

**January 2, 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 Tuesday, January 2, 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, Nathan Peterson and Joe Pell. Also attending in-person were City Administrator Matt Skaret, City Attorney Brad Anderson, Public Works Director Tony Oxborough, John Weland of the Jackson County Animal Protection Society, Pastor John Schuetz of Our Redeemer Lutheran Church in Jackson, City Clerk/Council Secretary Dave Maschoff, Mathew Grisham of KKOJ/KUXX Radio and Justin Lessman of the Jackson County Pilot. (All Councilmembers were present.) (A quorum of the City Council was present.)

PLEDGE OF ALLEGIANCE

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

Mayor Polz called the regular meeting of the Jackson City Council to order. He said the roll call showed all Councilmembers were present.

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

Unscheduled Guests:

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

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

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

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

CONSENT AGENDA

Mayor Polz said if the Councilmembers have reviewed the Consent Agenda, he would entertain a motion to approve it.

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

Council Discussion Items

BELMONT HEIGHTS PHASE ONE DEVELOPMENT PAY APPLICATIONS 1 AND 2

City Administrator Matt Skaret said there are two Pay Applications for Belmont Heights. He explained Pay Application Number 1 is for work that was completed from September 27th to October 31st, 2023 in the amount of \$478,869.36 payable to Holtmeier Construction.

Skaret said Pay Application Number 2 covers the work from November 1st to December 11th, 2023 in the amount of \$1,040,010.58 also payable to Holtmeier Construction.

Skaret said he reviewed the Pay Applications with Engineer Troy Nemmers of Bolton and Menk who had no issues with Pay Application Number 1. He said Nemmers did have a couple of questions on Pay Application Number 2.

Skaret said Nemmers had a couple questions particularly on items 24, 25, and 26 in Pay Application 2 regarding the concrete field inlet and manhole storm structure and curb inlet junction. He said Holtmeier's Pay Application No. 2 includes paying 100 percent on those items, but the casting and grates are not installed and not finished to grade. Skaret said Nemmers wanted a clarification on those items and also clarification on items 32 and 33 regarding the aggregate base. Skaret said he inquired to the DBS Development Group regarding those items and haven't received a response yet.

Skaret said he would recommend the City Council approve the Pay Applications contingent upon satisfactory response from DBS.

Finck asked Skaret if he wanted the City Council to split Pay Applications 1 and 2. He suggested Pay Application No. 2 could be approved at the Council's January 16th meeting.

Skaret said the City Council could approve Pay Application Number 1 and approve Pay Application Number 2 at the next Council meeting.

Finck said it would be good to get clarification and answers to questions before approving Pay Application Number 2 to make sure everything is right.

FINCK/NAUMANN moved and it was unanimously carried to approve Belmont Heights Phase One Development Pay Application No. 1 in the amount of \$478,869.36 payable to Holtmeier Construction of Mankato, Minnesota.

FINCK/TITUS moved and it was unanimously carried to table Council action on Belmont Heights Phase One Development Pay Application No. 2 in the amount of \$1,040,010.58 pending a response from the DBS Development Group on questions regarding items listed in Pay Application No. 2.

2023 AUDIT LETTER OF ENGAGEMENT

Skaret said it's that time of the year again for the audit. He said the auditors from Abdo were at the Jackson City Hall on December 6th doing preliminary field work and are scheduled to be at City hall doing their annual audit the week of January 29th through February 2nd.

Skaret noted this will be the fifth year Abdo has done the annual audit for the City. With all the recent changes in the office at City Hall, Skaret said he would certainly recommend staying with the auditors the City currently has for at least one more year.

MIX/FINCK moved and it was unanimously carried to approve the 2023 Audit Engagement Letter with Abdo.

RESOLUTION NO. 01-0124 APPROVING EARNED SICK AND SAFE TIME POLICY

Skaret explained the Earned Sick and Safe Time Policy is a new policy the City has to approve in some form according to a new State Law effective on January 1, 2024.

Skaret said the purpose of the Earned Sick and Safe Time Policy is to ensure that all workers in Minnesota have access to paid time off for the care and well-being of themselves or anyone that they consider to be family members.

Skaret said there are some caveats to the policy. He said the employee must work at least 80 hours in a year in order to be eligible for the Earned Sick and Safe Time. He said the Earned Sick and Safe Time does not include independent contractors or elected officials.

Skaret said the Earned Sick and Safe Time Policy does cover part-time, temporary and seasonal employees. He noted the City has a lot of those type of employees during the course of a year. Skaret said there are over 70 part-time, temporary and seasonal employees throughout the City. He said new Policy is a big deal and is going to be something totally new.

Skaret said for the City's temporary, part-time and seasonal employees, the ones that don't currently have paid sick time, they will accrue one hour of sick time for every 30 hours worked. He said it basically amounts to about 48 hours a year in what they can accrue.

Skaret said there are several different options for the City to take regarding the Earned Sick and Safe Time.

Skaret said Option One is the accrual and carryover. Under Option One, Skaret said employees begin accruing ESST (Earned Sick and Safe Time) from their first day of employment, ESST accrues at a rate of one hour for every 30 hours worked, employees are permitted to accrue a minimum of up to 48 hours of ESST in a year; and employees can carry over unused ESST into the next year. However, he said at no time can an employee's accrued ESST exceed 80 hours total. Skaret said for full-time employees, the City has it set up that the first 48 hours of sick leave that an employee takes in a calendar year, since the City's sick leave policies well exceed the minimum, will count towards the employee's Earned Sick and Safe Time leave.

Otherwise, Skaret said another option includes Front Loading in which the City would provide a minimum of 48 hours of ESST to an employee at the start of the year for immediate use and any unused ESST hours would be paid out at the end of the accrual year at the employee's hourly rate. He said this option could result in some employees that don't work a total of 80 hours actually getting the ESST hours. Skaret said he doesn't think that's what the City Council's intent is.

Skaret said a third option would be for the City to front load up to 80 hours of ESST to an employee and made available for immediate use at the start of each year. He said under that option, the ESST hours the employee did not use are not paid out at the end of the accrual year. Skaret said that's an option he said he doesn't think the City wants either.

Skaret said for the City's situation with the amount of seasonal, part-time and casual/volunteer employees, Option No. One is probably the option that will fit the City the best and result in the least amount of hassle and burden in tracking the hours.

Skaret noted the Personnel Committee met during the noon hour on January 2nd and recommended the City Council approve Option No. 1 which is the accrual and carryover. He said the Personnel Committee recommends the City Council approve Resolution No. 01-0124 approving the Earned Sick and Safe Time Policy.

PETERSON/MIX moved and it was unanimously carried to approve Resolution No. 01-0124 approving the Earned Sick and Safe Time Policy Option One.

RESOLUTION NO. 03-0124 APPROVING EMPLOYEE TIME CLOCK POLICY

Skaret said this is an update to the City's Employee Time Clock Policy. He said under the current policy, employees are not allowed to clock-in more than 10 minutes before their scheduled shift starts and are not allowed to clock out more than 10 minutes after their scheduled shift is supposed to end. Skaret said not following the policy causes some problems with overtime calculations. He said the Personnel Committee is recommending the clock-in time before and after a shift be reduced to five minutes. Skaret said employees really need to keep a sharp eye on the time when they're clocked-in and clocked-out.

Skaret said the Personnel Committee recommends the City Council adopt the amendment to the City's Employee Time Clock Policy.

MIX/PETERSON moved and it was unanimously carried to approve Resolution No. 03-0124 approving the amended City's Employee Time Clock Policy.

Mix asked Skaret if all the City employees will be notified of the amended Employee Time Clock Policy.

Skaret said the new policy will be distributed to all City employees.

PERSONNEL COMMITTEE RECOMMENDATION: APPROVING GRANTING FOUR (4) HOURS OF PAID TIME OFF FOR ALL FULL-TIME CITY EMPLOYEES ON TUESDAY, DECEMBER 24, 2024 IN AN EFFORT TO EXPRESS APPRECIATION TO EMPLOYEES FOR THEIR SERVICE TO THE CITY IN 2024

Skaret said this agenda item was also discussed at the Personnel Committee's meeting held at 12 noon on January 2nd. He said the issue came up at the City Council's regular meeting on December 5th when there was discussion about the Christmas Eve Holiday. Skaret said it was requested at that time for the Personnel Committee to meet in January to review and set the list of holidays so there isn't any doubt in December of what the City is going to be doing for Christmas Eve.

Skaret noted this year Christmas Eve falls on a Tuesday unlike 2023 when it fell on a weekend. He said the Personnel Committee's recommendation is to grant a half-a-day, or 4 hours of paid time off to all full-time City employees that day.

TITUS/PETERSON moved and it was unanimously carried to approve granting (4) hours of paid time off for all full-time City employees on Tuesday, December 24, 2024 in an effort to express appreciation to employees for their service to the City in 2024.

PROPOSED FEEDLOT EXPANSION SOUTH OF THE CITY LIMITS

Mayor Polz said he asked Skaret to put the proposed feedlot expansion south of the City limits on the Council's agenda.

Mayor Polz said there's been a lot of concern expressed to him, Alderman Finck and Alderman Pell about the proposed expansion of a cattle feedlot approximately a half-mile south of Jackson regarding the number of animal units they want and the installation of a 2.9 million gallon retaining pond.

Mayor Polz said he understands the Jackson County Planning Commission held a public hearing on the permit application for the feedlot expansion. He said the County Planning Commission recommended to the County Commission that the permit application for the feedlot expansion be denied.

Mayor Polz said the permit application for the feedlot went before the Jackson County Commission on January 2nd. He said the County Commission denied the permit application for the proposed feedlot expansion.

Finck noted if he understood correctly, because the permit application wasn't pulled and the County Commission actually denied the permit application, the person applying can't reapply for six months.

Pell said that's how he understood it as well. He said he had attended the County Planning and Zoning Commission meeting on December 27th. Pell said there were concerns raised at the public hearing regarding the proposed holding pond. He said there were neighbors who attended the Planning Commission meeting concerned about decreased property values and a decreased quality of life because of the smell and flies.

Pell said the Jackson County Planning Commission recommended to the County Commission to deny the permit application based on two findings. He said those findings included that the Planning Commission heard sufficient evidence from neighboring property owners regarding the issues they already have with the current cattle feedlot operation and how an expansion would make the issues worse. Pell said there were also concerns about the unknowns and conflicting information about the environmental effects the expanded feedlot would have. He said the Planning Commission felt those effects hadn't been determined yet.

Pell said the permit for consideration before the Jackson County Commission on January 2nd was for the feedlot permit to expand from 250 animal units to 990 animal units which was also denied.

Mayor Polz noted people reached out to him and Councilmembers about the proposed cattle feedlot expansion. He said people inquired if the feedlot expansion was close enough to the City limits that the City would have veto power over a feedlot permit because it was within a certain distance of the City limits.

Mix asked if the feedlot permit is submitted again and the issue revisited, how will the City be notified and will the City have ample time to see if they have the resources to address the permit.

Pell said a notice of the time and place for a Jackson County Planning and Zoning Commission meeting to address the feedlot permit will be published in the newspaper and anyone who wants to attend may do so.

Pell noted there was a lot of discussion about the feedlot expansion permit at the County Planning Commission's meeting on December 27th, 2023. He said the meeting started at 6 p.m. and he left at 8:45 p.m. Pell said there was a lot of good discussion at the meeting. He said everyone speaking at the meeting made it clear they weren't against anybody making a living or against anybody raising cattle, hogs or whatever. Pell said people were concerned about the close proximity of the feedlot to homes and the City limits. He noted neighbors pointed out they lived on their properties before the feedlot operation began.

Mayor Polz said this agenda item was for discussion and no action was needed by the City Council.

Skaret suggested having City Attorney Brad Anderson clarify or confirm whether the City has veto authority if the feedlot permit issue comes up again.

Attorney Anderson said he has already started to look into the issue. He said there are some special rules when it comes to feedlots and those kinds of things being in close proximity to the City limits. Attorney Anderson said it's been a while since he's reviewed those rules and will have to look at them again.

2024 COUNCIL BOARDS AND COMMISSIONS ROSTER

Mayor Polz asked for a motion to approve the 2024 Council Boards and Commissions roster.

Skaret reminded Councilmembers to review the Boards and Commissions roster closely as there has been a few changes.

PETERSON/PELL moved and it was unanimously carried to approve the 2024 Council Boards and Commissions roster.

Other:

Alderman Joe Pell

Pell asked about the status in searching for a new Ambulance Director.

Peterson said the application deadline was December 31st. He said there were seven applicants.

Pell asked about the search for a new City Administrator.

Naumann said the application deadline is January 5th. He said two applications have been submitted so far.

Pell asked about the status of hiring a new office clerk at City Hall.

Skaret said there were nine applications submitted for the position in the office. He said the Personnel Committee reviewed the applicants on January 2nd and selected three people to be interviewed. Skaret said Mayor Polz and Brandon Finck volunteered to sit in on the interviews along with himself and Public Works Director Tony Oxborough. He noted the person hired will also be working part-time at the Public Works Department. Skaret said the goal is to conduct interviews during the week of January 8th.

Mayor Marcus Polz

Mayor Polz said he needed to appoint a Mayor Pro tem for 2024. He said he would like to appoint Councilman Peterson to continue as Mayor Pro tem for the coming year.

Peterson agreed to serve as Mayor Pro tem for 2024.

Alderman Brandon Finck

Finck reported advertising for the position of Economic Development Director will begin in mid to late January. A job description has been sent out to Councilmembers and all those members of groups that will work with the new Economic Development Director.

Mayor Polz noted Wendy Anderson started as Interim Economic Development Director on January 2nd.

Skaret noted January 2nd was also the first day for Shelley Pohlman working as a City employee as Administrative Assistant in the Economic Development Office.

Finck asked about an update regarding the development agreement for the proposed GrandStay Motel Project.

Mayor Polz said he spoke with George Janssen of "Marketpointe, a hotel developer for GrandStay Hotel and Suites about two weeks ago over the holidays. Mayor Polz said Janssen wanted to assure him that he's still looking into the feasibility study to build a GrandStay Hotel in Jackson. He said Janssen noted the individual in charge of the feasibility study has had illness in his family and the feasibility study has been delayed. Mayor Polz said Janssen indicated the feasibility study may be completed by March and he would be in contact with the City.

Alderman Chris Naumann

Naumann asked about an update regarding the former Prairie Winds Motel building.

Attorney Anderson said at the 11th hour the owner of the Prairie Winds Motel property filed a motion with the Appeals Court to request more time so she could get a transcript to put a brief together. He said the motion was filed on December 28th at 3:30 p.m.

Attorney Anderson said it's expected there may be an order from the Court this week. He said it's hoped that the motion will be denied as well as dismissal of the Prairie Winds property owner's appeal because the property owner did not raise an appealable issue. Attorney Anderson said the City will have to wait until the Court makes a decision.

Naumann asked if there were any updates regarding the former Coast to Coast building.

Attorney Anderson said there was no new information to report at this time.

Alderman Mark Titus

Titus asked if the City is reimbursed when the Jackson Ambulance occasionally has to provide back-up service for the Worthington Ambulance Department. He said he had a constituent ask about it. Titus said the constituent was concerned the back-up service was sort of a mutual aid gratis thing and the City wasn't getting adequately compensated for it. He said the constituent thought the back-up for the Worthington Ambulance Department was occurring quite often.

Skaret said the City of Jackson does get paid for providing back-up to Worthington. He said providing back-up for the Worthington Ambulance has been discussed at the Ambulance Advisory Board meetings. Skaret said the back-up does not occur as frequently as is being said. He said it may occur once or twice a month. Skaret said the City does get paid when the Jackson Ambulance provides back-up to the Worthington Ambulance.

Skaret reported the City did get approved for Medicare for the Ambulance. He said the City has a backlog of Medicare claims. Skaret said that was a major milestone getting the City approved for Medicare. He explained the backlog of Medicare claims stemmed from when the Ambulance was brought from being a quasi-City entity to being a full City entity and changing bank accounts and tax I.D. numbers.

Skaret said that created a whole fiasco that the City didn't even know about at the time along with Medicare and it's taken almost two years to get it straightened out.

City Administrator Matt Skaret

Skaret reported the Lift Station No. 4 mediation has been scheduled to be held in February.

Pell asked Oxborough if he and Peterson could get a tour of Lift Station No. 4. Oxborough said he could set up a time for a tour.

Peterson said he would like to tour Lift Station No. 4 so they are informed on what they're talking about.

Skaret said there will be an Animal Control Committee meeting on Wednesday evening, January 3rd, at 5:30 p.m. at City Hall.

Finck asked when the next Pool Task Force meeting was going to be held.

Pell said the next meeting will be on January 10th.

ADJOURNMENT

With no further business, Mayor Polz asked for a motion to adjourn the meeting.

PETERSON/PELL moved and it was unanimously carried to adjourn the Jackson City Council meeting at 7:04 p.m.

Mayor Polz said the City Council meeting was now adjourned.

David A. Maschoff, Council Secretary

Marcus Polz, Mayor

