Mayor Polz said the Council would move onto the Consent Agenda.

## CONSENT AGENDA

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Mayor Polz entertained a motion to approve the Consent Agenda.

**FINCK/PETERSON moved and it was unanimously carried to approve the Consent Agenda as presented.**

## Council Discussion Items

### **JANETTE SIMON – NATURAL LANDSCAPING REQUIREMENTS**

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Janette Simon thanked Mayor Polz and Councilmembers for their time. She said according to the Minnesota Board of Water and Soil Resources, the State has over 500 species of native bees and other pollinators. Simon explained there's been a decline in those pollinators over the last 20 years with many of them listed on the Endangered Species list. She said Minnesota is getting very concerned and very serious about the decline in pollinators.

Simon said one of her passions is nature. On February 4<sup>th</sup>, Simon said she taught 42 adults and children from Jackson about solitary bees. She explained Solitary Bees make up 90 percent of the bee population and only 10 percent of bees are social bees. Simon said a majority of bees, 90 percent of the bees in the State of Minnesota, are Solitary Bees. She said those are the bees she's concerned about.

Simon said while preparing for her February 4<sup>th</sup> presentation, she came across a new law that was enacted by the State of Minnesota in 2023. She pointed out the City current ordinance, which in her opinion, is contrary to the new State law. Simon said she was speaking to the City Council to offer them four things. She said first, she would like to organize a committee to draft a new City ordinance, second, she would like the committee to also compose a "managed" natural and native landscape handbook so people who want to register their lawns know what they're doing, third, Simon said she would like to offer her time to help design or review designs from the applicants and fourth, she would search for grants on behalf of the City and its efforts.

Mayor Polz acknowledged the City's current ordinance would not be enforceable according to the new State Statute. He said the City would have to allow vegetation up to 8 inches as opposed to the 6 inches in the current ordinance and also amend some of the verbiages in the ordinance pertaining to the native vegetation.

City Attorney Brad Anderson noted a suggested ordinance in front of the Mayor and Councilmembers with the proposed modifications to the City's current ordinance.

Attorney Anderson the proposed modifications to the current City ordinance doesn't exclude lawns that could be in excess of eight inches. He said the State Statute doesn't pertain to turf grass lawns and that's what the rest of the ordinance talks about. Attorney Anderson said turf grass lawns still have a maximum height of six inches.

But Attorney Anderson said if a person obtains a permit for a managed natural landscape, they can have all these other different flowering plants and vegetation that's allowed by Statute that can be in excess of eight inches tall. He said in fact the State Statute specifically talks about the ability to have the forage seed used that may be in two feet tall.

Attorney Anderson explained Ordinance No. 141 amending 94.28 of the Code of Ordinances will allow for these managed natural landscapes that are in compliance with this specific Minnesota Statute. He said in order to avoid confusion or misunderstanding, it's suggested that the party who wants to have a managed natural landscape, come down to City Hall to get a permit so the City knows what the person is doing. Attorney Anderson said there may be some additional regulations that would pertain to it. He said the person wanting to have a managed natural landscape would present to the City their plan on how they're going to manage it and take care of it in the future so that way the City knows who's doing it. Attorney Anderson said if a person doesn't have a permit to have managed natural landscape and their grass is eight inches tall, they need to mow it. But he said if the person has a permit, then they can have that special lawn and they can have it taller and can grow whatever plants that are permissible by Statute. He said the weeds have to be kept out that are classified as noxious.

Attorney Anderson said proposed Ordinance No. 141 amending 94.28 addresses the City's concerns about nicely manicured lawns and also complying with the State Statute to allow for the managed natural landscapes.

Simon said that sounded great. She said she is willing to help.

Attorney Anderson invited Simon to provide her input and suggestions for City Hall as the City develops a plan for managed natural landscapes.

Simon said she would be willing to help.

Finck asked City Attorney Anderson how the City is going to enforce the problem with native versus non-native. He asked how does the City enforce the ordinance on what is native and noxious weeds. Finck said he's in favor what's trying to be accomplished with the managed natural landscapes, but just wants to know the next step.

Simon suggested defining on the City permit what a managed native landscape is. She said applicants could list what they're going to plant or what they're seed mix is going to be. Simon noted her seed mix from Albert Lea came with a list outlining the percentages of different seeds that were included in her seed mix. She said the list could be attached to the applicant's permit so the City would know what a person is planting.

Public Works Director Tony Oxborough said composing a handbook regarding what a managed natural landscape is a great idea.

Finck asked if a committee or task force would be formed to work on formulating the parameters for managed natural landscapes.

Mayor Polz suggested a task force could be formed to work on this.

Simon said a handbook could be composed based on research by the task force. She said the handbook could then be reviewed by Oxborough to make sure the outlines for a managed natural landscape are compatible.

Finck said a list could be compiled of property owners who are going to have a managed natural landscape so the City's mowing crews know which properties are participating in having a natural landscape and those who are not that need to have their yards mowed.

Oxborough said City staff and the office at City Hall would help in compiling a list for the Public Works Department on who is participating in having a managed natural landscape.

Mayor Polz said the next steps are in place to have a task force work on details pertaining to managed natural landscapes.

Simon thanked Mayor Polz and Councilmembers for their work pertaining to managed natural landscapes.

**FIRST CONSIDERATION OF ORDINANCE NO. 141: AN ORDINANCE AMENDING 94.28 OF THE CODE OF ORDINANCES PERTAINING TO “WEEDS” AND OWNERS RESPONSIBLE FOR TRIMMING, REMOVAL AND THE LIKE**

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Mayor Polz noted this was just discussed in detail by the Council.

Finck noted about establishing a task force to establish guidelines regarding people having managed natural landscapes in the City of Jackson.

Naumann also added providing education about managed natural landscapes.

Mayor Polz said a task force would be established.

**PETERSON/NAUMANN moved and it was unanimously carried to approve First Consideration of Ordinance No. 141: An ordinance amending 94.28 of the Code of Ordinances pertaining to “Weeds” and owners responsible for trimming, removal and the like.**

**BELMONT HEIGHTS DEVELOPMENT AGREEMENT**

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Mayor Polz said the Belmont Heights Project continues to move along. He reported DBS continues to meet with potential investors to raise the necessary equity to begin building the apartment complex and town homes. Mayor Polz noted City Attorney Brad Anderson met with DBS and Revocity Partners to finalize a development agreement.

City Attorney Anderson said a development agreement was prepared and was sent to DBS. He said DBS reviewed it with their legal council and made some minor revisions to it mostly correcting dates and start times.

Attorney Anderson said the issue was revisited of whether the City should have a claw-back so in the event Phase 2, Phase 3 or Phase 4 down the road doesn't happen, that the City gets the land back. He said that claw-back language was included in the agreement. Attorney Anderson said he received an email back from Lori Bonin of DBS who thought that was a reasonable change to the development agreement. He said the City has a five-year claw-back if construction hasn't been commenced within that time period on any lot that is developable, then the land reverts back to the City. Attorney Anderson said for the most part, the details of the development agreement are similar to the original development agreement that was originally sent out to the Mayor and Councilmembers.

Mayor Polz asked for a motion to approve the Belmont Heights Development Agreement.

**TITUS/FINCK moved and it was unanimously carried to approved the Belmont Heights Development Agreement.**

## **WATER PLANT MEDIA REPLACEMENT PROJECT CHANGE ORDERS**

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Engineer Richard Parr of SEH joined the City Council meeting via Zoom to offer details of the Water Plant Media Replacement Project Change Orders.

Parr explained Change Order Number 1 was for \$14,500, an increase of 1.7 percent of the original contract price of \$847,000 for a change to stainless HVAC spiral ducts for the aerator/blower connection as requested by City staff.

Parr said Change Order No. 2 is for \$12,734.12, an increase of 1.5 percent of the original contract price of \$847,000 for replacement of an existing gate valve and butterfly valve that were not indicated for replacement in the construction drawings.

Parr said the two Change Orders together total \$27,234.12, which equates to a little over 3.2 percent of the original contract price.

Mayor Polz asked Parr if they were still looking for a completion timeline of around March 31<sup>st</sup> to finish the project.

Parr said they are. He said a meeting was held with contractor in the last two weeks. Parr said the contractor is on track to complete the project by the end of March.

Mayor Polz asked Parr if manganese levels in the City's was has dropped.

Parr said manganese levels have dropped. He said at the end of the project, testing will be done to make sure the manganese levels are where they're supposed to be.

Mayor Polz asked for a motion to approve the Water Plant Media Replacement Project Change Orders.

**FINCK/PETERSON moved and it was unanimously carried to approve Water Plant Media Replacement Project Change Order No. 1 for \$14,500 for change to stainless HVAC spiral ducts for the aerator/blower connection as requested by City staff and Change Order No. 2 for \$12,734.12 for replacement of an existing gate valve and butterfly valve that were not indicated for replacement in the construction drawings.**

### **WATER PLANT MEDIA FILTER REPLACEMENT PROJECT PAY APPLICATION NO. 3**

Engineer Richard Parr of SEH explained Pay Application No. 3 is for the period of October 23<sup>rd</sup>, 2023 to the end of January, 2024. He said Pay Application No. 3 is in the amount of \$474,643.50. Parr said that basically brings the overall work completed to date to approximately 75 percent complete. He said Pay Application No. 3 represents quite a bit of work and is an accurate reflection of the work that has been completed to date. Parr said SEH was recommending approval of Pay Application No. 3.

**PETERSON/FINCK moved and it was unanimously carried to approve Water Plant Media Filter Replacement Project Pay Application No. 3 in the amount of \$474.643.50.**

### **RESOLUTION NO. 08-0224 TO ADOPT HAZARD MITIGATION PLAN**

Mayor Polz said since 2022, City Staff has been working with the Jackson County Emergency Management Office to update the County's Hazard Mitigation Plan which was last updated in 2016.

Mayor Polz said U-Spatial, University of Minnesota, was contracted by Minnesota Homeland Security and emergency Management using FEMA Pre-Disaster Mitigation grant funds to work with Jackson County Emergency Management to facilitate an update to the Plan.

Mayor Polz asked for a motion to approve Resolution No. 08-0224 to adopt the Hazard Mitigation Plan.

**PETERSON/MIX moved and it was unanimously carried to approve Resolution No. 08-0224 to adopt the Jackson County Hazard Mitigation Plan.**

### **MRES ELECTRIC DEPARTMENT INTERN FOR SUMMER 2024**

Mayor Polz said Missouri River Energy Services (MRES) is requesting authorization to hire an intern for the upcoming summer to help staff with the extra workload from electric projects. He said projects planned are converting the overhead electric wires to underground on Cush, Oak, and Maple Streets.



Mayor Polz said according to the information provided to him, interns can provide extra help at a reduced cost and give a student good experience and potentially groom a prospective candidate in the future if there are openings on the MRES crew. He said MRES has had interns work in Jackson in the past.

Mayor Polz said the cost would be \$25,000 to \$35,000 for the summer depending on the candidate and where they are at with their education. He explained with the shared crew with Lakefield, any work the intern would do in Lakefield would be billed to the City of Lakefield.

Naumann asked when the intern would start their duties.

MRES Jackson Distribution Maintenance Foreman Tony Nitchals said the intern would begin their duties hopefully in May.

Finck asked if the extra cost for the would come out of the Electric Fund or Utility Fund.

Nitchals said the extra cost would come out of the Electric Fund.

**MIX/PETERSON moved and it was unanimously carried to approve MRES (Missouri River Energy Services) hiring an intern for the summer of 2024.**

#### **PROPOSED CONTRACT EXPANSION FOR THE ECONOMIC COORDINATOR**

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Mayor Polz explained Wendy Anderson, who has been the City's part-time Economic Coordinator, approached him about expanding the number of hours per week in providing Economic Development Services for the City. He said Anderson is making immense progress.

Finck said the City Council made some good decisions in engaging the Chamber of Commerce to take care of some of the marketing activity coming out of the Economic Development Office. He said that has allowed Anderson to really focus on pure economic development and business growth. Finck said it appears the organizations that Anderson works with such as the JEDC, the EDA and JBDC are very pleased with the progress and the activity that's going on.

Finck said as the City started the search for an EDA Director and bringing the position back in-house, Anderson approached Mayor Polz about expanding her hours and is pretty confident that if her contract is expanded to 20 hours per week versus the current 10 hours, that the City can continue down this path, at least in what he called the mid-term, to accomplish a lot of things that are on the plate, such as the AGCO items and working it through and get that accomplished and moving forward in a very positive direction while the City takes some more time and take a breath and see what this position should really be long term. Finck said he thinks it's a pretty good solution. He said he thinks all of the organizations are on board and noted Mayor Polz has reached out to them all. Finck said he's been included on the emails from the Mayor to the organizations and it sounds like it's a very positive direction.

Mayor Polz said he reached out to the JEDC, EDA and JBDC and everybody was in favor of expanding Anderson's hours to 20 hours per week. He said it will also help with the City's budget as well which is one of the positive outcomes of it. Mayor Polz said Anderson really feels that she can accomplish everything the City needs currently for City project work and everything with the 20 hours per week. He noted to Finck's point as well, the City has been contracting 8 hours a week with the Chamber of Commerce which has delegated duties and leaned out the process a little bit. Mayor Polz said the City needs to go forward and do their diligence and see what that looks like before committing to a fulltime position.

Finck also noted Anderson's knowledge pool of funding and working with economic development, state funding and grants really seems to be very extensive. He said he thinks Anderson is a big asset when the City starts looking at those kinds of things such as some of the City's projects and bringing additional funds to the table. He said there's a lot of positives in this.

Mayor Polz said the proposed contract from Anderson would be updating her contract up to 20 hours weekly at her rate of \$82 an hour and then a three percent increase in 2025 to \$84.46 per hour which would be the non-profit rate for the City.

Finck noted by approving the expanded contract for Anderson, the City will back out of the search for an EDA Director. He said there will be some cost because the City did engage in some services for a search such as advertising for the position. Finck said he wanted the Councilmembers to be aware of that.

**NAUMANN/FINCK moved and it was unanimously carried to approve the contract expansion to 20 hours per week for Economic Coordinator Wendy Anderson.**

### **ACTIVE LIVING COORDINATOR JOB DESCRIPTION APPROVAL AND AUTHORIZE ADVERTISING FOR THE POSITION**

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Mayor Polz said the Senior Advisory Committee extensively discussed and reviewed the scope of the Active Living Coordinator's job description and refined it. He said a motion is need from the Council to approve the job description. Mayor Polz explained it's going to be a part-time position that's roughly 15 to 20 hours per week. He said initially the City will be funding that position with additional liquor store proceeds.

Finck said he's glad the City Council took the time to engage the Senior Advisory Committee and the Committee's support is really key to this role.

Mix asked if advertising for the position would begin right of way.

Mayor Polz said advertising would begin immediately.

Titus said the Senior Advisory Committee is a very engaged and very active group.

Mayor Polz thanked all the members of the Senior Advisory Committee for their engagement and work.

**PETERSON/MIX moved and it was unanimously carried to approve the Active Living Coordinator job description and authorized advertising for the position.**

### **RUTH POLZ 95<sup>TH</sup> BIRTHDAY PROCLAMATION**

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Mayor Polz said for him, this is one of the most important agenda items at the City Council meeting. He said it's the proclamation for Ruth Polz in honor of her 95<sup>th</sup> birthday.

Mayor Polz read:

**WHEREAS**, Jackson is proud and honored to have Ruth Polz as a resident and member of our community; and

**WHEREAS**, Ruth Polz is one of Jackson's longest living residents; born January 29, 1929 in Sherburn, Minnesota; and

**WHEREAS**, Ruth married Richard Polz, Sr. in 1946 and has been a lifelong resident of Jackson ever since, raising six children, all of which are Jackson High School graduates; and

**WHEREAS**, Ruth is sharp with her recall of Jackson's history, the days of hustle and bustle of downtown and the decades of change; and

**WHEREAS**, Ruth is a creative sort who could always craft about anything and has played an inspiring role in the lives of many; and

**WHEREAS**, Ruth is a mother, grandmother, great grandmother and great, great grandmother along with being a good heart and friend to many over the years- those who have come and gone, and those who simply have been blessed by her good nature.

**WHEREAS**, Ruth Polz's 95<sup>th</sup> birthday was on January 29, 2024; and

**NOW THEREFORE**, I, Mayor Marcus Polz, honor Ruth Polz in recognition of her 95<sup>th</sup> birthday and celebrate her life and contributions to our community, dedication to her family and friends, and salute Ruth for her longevity and positive, upbeat attitude.

Signed this 22<sup>nd</sup> day of February, 2024.

Marcus Polz, Mayor

Mayor Polz said he would encourage anybody in the community to have a proclamation created for a loved one if they ever have the desire or want.

**Other:**

**Alderman Mark Titus**

Alderman Mark Titus asked about any updates regarding the Prairie Winds Motel building.

City Attorney Brad Anderson said the City's Brief in court is due on Thursday February 29<sup>th</sup>. He said the Court hasn't taken any action so far.

## **Alderman Chris Naumann**

Alderman Chris Naumann asked if a date has been set yet for the next Pool Task Force meeting.

Mayor Polz said he was part of an email exchange. He said initially, the Schoolboard would not have had a quorum for a meeting on February 21<sup>st</sup>. He said there was a proposed date by Jackson County Central School Superintendent Barry Schmidt to have a Pool Task Force meeting on March 14<sup>th</sup>. Mayor Polz said he received a message on February 21<sup>st</sup> that Schmidt was going to be gone on March 14<sup>th</sup> and also one Schoolboard member would not be available on that date.

Mayor Polz asked Councilmembers if there were any dates available to offer for a meeting. He said it's OK with him if the Schoolboard wants to meet with the City Council after their regular Schoolboard meeting.

Peterson proposed the City Council meeting with the Schoolboard right after one of the Schoolboard's regular meetings.

It was the consensus of Councilmembers to meet with the JCC Schoolboard right after one of the Schoolboard's regular meetings.

Mayor Polz said he would talk with City Administrator Skaret to follow up with the School District to let them know of the City Council availability to meet with the Schoolboard following one of their meetings.

## **Alderman Brandon Finck**

Alderman Brandon Finck asked if the City Council could get an EDA update on the new motel and projects. He asked if Economic Coordinator Wendy Anderson could update the City Council on the scope of projects that are underway.

Mayor Polz asked when the City's Pre-Development Agreement with GrandStay expire.

Finck said he believes the City's exclusive Pre-Development Agreement with GrandStay concludes at the end of March.

## **Alderman Nathan Peterson**

Alderman Nathan Peterson said he noted under the Council's Consent Agenda, the City approving hiring a new fulltime Ambulance Director.

Peterson said he wanted to welcome Grant Landbo and his fiancé, Liz, to Jackson. He said Landbo has accepted the position. Peterson said it's anticipated Landbo will start his duties at the end of March or first part of April. He said an exact starting date hasn't been set.

Finck said "hats off" to the committee that worked on recruiting a new Ambulance Director. He noted the committee had to start the search over again but came to a good conclusion according to all the stake holders he's heard from. Finck said "hats off" to the hiring committee for driving that effort in a positive direction.

Mayor Polz also thanked the Ambulance Director Hiring Committee and appreciated their time. He said he knows the decision to start the hiring search all over again after the first round of finalists wasn't an easy one but he thinks it's better to hire a qualified candidate than to hire someone that comes through the door.

Mayor Polz said Landbo will be attending the Jackson Farm and Home Show on February 24<sup>th</sup> to meet people.

## **Mayor Marcus Polz**

Mayor Polz noted the two UCAP homes that were previously built have been sold. He noted approval was given in the City Council's February 22<sup>nd</sup> Consent Agenda to dee Sunset View Lots 7 and 8 First Addition to United Community Action Partnership (UCAP) to construct two more homes.

**CLOSED SESSION AS PERMITTED BY MINNESOTA STATUTE 13D.03 TO DISCUSS PERSONNEL MATTERS**

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Mayor Polz entertained a motion for the City Council to go into Closed Session.

**FINCK/PETERSON moved and it was unanimously carried for the City Council to go into Closed Session at 7:15 p.m.**

Mayor Polz said the City Council was now in Closed Session.

**COMING OUT OF CLOSED SESSION**

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Mayor Polz entertained a motion for the city Council to come out of Closed Session.

**FINCK/PETERSON moved and it was unanimously carried for the City Council to come out of Closed Session at 8:32 p.m.**

Mayor Polz said the City Council was now back in Open Session.

**MOTION REGARDING CITY ADMINISTRATOR FINALIST CANDIDATE "B"**

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Mayor Polz entertained a motion to have the City make an employment offer to City Administrator Finalist Candidate "B" contingent upon the completion of a successful second interview, without Mike Humpal as representation, and with stakeholders from the community and full Council.

**FINCK/TITUS moved and it was unanimously carried to make an employment offer to City Administrator Finalist Candidate "B" contingent upon the completion of a successful second interview, without Mike Humpal as representation, and with stakeholders from the community and the full City Council.**

**ADJOURNMENT**

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**With all the Council's business completed, Mayor Polz said the City Council meeting was adjourned at 8:34 p.m.**

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**David A. Maschoff, Council Secretary**

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**Marcus Polz, Mayor**



