

Jackson, Minnesota
February 4, 2020

The Jackson City Council met in regular session in the Council Chambers of City Hall at 6:30 p.m. on Tuesday, February 4, 2020 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, Brandon Finck, Jeffrey Gay and Dave Cushman, City Administrator Matt Skaret, City Attorney Brad Anderson, Street Superintendent Phil Markman, Janice Lepinski of PAWS, Jackson County Sheriff Shawn Haken, Jackson Fire Chief Dave Bond, Jackson Fire Department Second Assistant Chief and Jackson Parks Board Chairman Michael Haeffner, Dennis Pike, Jeff Sauter, John Weland, Ron Sinn, Marsha Sinn, Sheila Willink, Rose Riley, Paul Hargus, Denny Earhart, Troy Rasmussen of Back Forty Wireless, Lakefield Mayor Brian Rossow, Luke Ewald of Des Moines Valley Health and Human Services, Pastor Eunice Woodberry from Salem Lutheran Church in Jackson, City Clerk/Council Secretary Dave Maschoff and Dave Schmidt of KKOJ/KUXX Radio. (Alderman Donnie Schoenrock was 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 call showed all Councilmembers were present except for Alderman 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.

Unscheduled Guests:

Mayor Walter asked twice if there were any unscheduled guests in the audience.

There were no unscheduled guests at the meeting.

Seeing none, Mayor Walter said the Council would proceed to the Council Discussion Items on the agenda.

Council Discussion Items

DENNIS PIKE REGARDING SEWER LINE ISSUE

Dennis Pike explained he's had two separate occasions within about a year of each other where his toilet has backed up spewing fecal particles and sewer gas into the air of his basement apartment located across the alley from the Pizza Ranch. Pike said he was told by three different City employees that the Pizza Ranch is the culprit of the sewer backup. He asked why isn't Pizza Ranch held accountable.

Pike said he had a letter from the City of Jackson implicating Pizza Ranch. He said from what he understands, the sewer problems have been going on for years. Pike asked why aren't they held accountable. He said we all pay for maintaining the sewer line. Pike asked the Council if they were aware of this problem.

Cushman said maybe the Mayor and Council could get some background information. He said he's seen the letter that the City sent to Pike and that's what he knows about it.

Mayor Walter said he's also seen the letter.

Skaret said the letter that the City sent to Pike was included in the City Council's packets. He said maybe Street Superintendent Phil Markman or some others have more background. Skaret explained that letter pertains to the most recent episode. He noted the letter was sent to Pike upon Pike's request.

Pike said the letter was dated December 3rd, 2019. He said there was another incident about a year prior to that. Pike said this last time, because it was winter, he had to leave his apartment and go to a hotel.

Pike said he notified the owner of the Pizza Ranch about the sewer backup. He said he sent a letter outlining all the costs and his labor to clean up the apartment. Pike explained it takes hours to clean up fecal matter and sewer gas and it doesn't dissipate over a short period of time. Pike said the landlord cleaned the day it happened and he went to a hotel. Pike said he came back the next morning and cleaned the apartment for two-and-a-half hours.

Pike said Pizza Ranch hasn't even acknowledged it. He said they received his letter on January 9th. He noted it's been over three weeks. Pike said taxpayers work hard to pay and maintain this infrastructure so why is somebody allowed to abuse it and nothing is being done about it.

Pike said he doesn't want to go through this again. He said he doesn't want to leave his apartment and go to a hotel again. Pike said it has to do with the grease from the Pizza Ranch entering the sewer system.

Mayor Walter asked Street Superintendent Phil Markman to elaborate on the issue.

Markman explained Pizza Ranch has a grease trap installed. He said the Street Department checks that sewer. Markman said that sewer line is on the list of the monthly sewers that the Street Department flushes. He said there are probably a couple dozen sewer lines in town that the Street Department has to keep an eye on for various reasons. Markman said the sewer line by the Pizza Ranch is on their list.

Markman said the Street Department found out, after the fact, that the Pizza Ranch had a malfunction of their equipment.

Jeff Sauter, owner of the Pizza Ranch, explained the batteries failed on the machine that sprays a chemical to break up the grease before it goes into the sewer.

Markman said the Street Department doesn't know there's a sewer problem until unfortunately there's a backup or when they are doing their monthly checks and they catch the problem. He said it's a hazard of the restaurant and the Street Department has issues with other restaurants in town with anybody that has grease or whatever.

Markman said Pizza Ranch's grease system has been working well. He said unfortunately there was a dead battery issue or malfunction with the batteries and it wasn't discovered until after the fact.

Pike commented maybe fecal particles or sewer gas in the air is OK for the restaurant, but I don't want it my apartment. He said he wouldn't eat at that restaurant.

Pike asked why isn't Pizza Ranch held responsible. He said he sent a demand letter which they received on January 9th. Pike said if Pizza Ranch is responsible for this, why aren't they acknowledging it and taking care of it. He said we all have a responsibility to respect the infrastructure that everyone pays for. Pike asked why aren't they respectful. He said he don't get it.

Madden asked Pike after the initial incident happened, did he or someone from the City contact the Pizza Ranch.

Markman said yes. He said the Street Department jetted the sewer line back open and a conversation was held with Pizza Ranch operator Jeff Sauter.

Madden asked if that's when it was discovered the batteries were the problem in Pizza Ranch's grease trap.

Markman said it was a little bit after that. He said he and Sauter talked. Markman said Sauter then contacted him and said a malfunction was found with their chemical injector.

Madden asked if anything was done to help mitigate this from happening in the future.

Sauter explained the grease trap is going to be cleaned out monthly instead of every three months. He also said Pizza Ranch's chemical company, Ecolab, will now be checking the chemical injector every three weeks to make sure everything is working correctly. Sauter said the Pizza Ranch doesn't want it to happen again.

Pike said he doesn't want it to happen again and asked Sauter why isn't Pizza Ranch paying for his hotel stay.

Mayor Walter asked Pike to direct his comments to the City Council.

Pike asked the Mayor and City Council why Sauter isn't being held accountable.

Markman explained to Pike that part of it is when Pike talked with City Finance Officer Deb Mitchell, she told him the proper steps to take. Markman said from his understanding, Pike did not do that.

Markman said Pike went directly one on one with Pizza Ranch and so he would assume that would get more into a civil matter.

Skaret informed Pike the damage to his apartment and the reimbursement for the hotel is really more of a civil matter between Pike, Pike's landlord and the Pizza Ranch.

Markman explained the City can't do that without getting a report from an insurance company and going through that report. Markman said he doesn't know if Pike has renter's insurance.

Markman said, as far as he knows, Pike's landlord hasn't contacted the City for anything. He said that changes things when the City is kept out of the loop like that.

Alderman Anderson asked Pike how much he was looking for in reimbursement.

Pike said he was seeking reimbursement of \$149.49. He said part of it was for his hotel stay. Pike said he only charged two-and-half hours for cleaning. He said he makes \$21 an hour. Pike said he doesn't know how many hours his landlord cleaned after the incident happened. He said he asked his landlord if she wanted him to include her in the reimbursement being sought. Pike said his landlord stated at this time, no.

Pike explained he went through his apartment with disinfectant, bleach, spray cleaning all of the appliances, all of the countertops and the bathroom. He said the cleaning was done twice because those fecal particles and whatever else is in there takes awhile to dissipate.

Pike said when he brought the issue up to the City, before he brought it up to the Pizza Ranch, he was told about a City Council meeting. He explained he was gone for about two weeks to the Southwest and had some other things come up after that. Pike said he talked with someone at City Hall about being put on the City Council's agenda. In the meantime, he sent a demand letter to Pizza Ranch because he thinks they should be responsible for expenses especially since it's been an issue in the past too. Pike said why it hasn't been addressed in a more aggressive manner, he doesn't get it.

Pike asked don't all the citizens pay to maintain the sewer? He said he would assume so. Pike asked don't some of the taxpayer dollars from all the citizens go towards maintaining the sewers?

Skaret explained the revenue from the sewer bills go to maintain and operate the City's sewer system. He said the City's responsibility is to maintain the sewer lines. Skaret said if the backup was due to the City's negligence, for example if there's something the City did wrong to cause the backup, then the City's insurance company would find the City liable and pay the claim. But, Skaret said in a case like this, there was nothing that the City did wrong. He said Pike's sewer backup was caused by the grease from the Pizza Ranch.

Pike said he understands it's not the City's fault. But he said it should be a concern of the City because it's part of the City's infrastructure. Pike said he understands the reimbursement he's seeking is not the responsibility of the City.

Gay asked Sauter how old the grease trap and equipment are at the Pizza Ranch.

Sauter said it's less than ten years old.

Gay asked if that's a normal age for the equipment for the amount that it's used.

Sauter said it is.

Gay asked if it was basically just a mechanical malfunction that caused the sewer back-up.

Sauter explained the only grease that goes into the sinks is from the booster bottoms. He said that's the only thing that goes into the sinks. Sauter said between the malfunction and a couple of new employees that were putting the grease down the sink instead of wiping it into the garbage is where we found the issue. Sauter said both issues have been corrected. He said he's not sure what happened the first time the sewer line backed up. Sauter said the sewer line has only backed up twice.

Sauter said he would be more than willing to work with the owner of the building if there's an issue. He said if the owner of the building called and said "Jeff this is your problem" he would be more than willing to work with that.

Sauter said he's been assaulted and he's been called names. He said Pike has even burst into the back door of the Pizza Ranch.

Pike explained that had to do with the Pizza Ranch parking vehicles in the alley unattended which should be a safety issue. He said what if an emergency vehicle had to go through the alley.

Sauter said that's no different than the beer trucks parked there all day when the liquor store was located downtown. He said it's a commercial area.

Pike said the beer trucks leave room for a vehicle to get through the alley.

Sauter pointed out if somebody comes in and says a car is in the way, we move the vehicle. But anyhow, Sauter said that's off topic.

Pike said that should be another issue.

Sauter said Pike sent a demand letter and he would be more than willing to work with the owner of the building if that's still an issue.

City Attorney Brad Anderson said it's not the City's responsibility to enforce civil claims between citizens. He said this isn't the proper forum to debate who's right and who's wrong. Attorney Anderson said he thinks Markman and Skaret have both pointed out that as long as the City timely reacted and took care of the issue, they've done what the City is supposed to do.

Not saying that Pike don't have a claim, but Attorney Anderson said the City Council isn't the place for him to present his claim. He said the claim really should be presented in Conciliation Court or to insurance companies or somebody like that.

Pike said where it does become a concern here is the maintenance part of it where people have to remedy the problem and money is spent on incidents like this where another party is responsible.

But to that point, Finck said there are other restaurants that do the same thing. He said they are following City Code and so as long as they are in compliance with what the expectations are for businesses and restaurants, there's really no violation of that.

Markman said it would be no different than a homeowner doing something illegal by putting something into the City's sewer system and causing a problem for other homeowners. He said the City takes care of the sewer mains and the service lines are the responsibility of the property owners.

Madden said it sounds like there was an equipment failure. He noted we all know that equipment fails and it sounds like the Pizza Ranch has taken more than appropriate actions to ensure it doesn't happen again to the best of their ability.

Markman said that was correct. He noted the first time the sewer line at the Pizza Ranch backed up, the Street Department put that sewer line on their monthly list to know there was a potential for problems. Markman said the Street Department flushes that line every month. He pointed out until the Pizza Ranch had an equipment malfunction, there had been no issues with the sewer line.

Alderman Anderson pointed out to Pike that Jeff Sauter stated he would be more than willing to work with the landlord. He asked Pike if he would be willing to let the landlord work with Sauter.

Pike said he would pursue the matter through other avenues such as civil court.

Alderman Anderson said that's Pike's choice.

Pike said Pizza Ranch chose to ignore it.

Pike said if he did damage to somebody, he would take responsibility. He said the reason he came before the City Council is because taxpayers have a right to know because they share a burden of expense in maintaining the sewer lines. Pike said from what he's heard a backed-up sewer line has happened more than a couple of times.

Pike said if he were to do something that caused expense to the City, he would imagine he would be responsible and there would be some fine or something like that, but apparently not.

Pike thanked the Mayor and City Council for their time.

Mayor Walter said it sounds like there was a problem but it's been taken care of. He thanked Jeff Sauter of the Pizza Ranch for taking care of the situation.

TROY RASMUSSEN REGARDING BACK FORTY WIRELESS LEASE AGREEMENT

Troy Rasmussen of Back Forty Wireless explained his company is planning to upgrade and make some changes to their equipment on the City's water tower. He said the changes would include the installation of a couple more radios on the water tower along with a larger outdoor enclosure at the base of the water tower. Rasmussen noted the water tower location is Back Forty's second oldest site and is at the point where they want to upgrade the equipment in order to offer faster internet service to their customers.

Rasmussen also requested exclusivity so his company would have some protection from another person or company requesting to locate equipment on the water tower and causing interference with his frequencies.

As a point of information, Madden informed Rasmussen the City is going to be adding an AMI/TGB collector with a Sensus radio frequency on the water tower. He said he wanted to make Rasmussen aware that those licensed frequencies would be located on the water tower. Madden said those frequencies, at times, can drift and interfere with other frequencies however they can be adjusted back if they drift.

Rasmussen said if the frequencies drift, usually rebooting the equipment will bring the frequencies back into range.

Finck said Rasmussen could work with Water/Wastewater Superintendent Tony Oxborough regarding the placement of the equipment enclosure at the base of the water tower.

ANDERSON/GAY moved and it was unanimously carried to amend the existing lease agreement between the City and Back Forty Wireless adding wording pertaining to correcting any infringement on the frequencies of the City's equipment on the water tower, that Back Forty Wireless has exclusive use of the water tower for their equipment and the annual lease amount paid by Back Forty Wireless to the City will be \$2,464.00.

Rasmussen thanked Mayor Walter and the City Council.

ANIMAL CONTROL PRESENTATION PLAN

Alderman Jeffrey Gay said, first of all, this was strictly a presentation of a plan that the Animal Control Committee has come up with and wants to move forward with. He said they just want to explain the plan to the Mayor and City Council knowing that it's not going to be anything immediate, but it's going to be something in the future that will benefit the entire County. Gay introduced Committee member John Weland to continue with the presentation.

Weland said the Council doesn't really need a recap of the events as he understands this has been an ongoing situation. But to give the Mayor and Council some sense of urgency about it, Weland said a single male cat can sire 1,470 offspring in a given year. He explained because it's compounding like interest, that becomes 28,000 in six months not including predation, illness and vehicle accidents.

Weland reported according to PritzkerLaw, between 2018 and 2019, there were three separate cases in Minneapolis and St. Paul where individuals were bitten by a stray cat and for whatever reason couldn't be captured. He said those individuals ended up having to get rabies shots and were able to sue the Cities of Minneapolis and St. Paul for \$10,000 in each case. Weland noted that's a lot of taxpayer money. He said this is definitely an issue that needs to be solved verses passing the buck.

Weland said we do not currently have any sort of animal shelter and we are the only County in the area that doesn't.

Weland said Mr. Mayor, you asked us to put together a committee and dig into the situation and what we found, above all else, is we need a shelter.

Weland explained the Committee has since gone forth with the State to incorporate. He said apparently the State is about a month behind in processing the application to incorporate. Weland said once that happens, they will get that paperwork back and will be applying to the IRS for 501C-3 non-profit status. He said at that point, it will open them up to apply for grants and fundraising capabilities.

Weland said the two biggest issues right now is the land and a building to put on that land.

Weland noted there has been talk about TNVR, trap, neuter, vaccinate and release. He pointed out cats are territorial. Weland explained if you take a cat out of its territory, another cat will move in. But he said if you keep that cat from reproducing and make it safe, biologically speaking, vaccinate it, and put it back in its territory, it will fend off any invading other cats. Weland said that will, eventually over time, curb the population and allow the population of cats to decrease and keeps it safe for the public. But Weland said during that TNVR transition, a place is needed to house the cats. He said volunteers can be used, but it's not going to work. Weland said what's needed is land, a building and a shelter.

Gay said the Animal Committee has worked with Sheriff Shawn Haken talking about where to put the stray animals that are picked up in Jackson County. He noted the Mayor of Lakefield and Jackson County Commissioner Scott McClure also attended an Animal Control Committee meeting. Gay said they are all in agreement that "yes" this is something that we need to have done.

Gay said he thinks it started when Dr. Fell was doing it and it was great because we had someone here in Jackson. But, Gay said when Dr. Fell retired, we no longer had that service and nobody stepped up and started to do it again, for the most part, except for PAWS. He said right now PAWS is inundated with animals.

Gay explained that's why the Animal Control Committee wants to do this. He said they want to make an animal shelter self-sufficient as possible. Gay noted they wrote up the white paper on the proposal talking about all these different things. He said he didn't realize there are about 10,000 cars that go through downtown Jackson a day. Gay said you learn a lot of things from the Animal Control Committee's study. He said the Committee toured several other animal shelters. Gay said a proposed animal shelter is doable. He said it's something that can be turned around into a business that will be in the City selling pet supplies and food.

Gay said there's a lot of possibilities this can turn into and be a good venture. He noted this is something that's not going to cost the communities much money at all. Gay said the only thing the Animal Control Committee is probably going to ask for as they get to that point is where the building is going to be located and the construction. He said there's probably going to be a request for seed money from all the communities in the County as well as the County itself. Gay said it wouldn't be a lot of money but that will be determined once it's decided what the Animal Control Committee is going to do and where they're going to do it at.

Gay said he thinks it's a great plan. He said he thinks there would be a lot of interest from people around town. Gay noted the voice of reason, Denny Earhart, attended every meeting. He thanked Earhart for attending the Committee meetings. Gay said Earhart is not a cat lover but this isn't a cat issue. He said it's cats and dogs. Gay said according to the Sheriff, at any given time at night, there's fox, racoons, cats, dogs, coyotes that come down the alleyways downtown searching for food. He said it's not just a cat problem either, it's an animal problem.

As far as the complaints of animals defecating on the street and elsewhere, Gay said he's beginning to wonder if that's a non-issue for the fact that none of those people showed up at any of the meetings to voice their opinions which that's their decision. But on the other hand, Gay said it would be nice if everybody involved would work toward a greater issue.

Skaret said one thing that was also a topic of the conversations and also noted by Sheriff Shawn Haken was the feeding of the cats downtown. He said there were some ideas on how to address that.

Haken explained what he wanted to point out through the Sheriff's Office or focus on, at least for the short term for downtown, is that there are some sincere public health and public safety issues in the downtown area even though some people with concerns may have not attended the Committee meetings.

Sheriff Haken said there are all kinds of critters in town as Gay mentioned. He said there are a lot of wild animals in town every night. Haken said the only difference though is that the deer, turkeys and coyotes don't call downtown home for obvious reasons. He noted they are out of sight and out of mind. But, Haken said there is a population of cats downtown that kind of call it home. So, he said some of the public health issues are as were mentioned.

Haken said there is a worry about the smell, the odor and the feces. He said granted, that's not an everyday occurrence but, as he mentioned at the Committee meeting, it's very common for the City Council on any given Council meeting night to talk about promoting downtown. Haken said that discussion is about how to get more people to come to downtown for good reasons. He said what he pointed out was do we want people to come to downtown Jackson and then get greeted by the issues that some of the businesses have pointed out. Haken said the answer there is "no". He said it's hard enough for a business to make a living in rural Minnesota as it is and we don't want to handcuff them. Haken said some of the smells and feces and whatnot aren't an everyday occurrence there's no doubt.

Haken said he did talk at the Animal Control Committee meetings about safety concerns. He pointed out about the potential of cat bites. Haken said they haven't had any incidents reported downtown but there's been a common scenario that happens. He explained it's usually with a child about the age of 5, 6, 7 or 8. Haken said the child stumbles onto a kitten that likely came from a stray cat. He said that kitten is somewhat tame and it's approachable. Haken said the young child approaches the kitten and are able to pet it briefly, but the cat turns on them and bites them. He said he's assuming there's probably some crying and the cat disappears.

Haken explained the problem the Sheriff's Department has had historically with that is the cat is gone. He said the first concern as a parent and the Sheriff's Department's first job is to find out was that cat vaccinated because obviously, they worry about the child and the potential for the spread of disease. Haken said the Sheriff's Department has never been able to find these kittens when scurry off. Haken said he did point that out as a scenario that can certainly happen downtown when we have kind of a concentration of cats right there every day.

Haken noted in a couple months there's probably going to be some litters of kittens downtown and again he pointed out the goal of the City Council is to keep people coming and to get new people to come and visit downtown. Haken said could it happen that a child gets bitten by a kitten downtown? He said he knows it can happen because it has.

Haken said we don't want somebody new coming downtown and a child getting bitten by a stray kitten. He said picture a family walking downtown and a small child comes around the corner and there's a kitten. Haken said the child pets the kitten and the child is bitten. He said the Sheriff's Department won't find the cat; they hardly ever do. Haken said the cat takes off once there's chaos of mom or dad running to their daughter or son. He said so then we're stuck with that predicament and of course the result is painful shots for that small child. Haken said that's not a farfetched scenario because it's happened. He explained that was another issue that they had at the Sheriff's Office just trying to address the downtown.

Haken said they know there's always going to be cats here, there's always going to be deer here but he thinks there's some legitimate safety issues for downtown.

Haken said he even mentioned the traffic at the Committee meetings. He explained he showed the Committee the DOT traffic numbers. Haken noted the information is on the Minnesota Department of Transportation's website. He said there are 7,500 vehicles that travel on Highway 71 between the Library and about Sherman Street in a 24-hour period. Haken said in front of City Hall, there's about 3,000 to 3,500 vehicles that travel on Ashley Street on any given day during a 24-hour period. He said you can see why the deer and turkeys aren't going to be seen in the downtown area because it's just too chaotic. But, Haken said for any other four-legged critter it's the worst place to be. He said it's the most dangerous spot because of traffic, pedestrians and folks that are shopping and what not. Haken said in the Sheriff's Department's world and in their opinion it's probably the worst spot for any kind of animal to be for all of those reasons.

Haken said they did come up with a couple ideas, a couple solutions. He explained there are some farmers who would gladly take some of these cats from downtown. Haken said the cats are somewhat tame and you can get fairly close to them. He said you can't pet them but you can get within five or ten feet of them. Haken said the Sheriff's Office is pretty sure those cats were actually brought into town from out in the County. He said they were farm cats that were simply brought into town and were left here. Haken noted the cats are used to people. He said the Sheriff's Office believes there are some farmers that would take them. Haken said the Sheriff's Office suggestion to the Animal Control Committee was that the Sheriff's Department will trap them and will relocate the cats to these farmers who want them to knock down the mice and rat population on their farm. Haken said as far as he knows at the last meeting he attended, that sounded like that was a solution that everyone was supportive of.

Gay said part of that was the TNVR. He said the farmers would probably want to take those animals quicker if they were neutered or spayed then if they weren't. Gay said that's part of the program that they have. He said it's a program called Minnesota SNAP that would come down to Jackson and take care of the neutering and spaying and so forth at a really reasonable cost. He explained Minnesota SNAP would come and do that on a regular basis once we get a facility here.

Gay said a final thought is that this is not a long-term care facility for these animals. He said he traveled on Saturday and talked with the officials at the animal care facility in Milford. Gay explained the Milford animal care facility took in over 800 animals last year and adopted out well over 500. He said it's kind of a revolving door basically so it does work and it's humane. Gay said that's the Committee's plan.

Mayor Walter said he thinks to help expedite in removing the downtown cat population, the farmers wanted the cats intact. He said if the farmers wanted the cats that way, he would let them have them that way. Mayor Walter said if the farmers want to have the cats spayed or neutered, that could be the farmer's expense and they could have it done right away.

Mayor Walter said the other question he had was if the proposed animal shelter is going to be a terminal or lifelong facility.

Gay said if the animals that come into the facility are diseased or they're badly injured or something like that, then yes, they would be euthanized. But otherwise, Gay said they are going to try to be adopted out. He said a lot of the shelters will trade cats and dogs back and forth among each other because some people adopting animals may want a specific color and so forth. Gay said some animals may also be taken to pet stores in the metro area once the animals are taken care of and vaccinated and they are ready to go.

Gay said it's going to be some work. He said they are looking at having one full-time paid employee and volunteers for the animal shelter.

Madden asked about what the size of the proposed animal facility would be.

Gay said the Committee still has to work on that. He said there are some size issues that have come up and the Committee has talked about it but they don't really know for sure. Gay said they don't store the animals in cages like you normally see like a dog pound or anything like that. He explained the cats go into colonies. Gay said the cats maybe have a 12 foot by 12 foot or 10 foot by 12-foot room and there may be a dozen or better cats in that particular room. He said the cats can wander around, their beds are there and they are fed in that room and not kept in a cage. On the other hand, for the dogs, Gay said they have to have a little more of a cage type facility because you can't really put them together.

Cushman asked who the owners of the proposed animal facility would be. He also asked, other than the Mayor of Lakefield and one of the County Commissioners, has the Animal Control Committee set up a schedule to meet with any other government entities to talk about the animal shelter.

Gay said the same presentation about the proposed animal shelter is going to be given to the Lakefield, Heron Lake and Okabena City Councils and to the Jackson County Commissioners to garner their support.

Regarding ownership of the animal facility, Gay said it would be a corporation. He explained the facility would be owned by a corporation and is going to be non-profit. Gay said it won't be owned by any government entity so there's going to be no real concern about monies or so forth like that.

Gay explained most of the funding for the animal care facility will come from grants, donations and sales. He said when an animal is adopted out, the person adopting the animal will be charged to cover the expense for the spaying, neutering and so forth. Gay said anything else would be value-added.

Madden asked if the plan is for the animal care facility to be self-sufficient.

Gay said "yes". He said he's not ruling out asking for a little bit of seed money or at least a concrete pad for the facility. Gay said once that's out of the way, they can start working on the rest of the stuff. He said the foundation will be laid, so to speak, for the business and the building at that time.

Gay said the animal facilities the Committee looked at had vehicle entries. He explained when law enforcement brought a dog or animal in, they would drive inside and shut the door so if the animal got away, they would still be inside the building so they could be contained and put in a cage at that time. Gay said that would be one plus for the proposed facility compared to how it had been done in the past at the previous facility where animals were held.

Denny Earhart noted that Gay said the presentation about the proposed animal shelter would be given to the other communities in Jackson County and out of their generosity they would throw some seed money towards the project. He said we're not talking millions of dollars, but some seed money.

Gay said that was correct.

Earhart said he believes this whole cat issue started, or shall we say came to the surface, when PAWS came and asked for another \$2,000. Earhart said he came to the City Council meeting and complained he didn't want his tax money spent on cats.

Earhart said he's been to basically all of the Animal Control Committee meetings. He noted he's learned that these people are very passionate. Earhart said the City has already given PAWS \$2,000 and they were asking for another \$2,000. He suggested instead of just handing the money over, have the City put that other \$2,000 dollars, if the City chooses to go that much, into a seed fund where maybe you can get another City to match or go half or whatever and eventually between the communities you might have enough to actually get started on a real structure.

Gay said that was good, true. He also pointed out there are other corporations that will take that and match funds for things that are good for the community as well. Gay said he liked that idea.

Mayor Walter said a lot of good ideas were presented.

Lakefield Mayor Brian Rossow asked Gay what's to prevent TNVR from happening today. He asked why is a facility necessary to bring Minnesota SNAP to the community.

Gay explained when SNAP is brought into the community, SNAP needs a cement pad to park their vehicle on, a 220-volt plug-in and the availability for water so they can do the surgeries right on SNAP's truck. Gay said SNAP can do about 50 surgeries a day. He said SNAP can come anytime, but they are so booked up right now it's going to be awhile. Gay noted Janice Lepinski of PAWS is going to take some cats to St. James in March for surgery. He said once we get a local animal facility established, then we could get on SNAP's schedule to come here.

Weland added that the reason an animal facility is needed is because you can't simply fix a cat and then put it outside the same day. He explained there is usually a two-day healing period before the cat is suggested to be released. Weland said that means for two days the cat has to be stored somewhere.

Gay said the animal facility would be run like a business. He said he's spoken with Southwest Minnesota State University who will go ahead and do a business plan for the facility so it can be run like a business, have checks and balances, and be able to have a spread sheet and everything right there so it can be inspected at any time and give us a plan to go by.

Lakefield Mayor Brian Rossow commented to officially put it on record that there is no official support from the City of Lakefield at this point to move forward with this until a presentation is made on the cost to construct, cost to operate, and the number of animals to be housed. Rossow said until all those numbers are put together, the City of Lakefield obviously can't say that they're on board with the project.

Gay noted Mayor Rossow attended an Animal Control Committee Meeting which showed interest in looking into this situation.

Mayor Rossow said he just wanted to make sure as far as an official statement, there is no official support from the City of Lakefield at this point moving forward until a presentation is made.

Mayor Walter said he wanted to thank Alderman Jeff Gay and the Animal Control Committee for the presentation. He wanted to thank them very much. Mayor Walter said the Committee put a lot of time and effort into this. He also thanked Sheriff Shawn Haken for everything he has done with his presentation. Mayor Walter also thanked Denny Earhart for attending the meetings with his input.

AGREEMENT TO TERMINATE OR ABATE NUISANCE

City Attorney Brad Anderson explained there was what appeared to be a nuisance at 712 South Highway in Jackson. He said the City sent a notice to the property owners and the occupant.

Attorney Anderson said a meeting was held in December and another meeting was held a couple of weeks ago. In the meantime, the City tried to and did clarify a lot of issues concerning how septic systems are maintained, who's responsible for supervising them and inspecting them.

Attorney Anderson said the City talked with the State of Minnesota, the County, the agency that was responsible for septic systems in the County and the City's Code was looked at.

Attorney Anderson said long story short, in the last meeting with the property owners, there is a proposal to offer to the City Council for consideration to resolve this apparent nuisance and to abate it.

Attorney Anderson said he believes it's in compliance with what the County does and what the State requires. He said the proposal tried to be realistic from the standpoint that some of the clean-up at this time of the year is just not realistic because it's under snow and froze down.

Attorney Anderson explained the proposal before the City Council includes that clean-up of the property be completed within 30 days, weather permitting. He said the agreement is self-explanatory. Attorney Anderson said the bottom line is that by September 1st of this year the septic issues on the property have to be in compliance with the City's Code and the State of Minnesota's regulations concerning septic systems. He noted actually it won't be a septic system, it will be directly connected to the City's sewer.

Skaret pointed out the City Council already approved that last fall to run the sewer force main up to the City's sewer line on Bluff Avenue.

Attorney Anderson noted the agreement also pertains to some immediate cleanup of the property that can be done, weather permitting. He said it was agreed that cleaning should be completed within 30 days. Attorney Anderson said it means there's some action that needs to be taken if possible, right away.

Attorney Anderson said the agreement also terminates some other issues that were of a concern. He said that included the late-night working and shining of lights.

Attorney Anderson said the agreement also includes that at the conclusion by the September 1st date, that the property will be appropriately sloped and landscaped and have an appropriate vegetative cover on it to prevent future erosion at the site.

Attorney Anderson said that was a quick summary of the agreement.

Skaret noted the restoration and everything to be done by September 1st. He said any standing water left on the property has to be part of a designed landscape plan or part of a storm water control system.

Attorney Anderson said this plan avoids the City from hopefully having to undertake additional expenditures to correct it. He explained there's some parts of the Code that actually requires the City to correct at certain stages. Attorney Anderson said what the City is trying to do is to work with the property owner, be a good neighbor but require that they comply with the City's Code and Ordinances. He said the property owners have a big job ahead of them.

Attorney Anderson said the City's deadline is much more restrictive than the County's. But, he said he thinks under the circumstances, being that this has been kind of an open sore for a long time, it's appropriate and the property owners also believe that it's appropriate. He said he also believes the property owners showed a sincere and earnest attitude to deal with the problem, correct the problem and fix it.

Attorney Anderson explained what is being asked is for the City's consent to enter into this agreement. He said if the City Council does agree to it, then it will be presented to the homeowners for their approval and will become part of the agreement to terminate this abatement.

Gay said he doesn't see anything that's unattainable at all in this agreement.

Attorney Anderson said under the best weather conditions, there's a month or two of work probably that needs to be done in order to correct it. He said so to be realistic, we're talking a three-month, maybe a four-month summer window to get this work all done. Attorney Anderson said that's why he thinks that the City would be appropriate to go along with this agreement and recommends the agreement.

Cushman asked Attorney Anderson when this agreement has to be approved by the property owners. He asked if there was a set time that the property owners have to sign the agreement.

Attorney Anderson said the property owners will sign the agreement tomorrow (February 5th) or the following day. He noted the property owners have verbally indicated they will agree to it.

GAY/ANDERSON moved and it was unanimously carried to approve the Agreement to Terminate or Abate Nuisance with property owners Tamera M. Erickson and James B. Nesseth regarding the property at 712 South Highway in Jackson, Minnesota.

Cushman asked if this same principal could be applied to some other property that has been a problem for the City.

Attorney Anderson said it could.

WATER STORAGE TANK PROJECT PAY APPLICATION NO. 15

Skaret said Water Storage Tank Project Pay Application No. 15 is in the amount of \$24,151.70. He explained basically this covers the painting of the pump room, the metal monorail over the high service pump area and a double door on the north wall of the pump room.

Skaret said Engineer Maria McCarty of SEH was unable to attend the Council meeting.

Skaret said SEH was at the Water Plant on February 3rd and went through the punch list. He said there are items that will be completed between now and the end of the project. Skaret said work on the project is basically done for now until spring when it's more conducive to work outside.

MADDEN/FINCK moved and it was unanimously carried to approve Water Storage Tank Project Pay Application No. 15 in the amount of \$24,151.70.

DATE FOR THE BOARD OF APPEALS AND EQUALIZATION MEETING: MONDAY, APRIL 13, 2020 AT 6 P.M.

Skaret said the Board of Appeals and Equalization meeting is usually done as a separate meeting from a regular City Council meeting. He said this meeting is where the County Assessor comes and gives a presentation on the assessed valuations, home sales and what the trends are for the assessed valuations. Skaret said the Board of Appeals and Equalization meeting is the opportunity for people to raise concerns about the assessed valuations of their home.

Skaret said this meeting is different from the Truth in Taxation Hearing. He said a lot of times people get the April meeting and the December meeting mixed up.

Skaret said City Clerk/Council Secretary Maschoff has been working with the County Assessor on setting a date for the City of Jackson's Board of Appeals and Equalization Meeting. He said the County Assessor's Office not only has Jackson, but the other cities in the County to work with. Skaret said Monday, April 13th at 6 p.m. is the date that's being proposed for Jackson's meeting.

Skaret said Aldermen Dave Cushman and Matt Madden have to attend the Board of Appeals and Equalization Meeting for sure. He said Cushman and Madden are the two certified Board of Equalization members.

Cushman said we should see when he and Madden's terms expire and when the next go around would be for someone to apply for those certifications.

Skaret said he had checked last year and there were a couple years left on Cushman's and Madden's terms. He said he will double check again.

It was noted the terms are for four years.

Mayor Walter asked if both Madden and Cushman need to be present at the Board of Appeals and Equalization meeting.

Skaret said one of them has to attend the meeting or the City loses its local Board of Equalization.

ANDERSON/CUSHMAN moved and it was unanimously carried to set the date for the City of Jackson's Board of Appeals and Equalization Meeting for Monday, April 13th at 6 p.m. at the Jackson City Hall.

DISCUSS DOWNTOWN PLANTERS

Skaret noted the Chamber of Commerce approached the City Council in November for authorization to decorate the downtown planters for the holiday season. He said as part of granting authorization to decorate the planters, the Council set a deadline of January 31st to have the holiday decorations removed from the planters.

Skaret said in talking with Chamber Director Corey Christopher, there are still some planters that are decorated. He said Christopher emailed several notices to businesses reminding them about removing the decorations by the January 31st deadline. Skaret said Christopher has also tried to remove some of the decorations himself but they are frozen in the planters.

Skaret said he suggested using hot water to remove the decorations. He said the way they're frozen, Christopher figures it would take five, five-gallon buckets of hot water to make any headway in removing the decorations.

Skaret reported Christopher said the Chamber's Board of Directors met and discussed the downtown holiday planter decorating at their February 3rd Board Meeting. He noted Christopher said the Chamber Board has decided not to continue to coordinate the planter decorating going forward. Skaret said the Chamber of Commerce doesn't want to make anyone upset with not being able to meet deadlines and keeping the holiday decorations up longer than is wished. Skaret said the Chamber of Commerce doesn't really want the responsibility anymore of coordinating the holiday downtown planter decorating.

Skaret said that was an update on where things stand. He said that's why the downtown planters are still decorated.

Mayor Walter said this year didn't work out that the decorations could be removed. He said that the Chamber is not going to coordinate the holiday planter decorating again. Mayor Walter said the City's crew could try and chop the decorations lose or burn them out.

Gay said the sheer reasoning for the January 31st removal deadline was because the decorations sit there and start to look stagnant. He said if you have stuff that's outdated it looks like you don't care. Gay said to him that's a travesty on those things downtown.

Other:

City Administrator Matt Skaret

Ambulance and Fire Departments

Skaret noted volunteers are needed for both the Ambulance Department and Fire Department. He said the Ambulance and Fire Departments are going to start doing some more active recruiting.

Skaret said both departments are in need of people. He said the Ambulance and Fire Departments do a great job but they can't do it without people and their numbers are getting smaller all the time. Skaret said we need to get some more people involved.

Skaret said Jackson is not the only community struggling with the lack of Ambulance and Fire Department volunteers. He said every community with an Ambulance Service and Fire Department is struggling. Skaret said for a number of reasons, it's just harder to get people to commit.

City Audit is underway

Skaret noted the City's auditors are working at City Hall this week. He said it's been a busy week so far for the City Hall's office staff.

ADJOURNMENT

With no further business, GAY/FINCK moved and it was unanimously carried to adjourn the City Council meeting at 7:33 p.m.

Mayor Walter thanked the City Council and everyone for attending the meeting.

David A. Maschoff, Council Secretary

Wayne Walter, Mayor

