

Jackson, Minnesota  
July 7, 2020

The Jackson City Council met in regular session in the Council Chambers of City Hall and also by Zoom and teleconference at 6:30 p.m. on Tuesday, July 7, 2020 with the meeting called to order by Mayor Wayne Walter. On the roll call, the following persons were present in-person, Mayor Wayne Walter, Aldermen Larry Anderson, Dave Cushman, Jeffrey Gay and Donnie Schoenrock. Also present in the Council Chambers were City Administrator Matt Skaret, City Attorney Brad Anderson, Street Superintendent Phil Markman, Water/Wastewater Superintendent Tony Oxborough, Jackson County Sheriff Shawn Haken, Paul Hargus, Scott Hargus, Nathan Peterson, Pastor John Scheutz of Our Redeemer Lutheran Church in Jackson and City Clerk/Council Secretary Dave Maschoff. Also attending via Zoom was Luke Ewald and John Weland and attending via teleconference was Dave Schmidt of KKOJ/KUXX Radio and Justin Lessman of the Jackson County Pilot. (Aldermen Matt Madden and Brandon Finck were absent.) (A quorum of the City Council was present.)

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

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Mayor Wayne Walter called the regular meeting of the Jackson City Council to order. He said the roll call showed Aldermen Brandon Finck and Matt Madden were absent.

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

#### **CONSENT AGENDA**

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**SCHOENROCK/ANDERSON moved and it was unanimously carried to approve the Consent Agenda as presented minus Consent Agenda Item 6(I) since that item had been approved at a previous City Council meeting.**

## **Unscheduled Guests:**

Mayor Walter asked if there were any unscheduled guests. He again asked if there were any unscheduled guests.

**There were no unscheduled guests at the meeting.**

Seeing or hearing none, Mayor Walter said the Council would proceed with Council Discussion Items.

## **Council Discussion Items**

### **POSSIBLE INTRODUCTION OF NEW SHERIFF'S DEPARTMENT K-9 VIPER AND HANDLER RILEY VEREBRUGGE**

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Jackson County Sheriff Shawn Haken said Deputy Riley Verebrugge and Viper were responding to a call for service in Heron Lake and were not able to attend the Council meeting. Haken said an introduction of Verebrugge and Viper may be able to take place at the Council's next meeting.

### **PAUL HARGUS REGARDING NUISANCE/NOISE/ATV ORDINANCE QUESTIONS AND ENFORCEMENT**

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Hargus said he his wife live at 82 Merva Avenue. He explained he was attending the meeting to get some guidance and assistance from the City Council regarding noise.

Hargus said they have a neighbor that thinks he has to have a motor cross track in his front yard.

Hargus said he and his wife have 5 and 7-year-old children who they tend to put to bed around 9 o'clock. He said lately they can't put their children to bed and enjoy their patio and other functions of their house because of the neighbor's unlicensed, unregistered and not street legal type dirt bikes being ridden in the neighbor's yard.

Hargus said he called a complaint into the Sheriff's Department in March when the dirt bikes were operating on the public streets. He said the Sheriff's Department came and visited with the neighbor.

Hargus said he wanted to know what the City's ordinance is regarding noise and what can be done to enforce the ordinance or remedy this situation. He said he's not the only one in his neighborhood who's been annoyed by the noise. Hargus said it was short notice so he wasn't able to get his other neighbors to attend the Council meeting.

Schoenrock said he can hear the dirt bikes as well.

Hargus asked Schoenrock how far away does he live from where the dirt bikes are operating.

Schoenrock said he lives a block-and-a-half or two blocks away.

Hargus noted that he's the next-door neighbor to the dirt bikes, but everyone else in the neighborhood can hear the noise also. He said he knows the noise would not be tolerated anywhere else in town. Hargus said his question is why has this been let go this long? He asked what's the reasoning behind it and justification.

Hargus said if somebody could give him a good reason why it's being allowed, he would be fine with it. Hargus said he doesn't think it's fair to him and his wife and other neighbors that they have to alter their social structure and habits because of a neighbor's behavior. He said he knows the dirt bikes are operating on the neighbor's property but the sound doesn't stay on the neighbor's property.

Hargus asked if the City Council had any guidance, please.

Hargus said he understands the neighbor has been issued tickets for various things in the past and it seems those tickets have gone to court and have been thrown out. He said he doesn't quite understand that part of it. Hargus noted the Sheriff has said he's as frustrated as Hargus is on some of this. Hargus said it seems like a never-ending deal.

Alderman Anderson asked Hargus how late are the dirt bikes operated.

Hargus said on Thursday, July 2<sup>nd</sup>, the dirt bikes ran until 9:45 or 10 p.m. Hargus said what he's gathered looking at the City Code on-line, the dirt bikes don't fall under a domestic power vehicle, for example, a lawnmower, weed trimmer or anything like that. He said the dirt bikes fall under a Department of Natural Resources ATV, UTV or motorcycle class one that's under 900 pounds. According to that, Hargus said the dirt bikes can be operated one half hour before sunrise to one-half hour after sunset. He said sunset on July 2<sup>nd</sup> was 9:05 p.m. and so by 9:35 p.m. the dirt bikes should have been shut down.

Sheriff Shawn Haken noted that you have to remember the sunrise and sunset rule for operating those types of dirt bikes applies to public roadways not private property which is part of the problem. He said that's part of the issue. Haken said what right does the homeowner have verses the rights of the neighbors. He said the argument during the day is a difficult one. Haken said the noise ordinance doesn't apply during the day.

Hargus asked why doesn't the neighbor have to have permits and licenses for the dirt bikes like all other ATV's and golf carts in town.

Haken said on private property, no licenses are required. He said if the dirt bikes made a loop onto the street, then a license would be required.

Hargus noted even a snowmobile in town requires a license and DNR registration to drive it on private property, correct?

Haken said that was correct.

Hargus said that's what he's asking. He asked why are there different rules for different people and different equipment. Hargus said he understands it's the neighbor's private property but noted Councilman Schoenrock is hearing the dirt bikes over a block away.

Gay said he hears the dirt bikes running as well and he lives at the end of Third Avenue.

Hargus said it's not a private matter at that point and that's what he's getting at. He said when he and his wife bought their house, they were fully aware there was a race track in town. Hargus said he understands that. He said he has no problem with the race track. Hargus said the race track brings a lot of good to the community. He said the dirt bike track at the neighbor's has come after they bought their property. Hargus said he doesn't see that it brings any people to town and doesn't see where it brings any positives to town. He said that's his question on that.

Gay noted we're also dealing with an individual that he believes pushes the law to the limit as much as he can at all times. He said no matter what we do, it's going to be an issue with him to try and find a way to circumvent that. Gay said he counted 9 cars parked at the residence plus a trailer on the front lawn when he travelled down to City Hall for the Council meeting. Gay said the aesthetics of Hargus' neighbor's property had looked better with a new porch on the house, but now it's not really improving the value of anybody's property in that neighborhood.

Attorney Anderson said this is the first he's heard about the dirt bikes. He said the City has ordinances concerning noise and the other issues. Attorney Anderson said he would be more than happy to take a look into that and report back directly to Hargus and Mayor Walter as what the City can do and can't do. He said regarding the number of vehicles, there's a pending case right now on that matter.

Hargus said the number of vehicles at the neighbor's residence is a separate issue. He said he attended the City Council meeting because of the noise.

Attorney Anderson said he will look into Hargus' concerns and report back to him.

Hargus thanked Attorney Anderson. He said all they're asking is if they can get some information. Hargus said on the evening of July 2<sup>nd</sup>, the neighbor's children riding the dirt bikes were asked "it's after 9:30, can you guys knock it off". Hargus said the children answered back by saying "we can ride these till 10 o'clock, we're riding these till 10 o'clock." Hargus said take it for what it's worth, you can see the attitude that we've already received. He said it would be no different if someone had a snowmobile doing the same thing or any other noise. Hargus said he tries not to blow his snow early or late in the day. He said a little common courtesy would be a benefit but what they found with their neighbor, that doesn't happen. He said that's why he's at the City Council meeting.

Hargus explained they have tried to have company over to their house and have supper on their patio and can't carry on a conversation on their patio because the noise is that loud. Hargus said it's hurting their enjoyment of their property and at some point, what do you declare it if it's not a nuisance, then what is it?

Hargus thanked Mayor Walter and the City Council.

Mayor Walter thanked Hargus.

Mayor Walter noted Hargus' neighbor had a fire in a fire ring on the morning of July 5<sup>th</sup>. He said it was a burned down fire but was smoldering. Mayor Walter said it didn't smell like wood smoke to him but more like garbage.

Hargus noted the neighbor has had fires in the past where the flames were taller than six feet. He also questioned the distance of the fire ring from existing structures in the neighbor's back yard.

Hargus said he pays taxes. He said he and his wife try to abide by the rules and they're just asking for his neighbor to do the same thing. Hargus said he's sorry but he doesn't want to feel like he has to call into the Sheriff's Office every time they see something like this. He said if the Sheriff's Office can drive by occasionally and see what's occurring. Hargus said he doesn't want to be the nagging neighbor. He said granted he's the next-door neighbor so he gets the brunt of it, but there's other neighbors in his neighborhood and they are frustrated and to the point they don't even care because it seems nothing gets done with it.

Mayor Walter said he definitely sympathizes with Hargus. He said he's two blocks away from the noise and he drives by the residence.

Alderman Anderson noted recreational fires can't be closer than 25 feet to any existing structure.

Hargus again thanked Mayor Walter and the City Council.

Mayor Walter thanked Hargus for attending.

## **JASON MEKOSCH REQUESTING BURNING PERMIT TO BURN BRUSH ON PROPERTY AT 52 RIVER STREET**

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Mayor Walter noted Mekosch was not present at the meeting and asked if anyone had information on his request to burn brush.

Oxborough said he spoke with Mekosch the other day. He said Mekosch is just burning brush and not burning the house. Oxborough said Mekosch has contacted the Fire Department.

Maschoff he had also spoken to Mekosch. He explained Mekosch is cleaning up the property at 52 River Street and wants to burn some brush. Maschoff said Mekosch contacted Fire Chief Dave Bond.

Mayor Walter said Mekosch needs the blessing of the Fire Department before he burns.

**SCHOENROCK/ANDERSON moved and it was unanimously carried to approve a burning permit for Jason Mekosch to burn brush at 52 River Street contingent that Mekosch receives approval from the Fire Department.**

Maschoff said he would contact Mekosch to inform him the City Council approved his burning permit request contingent upon approval also from the Fire Department.

#### **MEGAN HALL – PEDDLERS PERMIT REQUEST FOR SIMPLY SWEET CHEESECAKE OF LAKEFIELD**

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Megan Hall of Simply Sweet Cheesecake of Lakefield explained she has a concession trailer. She said she brings a variety of items in the concession trailer when she goes to different locations such as the cheesecake cupcakes, monster cookie cheesecakes and the carrot cake cheesecake muffins.

Hall said she's hoping to bring the concession trailer to Jackson probably once a month during the summer months.

**SCHOENROCK/GAY moved and it was unanimously carried to approve the Peddlers License for Megan Hall for Simply Sweet Cheesecake of Lakefield.**

Mayor Walter said the City will be looking forward to having Simply Sweet Cheesecake's trailer coming to Jackson.

Hall thanked Mayor Walter and the City Council.

#### **ANIMAL COMMITTEE UPDATE – LUKE EWALD AND JOHN WELAND**

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Luke Ewald said the Jackson County Animal Protection Society wanted to provide an update to the Mayor and City Council on what the Society has been doing since they were formed in January.

Ewald said things were off to a pretty good start until the Covid-19 pandemic put things on hold. He said nonetheless, the Society has been moving forward.

Ewald noted the Jackson County Animal Protection Society was formed in January. He said there's a pretty good core group that participates in their monthly meetings. Ewald noted Councilman Jeff Gay is also a member of the committee.

Ewald said the Society started to develop their 501-C3 status in January and was finalized in February to help with their fundraising. He said the Society got their website up and going in March which is [www.jcapsmn.org](http://www.jcapsmn.org)

Before the Covid-19 pandemic, Ewald said the Society also reached out to the Jackson Food Shelf in April to establish a pet food section at the Food Shelf for residents who may not be able to afford pet food.

Ewald said in April, the Jackson County Animal Protection Society developed an animal supply cost list for a future shelter. He noted in April and May, the Society did some fundraising activities including a calendar with photos, coffee, candle and popcorn fundraisers. Ewald said the Society also started exploring the possibilities for a dog park in Jackson.

Ewald said the Animal Protection Society also contacted businesses in June seeking sponsorships for an animal shelter. He said in July the Society will be talking more about the location for a dog park.

Ewald said the Society currently has an income balance of just over \$1,400.

As far as an animal report, Ewald said the Jackson County Animal Protection Society has assisted three dogs and three cats find new homes and also incorporated the trap, neuter, vaccinate and release requirements as part of their activities.

As far as potential buildings that could be used for an animal shelter in Jackson, Ewald said the former Jackson Chiropractic office located in downtown Jackson is for sale and could also serve as a future pet store. He noted that location may not work out as the Society was notified on June 30<sup>th</sup> by email that according to the City's Land Use Chart, a "Dog Kennel" is not a permitted use in the Central Business District.



Ewald said the future goals of the Animal Protection Society is to visit with other City Councils in Jackson County and to also visit with the Jackson County Commissioners.

Ewald noted it appears a cat must have given birth to a litter of kittens recently in the downtown area because there are kittens running around downtown. Ewald said there are some people still feeding the cats downtown and the Animal Protection Society doesn't want to have that perpetuate the problem.

Ewald said the Animal Protection Society isn't proposing a feeding ban for downtown now, but wants to bring awareness of the situation to the public.

Gay said since November when the issue of the animal problem in downtown Jackson was first brought up, the Animal Protection Society has come a long way. He noted the Society has money in the bank and have plans moving forward and have done a lot. Gay said the group is very passionate about what they are doing and he commends them.

Mayor Walter asked Gay if he could continue to attend the Animal Protection Society meetings and continue to serve as the City Council's liaison and report back to the Council.

Gay said he has no problem serving as the Council's liaison on the Committee.

Ewald asked about clarification of the zoning regarding the former Jackson Chiropractic building and whether there was any way the building could be used for the Animal Protection Society's purposes.

Maschoff explained that area is zoned as Central Business and under the City's current Land Use Chart, a dog kennel in the former Jackson Chiropractic building would not be a permitted use. Maschoff said a pet store could be considered retail use and would be allowed but doesn't know if animals could be housed at that location overnight. He said a pet store could be allowed and pets could be sheltered somewhere else overnight. Maschoff said the other alternative would be to amend the City's ordinance and change the zoning to make it an allowed use.

Schoenrock asked if the Committee has looked at a potential building in Lakefield that he had earlier mentioned to the Committee as a possible site.

Ewald said he hasn't heard any updates regarding the Lakefield property.

Ewald said the Committee has been looking at having a location for a shelter in Jackson.

Ewald said he thinks the Jackson County Animal Protection Society is off to a good start. He said the Society is appreciative of the support they have been given so far.

Mayor Walter thanked Ewald for his update.

### **MEMORIAL PARK PROJECT FINAL PAY APPLICATION – RELEASE OF RETAINAGE**

Skaret said we're at the point where the engineers recommend the City release the retainage on the Memorial Park Project.

Over the past several weeks, Skaret said the contractor has been working on doing a number of things to clean up the Memorial Park area. He noted they have picked up a lot of rocks. Skaret said the landscaping subcontractor has been back and reseeded several of the areas that had washed out. He said it's probably too early to tell if the grass is going to grow back. Skaret noted that if the grass doesn't grow back, it's still covered under the warranty period and that can be revisited next year.

Skaret said for all intensive purposes, Phase One of the project is completed. He said there is \$9,955.76 in retainage that the engineer and contractor request be released at this time.

Alderman Anderson asked Street Superintendent Phil Markman if the contractor has done everything they were supposed to do regarding the seeding and other items.

Markman said the contractor has completed what they were supposed to.

Cushman said he's heard a lot of nice things from people who have walked through Memorial Park and it has turned out really nice.

**CUSHMAN/ANDERSON moved and it was unanimously carried to approve the final Memorial Park Project pay application to Svoboda Excavating in the amount of \$9,955.76.**

### **DOWNTOWN ELECTRIC UNDERGROUND CONVERSION PROJECT ENGINEERING AGREEMENT**

Skaret said the next underground electric conversion project in Jackson will be taking place downtown.

Skaret said it will encompass an area generally between Sheridan Street and South Street in a north-south direction and between Highway 71 and First Street in an east-west direction.

Skaret noted there are several components to the downtown underground electric project. He said there would be engineering design and would propose doing the same thing as was done on the last five underground projects by having materials and construction bid separately and a meter cutover contract.

Skaret said the cost of the downtown underground electric contract is estimated at \$1.43 million. He noted this was a project that was anticipated when the City did their rate study for the Electric Fund last year.

Skaret noted enclosed is the agreement from City's Electric Engineer, DGR, to start moving forward on the planning for the project. Skaret said construction on the downtown underground electric project would take place in 2021 and 2022.

**SCHOENROCK/CUSHMAN moved and it was unanimously carried to approve the Engineering Agreement with DGR for electrical engineering services for the Downtown Electric Underground Conversion Project.**

#### **JACKSON DYNAMIC SPEED DISPLAY SIGN ALONG HIGHWAY 71 IN JACKSON**

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Skaret explained back in 2016 when the Highway 71 and bridge project took place, the Minnesota Department of Transportation (MnDOT) installed a dynamic speed display sign that shows motorists that are travelling down the hill how fast they are going and what the speed limit is. He said more than half of the LED blubs in the display sign are burnt out and is beyond where it can be successfully repaired.

Skaret said MnDOT has informed the City that the arrangement was when the display sign was installed, MnDOT paid for the installation for the first go around, but to replace it would be up to the City. Skaret said MnDOT would like to have a decision regarding the sign by the end of this year.

Alderman Anderson asked what the cost of a new sign would be.

Skaret said the cost would be \$3,000 to \$5,000.

Cushman asked if the City has to replace it.

Skaret said there is no law that says the City has to replace the sign. He noted the County has a portable speed display sign on a trailer.

Sheriff Shawn Haken said the County has had a portable speed display trailer for a couple of years. He said it's been used at locations around the entire County. Haken said if the City is looking at saving money the portable speed sign can be used anywhere. He said the sign could be used along Highway 71 near Sunshine Foods.

Mayor Walter said he's had several complaints from people who say the numbers on the current speed display sign aren't big enough to see.

Schoenrock said he's heard the same complaints.

Alderman Anderson said if the City Council decides not to purchase a new display sign at the City's expense, he certainly would think the City should make use of the portable speed display sign from the Sheriff's Department because he thinks it does help and sees people slowing down when they see the display sign.

Haken said the portable display sign operates on batteries so after a week to ten days it's brought in to have the batteries recharged.

**ANDERSON/GAY moved and it was unanimously carried that the City of Jackson will not purchase a replacement dynamic speed display sign for Highway 71 across from Sunshine Foods and that the City will work with the Jackson County Sheriff's Office to use their portable speed display sign whenever the City can.**

Skaret said MnDOT will remove the current failed speed display sign.

#### **FIRST READING – ORDINANCE NO. 109 RECALCULATION OF CHARGES FOR SEWER (UTILITIES COMMISSION RECOMMENDATION)**

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Skaret said this is a recommendation from the Utilities Commission. He said Ordinance No. 109 basically replicates what the current practice is when it comes to customers that have excessively high-water usage based on an extreme event such as a water leak past their meter where the water doesn't go into the sanitary sewer. He said a utility customer can apply for a refund based on the previous 12 month sanitary sewer average. Skaret explained the sanitary sewer bill is generally based off of the water bill.

Skaret said these types of instances don't occur that often, maybe once or twice a year, if that, because most excessive water usage does end up down the sanitary sewer.

Skaret said the City is looking to have more firm policies and things written down. He said if there's a case where a utilities customer would qualify for a sewer refund, it would go before the Utilities Commission and the City Council. Skaret noted the Council approved a sewer refund on their Consent Agenda earlier in the meeting for Jackson Livestock which was reviewed by the Utilities Commission and recommended for a refund. He noted the water leak problem at Jackson Livestock has been repaired.

Skaret said City Attorney Brad Anderson has reviewed Ordinance No. 109 and had a few minor changes which have been incorporated into the Ordinance.

Cushman asked if there's a time period where the issue of a sewer refund has to be addressed. He noted a sewer refund could be applied for every month and the problem not fixed.

Attorney Anderson said the problem has to be fixed within 90 days.

Skaret explained in order to get the sewer refund, the utility customer has to fix the problem.

**SCHOENROCK/ANDERSON moved and it was unanimously carried to approve the First Reading of Ordinance No. 109 Recalculation of Charges for Sewer.**

**FIRST READING – ORDINANCE NO. 110 AMENDING PUBLIC SERVICES REGULATIONS ON UNPOLLUTED WATER INTO SANITARY SEWER LINES (UTILITIES COMMISSION RECOMMENDATION)**

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Skaret said it's been discussed at City Council meetings in the past that the City has a pretty severe inflow and infiltration problem, also known as I&I, into the sanitary sewer system especially when there are wet periods. He said when there are heavy rains, the City's sanitary sewer system fills up with what's called clean water or unpolluted water. Skaret said a lot of times it's water that's coming from a variety of different sources. He said those sources include groundwater leaking through cracked pipes, sump pumps that are connected to the sanitary sewer when they are supposed to be connected to the storm sewer, water leaking through the manholes, and water coming from roof drains and other drains around the base of properties. Skaret said the problem with I&I is that it's not an easy fix because there's not just once source of water.

Skaret said when there's big heavy rains, the sewer system gets inundated. He said the City then has to bypass the lift stations and sometimes there's sewer lines backing up into people's homes because there's just no where for the water to go.

Skaret explained the City is taking an "all of the above" approach when it comes to combatting I&I. He said City Staff and the Utilities Commission feels this is very important to correct. Skaret said obviously the City doesn't want sewer backups into people's homes. He said the City also does not want to get to the point where the City's lagoon ponds are just too small and the ponds have to be made larger or a mechanical wastewater plant needs to be constructed. Skaret said neither one of those options is preferable.

Skaret said he held a meeting a couple of weeks ago with the Street and Water Departments to talk about starting an actual manhole inspection program where the condition of all of the City's manholes would be documented. He said the City is fortunate that a lot of the manholes, especially on the west side of town have been lined, but there are a lot of manholes that haven't been lined. Skaret said it's an approach that will hopefully better narrow down where the problems are coming from and aid in future planning when it comes to the sanitary sewers and potentially another lining project.

As mentioned earlier, Skaret said one of the suspected sources of I&I is from sump pumps that are connected illegally to the sanitary sewer. He explained with the City AMI metering project, the Water Department Staff will be going into people's homes to install the meters. Skaret said Covid has kind of slowed that process down right now. He said eventually Covid will pass at some point and the City will be able to get back on track with replacing water meters.

Skaret said when water meters are replaced, the Water Department Staff will want to do a sump pump inspection and verify the connection. He said if the sump pump is connected to the sanitary sewer, the property owner will be given 90 days to correct the problem. Skaret said otherwise the resident with an illegally connected sump pump will be subjected to a \$50 a month surcharge on their utility bill if the connection has not been corrected.

Skaret said the other part of the ordinance deals with street reconstruction projects like what will be happening on North Highway and South Street. He said before residents are reconnected to the sanitary sewer, the sewer line will be inspected with a camera. Skaret said the City would either purchase or rent a camera for those inspections. He said the City will be televising the sewer service lines which can be another source of I&I. Skaret noted the City has a lot of old infrastructure that's privately owned. He said there are situations of water leaking through pipes and it ends up in the main sewer line. Skaret said if the service lines can be televised before the residence is hooked back up to the main sewer line and their private line is found to be faulty, the City would give the resident up to a year to fix or replace the service line. He said if the resident did not comply after that 12-month period, then the resident would also be subject to the \$50 a month surcharge on their utility bill.

Schoenrock said he likes the idea of televising the service lines. He suggested having the Utilities Commission look into if, for example 10 service lines are found to need repair during the street construction projects on North Highway and South Street, that maybe the repairs could be grouped together to get a better price for the residents. Schoenrock also asked if the Utilities Commission could look at the possibility of establishing a fund that could be used to assist residents if their service line unexpectedly needed to be repaired. He suggested residents could borrow from that fund if their service line had to be replaced or repaired and it could be paid back over five years interest-free or at a very low interest rate through the resident's property taxes. He said it's something that the Utilities Commission could look at. Schoenrock said it would be a way to eliminate bad service lines in the City and provide an incentive for residents to replace or repair their lines. He said the fund would be replenished through the assessment on the resident's property taxes. Schoenrock said at least the resident wouldn't get the brunt of the cost of repair or replacement of the line right away. He said such a program would help out the citizens and the City wouldn't have to worry about an old service line being connected to a brand-new sewer line.

**SCHOENROCK/ANDERSON moved and it was unanimously carried to approve the First Reading of Ordinance No. 110 Amending Public Services Regulations on Unpolluted Water in Sanitary Sewer Lines.**

## **DECLARE OLD PLAYGROUND EQUIPMENT IN ASHLEY PARK AS SURPLUS PROPERTY AND AUTHORIZE FOR THE SOLICITATION OF BIDS**

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Skaret said the Mayor and Council may have noticed during the last couple of weeks that work has been done at the playground at Ashley Park. He said as part of that, one play structure was removed that was out of compliance according to safety standards.

Skaret said there was someone who approached the City about purchasing the play structure that was removed. He said per Council agreement, the play structure would have to be declared surplus property and authorization given to accept bids on it.

Gay asked if the City sells the play structure, would the City still be liable if something happens with anybody else.

Alderman Anderson said he didn't think so.

Attorney Anderson said the City would not be liable. He said the City is selling it "as is" without any warranty.

Markman noted some playground structures have to be removed because of new safety standards and liability concerns. He said replacement of the pieces of playground equipment is being proactive. Markman said the old playground equipment will be removed carefully in case there is interest from someone who wants to purchase it.

**SCHOENROCK/ANDERSON moved and it was unanimously carried to declare the old metal playground composite system from Ashley Park as surplus property and authorize the solicitation of bids.**

## **RESOLUTION NO. 22-0720 APPOINTING ELECTION JUDGES FOR THE STATE PRIMARY ELECTION ON AUGUST 11, 2020**

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Skaret said the State Primary Election is coming up quickly on August 11<sup>th</sup>. He said City Clerk Maschoff has been recruiting Election Judges for the Primary. Skaret said a few Election Judges from the past did not want to serve this time around due to concerns over Covid, but there are others who have volunteered to serve.

Skaret noted the resolution that was included in the Council's information packets.



Maschoff said things are looking pretty good on the number of Election Judges available to serve for the Primary.

**CUSHMAN/GAY moved and it was unanimously carried to approve Resolution No. 22-0720 appointing Election Judges for the State Primary Election on August 11, 2020.**

#### **UTILITIES COMMISSION STORM WATER UTILITY DISCUSSION UPDATE**

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Skaret said when the City's Financial Advisor Shannon Sweeney attended the June 16<sup>th</sup> City Council meeting, Sweeney mentioned a storm water utility. He said there are a lot of communities that have established a storm water utility to pay for storm water improvements.

Skaret said it was mentioned with the City's upcoming project on North Highway and South Street that there's about a million dollars' worth of storm sewer work but there's not a dedicated funding stream to pay for that. He noted the City will have storm sewer work coming up with other future reconstruction projects. Skaret said there's also other storm sewer issues around town that will need to be addressed at some point. He said after some discussion, the Council referred it to the Utilities Commission to discuss and provide some feedback to the City Council.

Skaret reported the Utilities Commission had a pretty lengthy discussion at their meeting on June 29<sup>th</sup>. He said while no one is really in favor of having an extra charge on their utilities bill, it's something that the Utilities Commission is willing to continue to discuss and dive into.

Skaret explained what the Utilities Commission suggested was to have a joint meeting between the Utilities Commission and the City Council in the near future and also invite Shannon Sweeney to discuss the storm water utility fee.

Mayor Walter said that's a good idea. He said a meeting could be scheduled as a work session.

Skaret said no Council action was required on this agenda item.

**REQUEST FROM JACKSON COUNTY FAIR BOARD TO BORROW PICNIC TABLES FOR THE JACKSON COUNTY FAIR JULY 28<sup>TH</sup> TO AUGUST 1, 2020**

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City Clerk Maschoff, who is also a member of the Jackson County Fair Board, said the Jackson County Fair is still scheduled to be held July 28<sup>th</sup> to August 1<sup>st</sup>.

Maschoff said as part of the effort to be safe and provide social distancing, the Fair Board was requesting if they could borrow some picnic tables from the City to use in the Fair's beer garden where several entertainment activities will be taking place during the fair. He said the extra picnic tables will enable people to social distance better in the beer garden.

Cushman asked Maschoff how many picnic tables the Fair needed?

Maschoff said as many as are available. He said planning is still underway on the number need. Maschoff said he's already talked with Street Superintendent Phil Markman about getting picnic tables.

**ANDERSON/GAY moved and it was unanimously carried to approve the request from the Jackson County Fair Board to borrow picnic tables from the City to use in the beer garden at the Fair during the Jackson County Fair July 28<sup>th</sup> through August 1, 2020.**

Maschoff thanked Mayor Walter, City Councilmembers and Street Superintendent Phil Markman.

**PLEDGE OF ALLEGIANCE RESOLUTION NO. 23-0720**

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Alderman Jeff Gay said the issue of not saying the Pledge of Allegiance at the start of City Council meetings has been something that has been gnawing at him for a long time. He noted for himself and those that are veterans and served in the military, you get a certain additional respect for the flag. Gay said they don't say the Pledge of Allegiance in the schools enough anymore and we don't hear it anywhere else enough anymore.

Gay said since he's come back to Jackson and started going to meetings around here, Jackson is the only town that's he's been to where the majority of their meetings don't use the Pledge of Allegiance to begin the meeting with.

Gay said we're Americans. He said we're here because of that flag. Gay said we live underneath those stars and stripes. He said they represent us as an individual and as a nation so we should respect that flag in every way we can especially nowadays when it's being disrespected so much as it is.

Gay said he firmly believes the City Council should start their meetings out with the Pledge of Allegiance if, for nothing else, just to remind us who we are and why we can do this.

Gay said it takes under 30 seconds to recite.

Schoenrock said saying the Pledge of Allegiance at the start of the City Council meetings is a great idea.

Gay said according to Roberts Rules of Order, the Pledge of Allegiance would be said right after the invocation before the Council meeting is called to order.

**SCHOENROCK/ANDERSON moved and it was unanimously carried to approve Pledge of Allegiance Resolution No. 23-0720.**

### **UTILITY LATE FEES AND DISCONNECTS**

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Skaret said the utility late fees and disconnects would normally be discussed at the second Council meeting of the month. He said after having some discussion with the office staff, the second Council meeting isn't until July 21<sup>st</sup>. Skaret said utility bills are due July 15<sup>th</sup> and typically the City would send out notices to everyone who was delinquent on the 16<sup>th</sup> or 17<sup>th</sup>. But, Skaret said if the City stayed the course, those delinquent notices wouldn't go out until July 22<sup>nd</sup>.

Skaret said some direction is needed on whether the City Council is going to continue the City's program of extending the cold weather rule so it's known what to put on delinquent notices. He said the Staff recommendation was for the City Council to make a decision at the July 7<sup>th</sup> Council meeting. Skaret said having that extra week in June was nice, but it's kind of thrown the calendar off by forcing the Council's second meeting in July to be so late. He said it also pertains to the late fees also.

Cushman said what has been seen since the City started extending the cold weather rule and the late fees is that there hasn't been this huge uptick and the number of delinquencies hasn't spiked. He said the delinquent numbers have been consistent.

Skaret said it has been remarkably consistent. He said generally speaking, the people that were late before are still late and people that you might think would be in trouble paying their utility bills on time are still continuing to make their payments on time. Skaret said so it really, by in large, has not changed the overall picture of the number of delinquencies and who's late and who's not.

Cushman said the City could go another month with the utility late fees and disconnects and then revisit it another 30 days from now.

Skaret said that is an option or the City Council can declare an end to the program.

Cushman said he doesn't think we're at the end of the Covid situation yet. He said he thinks the City should hold on for at least another month and see where we're at. Cushman said it's been a month by month basis so have the City continue for another month and see where we're at.

**CUSHMAN/ANDERSON moved and it was unanimously carried to continue with the City's late fee and disconnect policy, extend the cold weather rule, and still require 25 percent of the late fee be paid to avoid being disconnected.**

## **LOAN PAYMENTS**

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Skaret said this agenda item pertained to the loan payments from the City's Revolving Loan Fund. He said back in March, the City Council basically suspended the requirement that borrowers continue making their monthly loan payments if they request.

Skaret said City Staff was looking for some direction from the City Council to see if the City was going to continue to allow those who have loans, which is primarily the businesses, to continue deferring payments upon request.

**CUSHMAN/SCHOENROCK moved and it was unanimously carried to extend the loan deferments for one more month for those that request deferment.**

## **Other:**

### **City Administrator Matt Skaret**

Skaret reported under the CARES Act, the Federal government did allocate some money to the States. He said the States were to distribute the money to local governments for Covid Aid.

Skaret said the City of Jackson did receive its Covid Aid which amounts to about \$256,000. He explained as far as what it can be used for is unclear at this time. Skaret said there is a lack of direction and guidance from both the Federal and State governments regarding that. He said the City is learning more but is planning to claim as much as they can because if the City doesn't use all of that \$256,000, what's not used will have to be given back to the State.

Skaret said the issue of how the Covid Aid can be used is still a work in progress as all of the expenses the City incurred due to Covid is being documented.

Skaret said the City is also eligible for FEMA money. He said he is working on that as well.

### **Alderman Larry Anderson**

Alderman Anderson reported Thurmer's Plumbing and Heating installed the sink and water heater in the shelter house at Ashley Park on July 7<sup>th</sup>. He said the second half of a counter still needs to be delivered to be installed by Tom Holthe.

Skaret noted the second half of the counter was on back order.

Alderman Anderson said otherwise the shelter house looks great.

### **Alderman Dave Cushman**

Cushman asked about the weeds on some of the side streets and alleys. He asked if the weeds were the City's responsibility.

Markman said they were the City's responsibility and he's trying to spray as conditions warrant.

## **Alderman Jeffrey Gay**

Alderman Gay inquired about a complaint he had received regarding a power outage in the Third Avenue area. He said he also had a complaint about a tool from the Street Department that was left out on the street.

Gay said he wanted to bring those items to the City Council's attention.

Skaret said those issues were addressed with City staff members.

## **Alderman Donnie Schoenrock**

Alderman Donnie Schoenrock noted he had informed Mayor Walter a couple of months ago that his tenure on the City Council was limited. He said he has served on the Council for quite a while.

Mayor Walter noted Schoenrock has served on the City Council since March 20, 2012.

Schoenrock said he was appointed by Mayor Walter to fill the vacancy of Councilman Ed Willett who resigned on March 20<sup>th</sup> because he was moving. Schoenrock said Willett was awesome and he was honored to fill Willett's seat on the Council.

Schoenrock said over the approximately eight years he has served on the City Council, he has been able to be a part of some cool projects and meet some really cool people.

Schoenrock noted street projects, the City/County Shop project, the new Fire and Ambulance Department building construction, the Council's assistance in the JEDC's property purchase in the Industrial Park and the housing development that came after that. Schoenrock said he got to be a part of Southwest Broadband from basically its inception. He said it's been really cool to see how Southwest Broadband has developed to what it is today. Schoenrock said it's a really great company.

Schoenrock said he will miss serving on the City Council. He said serving on the Council has been his hobby for a long time. Schoenrock said some people golf and do things and serving on the City Council was his "golf". He said he loved it and he's going to miss it a lot.

Schoenrock said his business has taken a little bit of a turn and he's looking at some expansion. He said Covid-19 didn't make things any easier.

Schoenrock noted he also has two teenagers in his house and he has to focus on some other things and let some fresh blood and a fresh new mind come onto the Council and work with the rest of the Mayor and Councilmembers.

Schoenrock said he would have loved to have continued to serve on the Council until November but if everything goes right, he will hopefully have another business in his hands on August 31<sup>st</sup>, but he'll see.

Schoenrock said he appreciated working with the Mayor and all the City Councilmembers. He noted Mayor Walter and himself are probably the longest serving members on the Council at this point.

Schoenrock noted there's a really small amount of people that make Jackson go around. He said that includes everybody on the City Council, Public Works along with the civic organizations in Jackson. He said he doesn't mean to make this a negative comment, but it's really easy to sit at home and talk about maybe things that the Street Department did or to complain about a park or whatever. Schoenrock said his question to those people when they came to talk to him would always be "are you involved in anything, have you volunteered or what boards have you served on in Jackson." Schoenrock noted there are empty spots on boards that the Mayor has to beg people to serve on.

Schoenrock said he would encourage people in town to get involved, get on boards, get involved with something. He said the City has a lot of boards from Economic Development plus many more. Schoenrock said there's usually empty seats on boards and we need people to get on those boards and be active and be willing to serve and really enjoy it. He said he's enjoyed it a lot. Schoenrock said he has met a lot of great people and a lot of great friends and he's going to miss it a ton.

Schoenrock said when he goes home and doesn't come to the next City Council meeting, he knows Jackson is in good hands because he trusts every single person in the Council room and thinks they do a fantastic job. He said there's a lot of good projects coming up in the City like the street projects which may have been one of the biggest projects he's been involved in.

Schoenrock said he's leaving the City in good hands. He said the Mayor and Council do a great job all throughout the City. Schoenrock thanked the Mayor and Council for letting him serve with them for all these years. He said he's going to miss it and may have to attend a Council meeting once in a while.

Schoenrock said he would ask for a motion to accept his resignation from the City Council effective on July 7, 2020.

Cushman said he would make that motion. He said he and Schoenrock talked a lot during his time on the Council and wanted to let Schoenrock in on a secret. Cushman said a lot of times he would disagree with Schoenrock on an issue just to get an argument going. But, Cushman said he thinks that's what spurs the Council when they disagree. Cushman said Schoenrock was a good partner for that and he's going to miss that. Cushman said regret, he will make the motion to accept Schoenrock's resignation.

**CUSHMAN/ANDERSON moved and it was unanimously carried to accept Donnie Schoenrock's resignation with regrets from the City Council effective on July 7, 2020.**

Mayor Walter said Schoenrock did a fantastic job and thanked him for his hard work with the Southwest Minnesota Broadband and all the other projects the City has worked on.

Mayor Walter presented a plaque to Schoenrock commemorating his years of service on the Jackson City Council.

## **ADJOURNMENT**

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**With no further business, SCHOENROCK/GAY moved and it was unanimously carried to adjourn the City Council meeting at 7:50 p.m.**

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**David A. Maschoff, Council Secretary**

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**Wayne Walter, Mayor**



