

Jackson, Minnesota
March 5, 2019

The Jackson City Council met in regular session in the Council Chambers of City Hall at 6:30 p.m. on Tuesday, March 5, 2019 with the meeting called to order by Mayor Wayne Walter. On the roll call, the following persons were present: Mayor Wayne Walter, Aldermen Matt Madden, Larry Anderson, Brandon Finck, Jeffrey Gay and Dave Cushman, City Administrator Matt Skaret, City Attorney Brad Anderson, Luke Ewald of Community Wellness Partners of Des Moines Valley Health and Human Services, Jackson County Sheriff Shawn Haken, Jackson First Assistant Fire Chief Dave Bond, Jackson Fire Department Training Officer Michael Haeffner, Jackson Ambulance Director Mike Muchlinski, Jackson Assistant Ambulance Director Carey Simmons, Pastor Steve DeKok, City Clerk/Council Secretary Dave Maschoff, Justin Lessman of the Jackson County Pilot 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 called showed all Councilmembers present except Alderman Donnie Schoenrock.

There were no public hearings, no bid lettings and no open forum.

CONSENT AGENDA

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

There were no unscheduled guests who attended the meeting.

Council Discussion Items

LUKE EWALD – JACKSON ACTIVE LIVING PLAN SURVEY AND BIKE TRAIL PRESENTATION

Luke Ewald of Community Wellness Partners of Des Moines Valley Health and Human Services explained he works with the Trails Committee and City of Jackson's Park Board.

Ewald said he wanted to update the Mayor and City Council about the Belmont County Park Off Road Trail. He said the Off Road Trail will be developed very soon in Belmont Park.

Ewald said Belmont Park is located about eight miles from the City of Jackson, 12 miles from Lakefield and 15 miles from Windom. He noted the Park is comprised of 80 acres of low-use land near Kilen Woods. Ewald said his presentation was to describe what the Off Road Bike Park is all about.

Ewald said the Bike Park project started in 2017 in Minnesota. He said Southwest Minnesota has no off road bike trails at this time. Ewald pointed out Minnesota is the first non-mountain state to have Mountain Bike Racing in High School. He explained the Minnesota High School Cycling League is a state-wide independent activity provider for student-athletes in 7th to 12th grades with the mission to build strong bodies, strong minds and strong character through cycling, regardless of ability level. Ewald noted in Minnesota, bicycling isn't typically looked at until fourth grade, but more are starting to ride at an earlier age; getting a kid on a bicycle earlier in life helps them enjoy lifelong bicycling.

Ewald said it was between the communities of Jackson and Marshall to locate an Off Road Bike Trail in Southwestern Minnesota and Jackson was chosen. He said having the trail in Jackson County will provide the ability to form teams and host races for high school aged youth.

Ewald noted other benefits of the off road bike trail will be increased tourism and economic activity. He pointed out the boost in the local economy that the off road bike trail provided to the communities of Crosby and Ironton. Ewald said millions of dollars in revenue are generated each year.

Ewald said high school league off-road racing is becoming very popular in Minnesota. He said the nearest off road trails for racing are located in Austin and Mankato.

Ewald said the regional significance of the off road trail park is that it would help in seeking future grants and attract more people to use Belmont Park. He pointed out the terrain in Belmont Park is suited for the creation of an off road trail park. Ewald said the park will be primitive and beautiful, but with the goal of attracting bikers and hikers alike. He said the park will also be available for year-round use for fat tire bikers, snowshoeing, and cross-country skiing.

Ewald went on to describe what the trail would look like and the success of similar trails elsewhere in the state. He also outlined the communities that currently have certified off road courses for Minnesota State High School League competitions. He said the trail in Belmont Park in Jackson County would be the next course to be certified and host races in the future.

Ewald noted out the popularity of the course at Crosby and said people from around the world come to visit that off road track.

Ewald said the cost of the proposed project in Belmont Park is \$150,000 for five miles of trail as volunteers will do 1.2 miles of the trail. Regarding funding for the project, Ewald said State Representative Bob Gunther is working on a \$100,000 appropriation bill from the Department of Natural Resources. He said grants from other organizations and entities are also being sought to help fund the remainder of the project. Ewald said by the end of March it should be known what the progress is of the appropriation bill from the DNR.

Ewald also spoke about Pop Up Parks. He showed the Mayor and Council photographs of the Pop Up Parks that Minneapolis used before they developed their mountain bike park or off road trails. Ewald explained Pop Up Parks are mobile parks that can be used in both underutilized and highly utilized areas. He said the Pop Up Parks include things like ramps, teeter totters and cones. Ewald said the Pop Up Parks encourages ways for youth to be active, becoming more mobile and preparing for using off road trails. He said the Pop Up Parks are very inexpensive and some of the materials to create the features in the park are donated.

Ewald said he wanted to inform the Mayor and Council about the Pop Up Parks in case that's something that Jackson may want to look into doing this spring or summer just to get kids kind of ready for the off road trail park when it's developed. He said the Pop Up Parks have worked really well in communities that have had them.

Ewald went on to then discuss the Jackson Active Living Plan Survey. He said the surveys were created about a year ago. Ewald said the Jackson Active Living Plan was developed in 2015. He said the City of Jackson has accomplished a lot since that time. Ewald said every three to five years some of the goals included in the Active Living Plan should be updated if they've been accomplished. He said the City of Jackson has done a lot of great work in getting many of them completed particularly the non-structural projects that are pretty low-cost such as the Adopt-a-Trail Program and Safe Route to Schools Plan.

Ewald said one of the surveys is more bike and walk focused and the other survey is more open to multiple things. He asked the Mayor and Council if they are ready to update the plan. Ewald said there shouldn't be any cost to conduct the survey. He said the surveys could be distributed on line or through sending them out with the City's utility bills. Ewald said SHIP (Statewide Health Improvement Program) could probably help pay for such things as paper costs.

Skaret explained Ewald is looking for authorization from the City Council to send out a survey as a utility bill insert and which survey they want to send out. He said there are basically two different surveys. Skaret noted one is more specifically bike and walking focused and the other survey is a little more comprehensive such as asking about the swimming pool and splash pad.

Ewald said the proposed surveys can always be edited before they are sent out and input or suggestions are welcome from the Park Board. He said it's been almost four years since the plan was created and it would be nice to stay progressive with keeping it going and to get community engagement. Ewald noted surveys are a good way to engage the community.

Gay said he certainly thinks it's worth looking at because there's not a lot for the kids to do around here and this would help engage the kids more during the summer and some adults too.

Cushman asked how the survey results would be compiled and how the information would be used.

Ewald said the information will be compiled and they presented to the Council to select and prioritize the goals.

Skaret asked about tabulating the survey results.

Ewald said he and members of the Trails Committee could help in tabulating the survey results. Ewald said he could reach out to Drew Hage who coordinated the original Active Living Plan to find out how the survey results were tabulated and reviewed.

Cushman said it would be beneficial to review the original Active Living Plan to see what the goals were and what's been accomplished. He said we all want this stuff but how do we pay for it and it comes down to picking and choosing in a timely manner and over time. Cushman said he would personally like to see where the City is at with the programs. He said maybe at the next City Council meeting the Council could look at that.

Ewald said he could put together the goals from each section of the Active Living Plan and provide that information to Skaret to show him what's been done to this point.

Skaret said he would be in communication with Ewald.

Mayor Walter, Skaret and Councilmembers thanked Ewald for his presentation.

AMBULANCE PERSONNEL ACCIDENT DEDUCTIBLE PAYMENT – MICHAEL MUCHLINSKI

Muchlinski said he was speaking to the Mayor and Council about seeking approval to reimburse an EMT for her automobile insurance deductible. He said the EMT was involved in a one vehicle accident with her personal vehicle in January, 2019 while on her way to an ambulance call. Muchlinski said the Ambulance Service is also seeking Council approval for the policy the Ambulance Service wrote in case such an incident occurs in the future. He said a draft of the proposed policy was included in the Council's informational packets.

Skaret noted a copy of the draft proposal was included in the Council's packets. He said he reached out to the League of Minnesota Cities Insurance Trust to get their opinion on this.

Skaret said the City Council is certainly free to reimburse and there's nothing illegal about it. He said the League of Minnesota Cities Insurance Trust (LMCIT) did recommend against it from a policy standpoint. Skaret if the City Council did reimburse in this particular instance, the LMCIT did recommend that the Council adopt a policy and that's what Muchlinski and the Ambulance Crew have drafted. He said among the things the LMCIT had expressed concerned about included setting precedent. Skaret said also in this case the LMCIT believes that it was on icy roads and there's only just so much that can be done with icy roads. He said it was a one vehicle accident. Skaret said the LMCIT's opinion is that it was likely the driver was probably driving too fast for conditions although there's only so much you can do in a lot of circumstances. He said the LMCIT really questions whether it is good policy and what happens in cases in the future if a driver does not have insurance. Skaret noted that question was explained in the Ambulance Service's proposed policy which states that uninsured drivers would not be reimbursed.

Muchlinski noted it's against the law not to have automobile insurance.

Skaret said the State Statutes do require that any money the City spends has to be for a public purpose. Skaret asked is this a public purpose expenditure. He said you could look at it either way on that.

Skaret said the State Statutes allows the City to reimburse for automobile mileage. He said the City doesn't do that for ambulance personnel responding to calls. Skaret said the Ambulance Service's request to reimburse an EMT's automobile insurance deductible is kind of a grey area and that's why it's being brought before the City Council for their consideration.

Cushman asked Muchlinski when does an EMT officially come on call. He asked is it when the EMT's beeper goes off.

Muchlinski said he spoke with the City's insurance agent and the EMT's are covered by workers compensation insurance from the minute the pager goes off until the call is over with. He noted the EMT was covered by worker's compensation insurance when she had the traffic accident.

Cushman said what we're talking about is to avoid hesitation. He said that's an important piece to this. Cushman pointed out if an EMT has an ambulance call, there's not always time to look at the weather and decide if they should go out. He said he wasn't trying to refer to any recklessness either.

Muchlinski said the Ambulance Service promotes driving the speed limit. He explained the traffic accident occurred at 1 o'clock in the morning when the EMT was responding to a transfer to Sioux Falls. Muchlinski said the EMT traveled down Thomas Hill Road and it hadn't been plowed yet because it was early in the morning and it was bad weather. He said the EMT crested the hill on Thomas Hill Road and knew right away she was in trouble and slid all the way down the hill and crashed into the guard rail. Muchlinski said the EMT still drove her crashed jeep to the ambulance garage and took a four-and-a-half hour transfer to Sioux Falls. Muchlinski said if we want to take care of our EMT's, he just feels this is the way to do it because EMT's are hard to come by.

Madden concurred with Cushman's comments. He said the EMT would not have been out on the street in those weather and road conditions if it had not been for the ambulance call.

Muchlinski said he doesn't think this will happen, but the Ambulance Service doesn't want to get into the situation where if the weather is bad, the EMT says I'm not signing up for that night because the weather is going to be bad and what if I slide into a pole or something and I'm not taking that chance. He said we can't have that either. Muchlinski said the Ambulance Service has a hard enough time getting people to cover shifts the way it is. He said the Ambulance Service is just trying to take care of their staff.

Finck asked Skaret if the City Council approves doing this for the Ambulance Service, does the City have to do the same thing for the Fire Department and also for the on-call City employees. He asked what issue does this create if the City does it for one group and is the City really looking at doing this for all groups. Finck said he didn't have the answer.

Skaret said that was one of the League of Minnesota Cities concerns is that it would set a precedent and whether you would do the same for the Fire Department, the on-call Street and Water Department staff or even City Hall staff driving to work in a snow storm.

Finck said he was just looking at on-call staff.

To put it in perspective, Muchlinski said he's been full-time with the Ambulance Service for 14 years and he knows of three accidents during that time including this one so it's not an ongoing problem.

Finck said he's doesn't have an issue with it but does the City need to look at the Fire Department and on-call City employees that normally would not be on the road. He asked should the City be looking at the bigger picture.

Gay said you have to look at the fire and ambulance that go out for life or death issues whereas if someone calls for the Electric Department, it's probably not life or death.

Finck noted however if the electricity is off or there's a water main break those issues need to be addressed immediately. He said it's the on-call he's talking about. Finck said to him it's the same thing.

City Attorney Anderson said when the request from the Ambulance Service first was made for the reimbursement, Skaret asked him to take a look at it. Attorney Anderson said he felt it would be an appropriate expenditure of public funds because you're talking about emergency services. He said once you get the phone call or the beeper, you're on call. Attorney Anderson said it's a real public purpose that the City is out to help protect and serve the public. He said these people are already making a great commitment by what they're doing. Attorney Anderson said he knows the ambulance personnel receive some small stipend for their work but it's a much greater personal commitment, a voluntary commitment. He said the proposed policy shows goods support for that and he thinks that can be distinguished. Attorney Anderson said it's a good point and does this cover when the snow plows have to go out early.

Finck said he's thinking about the Fire Department. He asked if there should be a blanket policy and wants to make sure that all on-call personnel should be included.

Attorney Anderson said he thinks all emergency services should be. He said the proposed policy is just for the Ambulance Service and noted that the Ambulance and Fire Departments are now two different agencies. Attorney Anderson said it probably does need to be looked at. He said he thinks the City can distinguish that kind of situation when it's emergency services verses a Street Department employee that's coming in early to run the snow plow. Attorney Anderson said the Street Department employee doesn't really get on duty until they get to the shop and they officially come on duty.

Finck asked if a City employee is on duty when they get called in for a water main break or an electric outage which would kind of be a similar situation.

City Attorney Anderson said he didn't know and said that was a good question.

Skaret said those employees aren't on duty until they arrive at the shop and clock in. He said they are on-call and are getting extra compensation for being on-call. Skaret said they also receive a minimum of two hours overtime when they get called out. Skaret said the clock starts when they get to the shop and get clocked in.

Finck said they wouldn't be on workman's compensation until they arrived at the shop. He said that's the differentiating factor between those departments and the Fire and Ambulance Departments.

Gay said that's good to know.

Finck agreed it really is. He said it would be good to look at a policy for the Fire Department.

Muchlinski said he would be happy to share the Ambulance Service's policy with Fire Chief Phil Markman.

Attorney Anderson also pointed out the Ambulance Service's proposed policy also addresses if there was any fault on the part of the EMT if they were in an accident in route to a call.

Muchlinski said the Ambulance Service would go by the accident information right off the police report. He said he has the police report from this particular accident and there was no negligence on the EMT's part.

Attorney Anderson pointed out even if an EMT is on call and receives a call; the EMT still has to obey the traffic laws and doesn't have the right to drive through stop signs or anything like that.

Muchlinski said that was correct. He said even the ambulance driver is supposed to obey the traffic laws.

Madden asked if the City Council wanted to do a motion on just the Ambulance Service's policy and talk about the Fire Department separately or could both departments be put under one policy.

Skaret asked if the City Council wanted to make a motion to approve the Ambulance Service policy and then look at doing a policy for the Fire Department and other on-call employees.

Cushman said if the Ambulance Service and Fire Department are now truly two separate entities let's treat them as two separate entities.

Alderman Anderson asked if the Council wanted to table action until the next Council meeting and do both entities at the same time.

Madden said he thinks the Council could approve the Ambulance Service's policy at this meeting.

Finck agreed and said to Cushman's point, if the City Council is going to treat them as two separate entities the issue on the floor is the Ambulance Service's policy. He said a policy could be developed separately for the Fire Department.

Muchlinski said he could share the Ambulance Service's policy information with Fire Chief Phil Markman.

Cushman pointed out he liked that there are stipulations in the Ambulance Service's Policy. He noted the requirements such as presenting a police report and a cap of a maximum deductible reimbursement of \$500.

Cushman asked if the Ambulance Service's Policy could be visited again a year from now.

Skaret said all policies can be visited again.

FINCK/GAY moved and it was unanimously carried to approve the EMT's \$500 automobile insurance deductible and the Jackson Ambulance Service's Policy Number JAS-4-2109 regarding reimbursing an Ambulance Service member's automobile insurance in the event of an accident when responding to an ambulance call.

Muchlinski thanked the Mayor Walter and the City Council for approving the policy.

FIRE DEPARTMENT PUMPER/TANKER BIDS

Assistant Fire Chief Dave Bond said he and Fire Chief Phil Markman met with the Finance Committee last month regarding purchasing a new tanker/pumper truck to replace a 1997 truck.

Bond said two bids were received for the type of truck the Fire Department was looking at.

Bond said the bid from Rosenbauer South Dakota was \$334,688 if the chassis was pre-paid. He said the bid from Midwest Fire Equipment and Repair Company was \$321,503.

Bond explained although Midwest had the lower bid, there are things like the axels that are not equivalent to Rosenbauer's. He pointed out Midwest uses a lighter axel for their rear axle while Rosenbauer uses a heavier axel. Bond said Rosenbauer explained there are criteria you have to meet with such a truck taking into consideration the length, the width and the weight. He said Rosenbauer goes up and beyond regarding their axels.

Bond said he reviewed the specifications on the truck, such as the compartments on the truck, from Midwest Fire Equipment and Repair Company. He said the bid from Midwest Fire Equipment and Repair Company of \$321,503 is just a bare bones truck.

Bond said the two bids were discussed at the Fire Department's meeting and the Fire Department feels they would like to see the truck purchased from Rosenbauer.

Bond noted there is \$80,000 in the Fire Relief Association General Fund that was going towards the purchase of the new truck. He said he mentioned to the Finance Committee about using a portion of the \$80,000 to pay off the current loan on the three fire trucks that were purchased in 2011 and use the remaining funds towards the purchase of the new pumper/tanker truck.

Bond pointed out the bid from Rosenbauer was received on February 12th and is good for 45 days.

Bond explained the reason the Fire Department wants to get a pumper/tanker that will hold 3,000 gallons of water. He pointed to an example of a recent car fire north of Jackson on Highway 71. Bond noted it took foam and approximately 2,500 gallons of water to extinguish the fire. He said that's one reason the Fire Department is looking to purchase a truck that can haul more water.

Bond pointed out it takes so much more to extinguish a vehicle fire nowadays because of what's included in vehicles and how the newer vehicles are built. He said another reason for having a truck with more water capacity is to have the capability to better fight fires in rural areas by having more water on hand immediately when the Fire Department arrives on the scene.

Responding to a question from Cushman regarding funding for the new truck, Skaret explained the new pumper/tanker truck would be financed by \$161,000 in funds already set aside for new fire equipment in the General Fund, \$23,000 set aside in the Council's Unallocated Fund, a contribution from the Fire Relief Association General Fund in the amount of \$80,000 and a loan from the Electric Fund for approximately \$76,000.

Cushman asked about the discussion at the Finance Committee about paying off the balance of \$40,000 early on the current loan and then taking out a larger loan from the Electric Fund.

Skaret said there's no interest on the current loan. He pointed out it will be 14 months before the new truck arrives. Skaret said by that time, it's projected the \$40,000 remaining to be paid on the 2011 loan for three fire trucks will be paid off with the franchise fees collected from natural gas. Skaret said there is no interest being charged on the current loan.

Bond noted the previous Fire Chief said he wanted to have the current loan paid off before efforts started about purchasing another truck. Bond mentioned about the need to retire the 1997 truck to maintain the City of Jackson's ISO fire rating.

Cushman said it would simplify things by paying off the current loan rather than starting a new loan on a new fire truck while still paying off an old loan.

Mayor Walter commented it would be good to pay off the current loan and then start out fresh. He noted in another 14 months, there would also be additional money available through the natural gas franchise fees.

CUSHMAN/MADDEN moved and it was unanimously carried to approve the Fire Department's request to purchase a new pumper/tanker truck from Rosenbauer South Dakota for the bid of \$334,688 with the financing of the new truck as discussed. (The truck would be financed by \$161,000 in funds already set aside for new fire equipment in the General Fund, \$23,000 set aside in the Council's Unallocated (222 Fund), contribution from the Fire Relief Association General Fund in the amount of \$40,000 and a loan from the Electric Fund of approximately \$116,000.)

Bond thanked the Mayor and City Council.

Mayor Walter thanked Bond for his presentation and information.

SECOND CONSIDERATION OF UPDATED FEE ORDINANCE FOR 2019

Skaret said updating the fee ordinance for 2019 was discussed at the City Council's February 19th meeting. He said the purpose of the update is for instances when the City sells parts to contractors. Skaret explained the updated fee ordinance clarifies what the City charges is the actual cost of replacement over the City's actual cost. He said it covers either way, whichever is greater, plus the 7.5 percent markup up to \$50 per item plus shipping. Skaret said the clarification in the ordinance helps to better ensure the City is not losing money in those situations.

MADDEN/ANDERSON moved and it was unanimously carried to approve updated Fee Ordinance No. 98.

FOLLOWUP QUESTION REGARDING THE FIRE DEPARTMENT PUMPER/TANKER BIDS

Cushman said he wanted to ask Dave Bond when the Fire Department gets the new pumper/tanker truck, will the Fire Department have a fire truck that they will be selling.

Bond explained the Fire Department is planning to sell their Engine Number 3. He said there is so many different websites that Engine Number 3 could be listed on.

Bond said in looking at the various websites, used fire trucks are selling for anywhere from \$25,000 up to \$40,000.

Alderman Anderson asked how old Engine 3 was.

Bond said it's a 1997. He said the proceeds from the sale of Engine Number 3 could be put towards the purchase of the new pumper/tanker truck.

Cushman thanked Bond for the clarification.

MRES 101 MEETING – TUESDAY, MARCH 12TH AT 12 NOON

Skaret said he's been in touch with Missouri River Energy Services. He said depending on the City Councilmembers availability, a MRES 101 meeting has been scheduled for Tuesday, March 12th at 12 noon at City Hall.

Skaret asked if that date and time will work for the Mayor and Councilmembers.

Alderman Anderson said he may be working but can maybe find someone to fill in for him.

Gay said he's hosting a meeting with a representative from Congressman Jim Hagedorn's office at that time.

Madden and Mayor Walter said they could attend the March 12th meeting.

Skaret said because of the scheduling conflicts, maybe the MRES 101 meeting could be rescheduled for either March 18th or 19th. He said he would check with Missouri River Energy Services to reschedule the meeting and inform the Mayor and Councilmembers of the new time and date.

AMI METERING SYSTEM COMMITTEE REPRESENTATIVES

Skaret reported the City is actively soliciting bids on the AMI Metering System. He said there has been a lot of interest from various vendors. Skaret said the bids are due on March 12th at 4:30 p.m.

Skaret explained there is a lot of information to review regarding the AMI Metering Systems. He said one of the suggestions was to have a committee made up of Water and Electric Department staff, City Public Utilities Commission Staff and City Councilmembers. Skaret said Matt Madden and Kevin Siepker have agreed to represent the Utilities Commission. He said Madden will be representing both the City Council and the Utilities Commission. Skaret said he wanted to see if there was another City Council member or two that would be interested in serving on that committee.

Skaret said the goal is for the committee to review the proposals. He said there would probably be a meeting to narrow down the top two or three proposals the committee is interested in. Skaret said each of those companies would then be invited to a meeting to make a presentation to the committee on their products. He said the committee will then make a recommendation to the City Council on which company to choose.

Skaret said it will take some time. He said the committee really needs to take their time with this in deciding which vendor and system to work with. Skaret said once a decision is made, the City is committed to the system. He said it would be difficult to back out. Skaret said there is a lot to consider and something the City does not want to take lightly.

Madden said it's a large investment of over a million dollars for the City. He said the committee wants to take their time to do it right.

Alderman Jeffrey Gay said he would serve as a member of the AMI Metering System Committee.

LIQUOR STORE PAY APPLICATION NO. 5

Skaret said construction work on the new liquor store is getting very, very close to being completed.

Skaret explained the City has received a Pay Application in the amount of \$58,419.20 from Ankeny Builders. Skaret said he recommends paying the Pay Application.

Skaret updated the Mayor and City Council on the progress of the new store. He said basically clean-up at the store is underway. Skaret said the shelving is installed. He said there were some minor things that had to be taken care of regarding the borders on the shelving. Skaret noted some rollers and dividers were missing for the cooler but they are working with the cooler company to remedy that. He said neither the issues with the shelving or cooler are show stoppers.

Skaret said the Liquor Committee is planning to meet at the new liquor store at 12 noon on Friday, March 8th to meet with the architect and contractor to do a thorough walk-thru of the store. He said at that point the keys to the new store will be turned over to the City if everything is satisfactory.

Skaret said the City is still holding payment retainage. He said the contractor will need to return in the spring and install the second lift of asphalt on the parking lot and do the parking lot striping. Skaret said they will also need to return to work on the shingles that blew off due to high winds during the winter and late fall.

Skaret said signage also needs to be installed. He said the City has been working with Snick's signs. Obviously with the snow, Skaret said the large outdoor sign can't be installed right away. He explained the temperature has to be at least 50 degrees before the exterior signs can be installed on the building. Skaret said the store will have some temporary banner signage for the first weeks the new store is open until the weather is suitable to install the rest of the permanent exterior signage.

Skaret said the interior of the building looks like a real liquor store. He said the shelves are in place and the pricing is already on most of the shelves. Skaret said Liquor Store Manager Michelle Bratrud has done a fabulous job getting ready for the transition.

Skaret said the plans are to close the old liquor store on March 11th and start the move to the new store with the hope of opening the new store on Thursday, March 14th. He said he spoke with Bratrud before the City Council meeting and plans are still on schedule.

MADDEN/GAY moved and it was unanimously carried to approve Liquor Store Pay Application No. 5 in the amount of \$58,419.20 to Ankeny Builders.

WATER STORAGE TANK CHANGE ORDER NUMBER 5

Skaret said the need for Change Order Number 5 came to light at a project meeting held on Monday, March 4th. He noted Water/Wastewater Superintendent Tony Oxborough and SEH Engineer Maria Tiegs were unable to attend the City Council meeting as they are attending a Water Conference in St. Cloud.

Skaret explained apparently there's a piping conflict between two water lines at the Water Plant. He said the recommendation is to lower one of the water lines by about one foot. Skaret said this would provide adequate clearance for insulation and better enable future maintenance on the system.

Skaret said the change order amounts to \$2,321.34.

CUSHMAN/ANDERSON moved and it was unanimously carried to approve Water Storage Tank Change Order Number 5 in the amount of \$2,321.34.

ADOPT ORDINANCE NO. 99 DECLARING A LOCAL EMERGENCY AND ADOPTING EMERGENCY REGULATIONS PERTAINING TO ON-STREET PARKING OF VEHICLES ON CITY STREETS IN RESIDENTIAL AREAS

Because of the large amount of snow, Skaret said the City's streets have become very narrow in a lot of areas.

Skaret said there are people parking on both sides of the streets. He said that's creating problems especially for emergency vehicles such as fire trucks, ambulances and snow plows being able to squeeze through the tight passages.

Skaret noted with another potential snow storm expected this weekend and another possible storm on Tuesday next week; the City is running out of space on the streets for snow. He said it does pose a potential public safety hazard. Skaret said it's kind of a unique situation.

Skaret explained Chapter 35 of the City Code allows the City to declare a local emergency. He said in this case if the City Council approves Ordinance No. 99, it's considered an emergency ordinance and does not have to have the two considerations by the Council that you normally would have. Skaret said Ordinance No. 99 would allow parking only on the side of the street with odd numbered addresses. He said there would be only parking allowed on one side of the street. Skaret said this would better enable clearance for all vehicles especially emergency vehicles.

Skaret said Ordinance No. 99 would be in effect for 30 days or if the Mayor declares that the emergency is over whichever is earlier. He said the 30 day emergency period would end on April 5th. Skaret said hopefully conditions would be better by that time. He said if conditions have not improved, the City Council could extend the emergency at their April 2nd regular meeting.

Skaret said the narrow streets are getting to be a pretty serious situation in a lot of areas of town. He explained Ordinance No. 99 would take effect on Thursday, March 7th at 12:01 a.m. Skaret said that would give the City over 24 hours to inform the public before the ordinance went into effect. He said the City would hopefully have help from the local radio stations and newspaper in spreading the word. Skaret said information would also be posted on the City's website and Facebook page and in every way the City knows how to spread the information.

Cushman asked what would be the fine for someone who is in violation of the ordinance.

Attorney Anderson said it would be a petty misdemeanor unless the violation would result in endangering property or people. He explained a second violation would become a misdemeanor. Attorney Anderson said the penalty for a misdemeanor is 90 days in jail and/or a \$1,000 fine and the penalty for a petty misdemeanor is a \$300 fine. He said whether the Court would actually impose those penalties or not would be up to the judge.

Attorney Anderson said if a person's vehicle parked on the wrong side of the street impedes a fire truck trying to get to a fire or an ambulance trying to get to a call it will be a misdemeanor. He said if it's a situation where someone is just parked on the wrong side of the street, it will be a petty misdemeanor for the first violation and a second violation would become a misdemeanor.

Cushman noted it should be understood that the City is not imposing the emergency ordinance to residents, but doing it for them.

Skaret concurred saying imposing Ordinance No. 99 is not to punish residents, but is being imposed to keep the streets accessible so a fire truck, ambulance or law enforcement vehicle can get to a residence if someone needs assistance in an emergency.

Gay asked if any vehicles would be towed.

Alderman Anderson said there would have to be a warning issued first to move the vehicle before it could be towed.

Cushman asked if a similar emergency ordinance could be adopted during the summer months when there are a lot of boats and campers parked in spots on the City's streets where they shouldn't be. He pointed out those boats and campers also impede traffic on the streets.

Mayor Walter said he brought the issue to the City Council about the narrow streets due to the amount of snow after a resident contacted him and said he barely got through with his vehicle with two vehicles parked on both sides of the street. He said there is an ordinance already on the books pertaining to the parking of boats and campers on the City's streets.

Alderman Anderson said illegal boat and camper parking on the streets would be an ordinance violation.

If the City is going to enforce Ordinance No. 99, Cushman said he hopes the City can enforce the ordinance regarding boat and camper parking in the summer.

Mayor Walter agreed.

Cushman said he understands Ordinance No. 99, but that doesn't give a free pass for boat and camper parking in the summer.

ANDERSON/GAY moved and it was unanimously carried to adopt Ordinance No. 99 declaring a Local Emergency and Adopting Emergency Regulations pertaining to on-street parking of vehicles on City streets in residential areas.

AIRPORT FARMLAND LEASE WITH MATT BENSON

Skaret explained Matt Benson has a lease with the City of Jackson on about 165 acres of land by the airport. He said it's a five year lease that started for the 2017 and 2018 crop years.

Skaret said for 2019, 2020 and 2021 the lease states that the lease rate shall be negotiated depending on the current farm economy and the rental prices of land in Jackson County.

Skaret said he, City Attorney Brad Anderson and Matt Benson met on March 5th. He said Attorney Anderson has provided numbers from the University of Minnesota Extension Service regarding the average rent on cropland in Jackson County. Skaret said the cropland rental rates have gone down in Jackson County just like they have in all of the other counties in the area.

Right now, Skaret said the estimated anticipated rental rate for 2019 is \$180 per acre. He said Benson did agree to continue paying the amount for tillable acres at \$185 per acre for the airport land. Skaret noted there is another parcel of Garber/JEDC land that's a little bit lesser quality of land at \$170 per acre. He said Benson is willing to pay those rental rates.

Skaret it was recommended doing just a one year lease agreement. He explained the reason for that was because there's a lot of uncertainty in the farm economy right now. Skaret pointed out there's been on-going low commodity prices and there are trade negotiations going on with China and other countries overseas. He said there also some issues with the airport as far as the runway and what's going to be happening there.

Skaret said the Airport Commission is working with the airport's engineer, the State and the FAA on the potential future new runway which could impact the neighboring farmland. Because of those reasons, Skaret said it was thought it would be best to have the lease on a year to year basis right now.

Mayor Walter asked if Benson would still have three years left on his lease contract.

Attorney Anderson said Benson would still have three years on his contract and could renegotiate the rental price for 2020 and 2021.

Cushman asked if the rental dollar amount for 2019 stayed the same.

Skaret said the dollar amount for 2019 remained the same at \$185 and \$170 per acre.

Skaret noted there is an access issue into the property. He said there's a little bit of a drainage ditch that was discussed. Skaret said it's believed that's something that can be easily fixed by the City's Public Works crew by adding some clay fill and digging out the ditch so the water drains a little bit better. He pointed out there's a part of the farmland that's a little bit isolated from the main tract.

Attorney Anderson pointed out the airport property has a lot of irregular shaped farmland that's not conducive to modern day farming practices by any stretch of the imagination. He noted he thinks that was reflected in the original lease price also.

Cushman asked if Benson was receptive to the rental price for this year.

Attorney Anderson said Benson agreed to the price. He said Benson indicated he didn't want to pay any more than that amount. Attorney Anderson noted last year was such a tough year because of all the water that it was a fight from beginning to end.

CUSHMAN/ANDERSON moved and it was unanimously carried to approve the Airport Farmland Lease with Matt Benson for 2019.

Other:

Race Banners

Cushman said he's been approached about racing season that's coming up just around the corner. He said last year the race banners across the highway took quite a beating. Cushman asked if new racing banners are on order. He asked if that was a Chamber directive or if it was something that the City should take the lead on. Cushman pointed out racing is a big part of the Jackson community and noted promoting with racing flags and the racing banners across Highway 71. He said it would certainly be well worth the City looking into.

Skaret said he would have to check with Jackson Chamber Director Sharon Henning regarding the racing flags and banners and whether the Chamber is going to handle that.

Outreach Veterans Program Meeting to be held in Jackson on March 12, 2019

Gay explained he received a phone call from Congressman Jim Hagedorn's office. He said a gentleman is coming to Jackson on Tuesday, March 12th to talk about what the community of Jackson and Jackson County does regarding outreach programs for Veterans and who's involved in it.

Gay said the meeting will be held on March 12th at 11:30 a.m. at Santee Crossing. He said anyone interested is invited to attend. Gay also invited the media to the meeting.

Gay said people can give him a call if they have questions. He anticipated the meeting will be an open discussion and about an hour in length.

Stray Cats roaming in Downtown Jackson

Skaret said complaints have been made at City Hall and people have been asking about the situation with stray cats in Jackson. He said Alderman Schoenrock also spoke to him about the matter.

Skaret said there is a lot of cats downtown. He said it's something that he and Sheriff Shawn Haken have had many conversations about. Skaret said these cats aren't necessarily the kind that can be domesticated.

Skaret recalled the other night when he was walking he saw about six or seven cats in a one block area. He noted other people are seeing the cats as well.

Skaret said the question is we know the cats are there and the City keeps getting complaints about the cats jumping on people's cars, doing their business, and making a mess. He said the City has really struggled with what do about the cats.

Skaret explained there are a lot of different layers to the problem. He said it's not as simple as catching the cats and taking them somewhere. Skaret said the City struggles with what their options are. He said the cats can be caught but the question is where does the City take them or what does the City do with them.

Skaret explained according to State Law, if the City catches a cat, the City has to hold them for five days. He asked the question is where does the City take cats if they catch them. Skaret said the City doesn't have a shelter that will take them locally anymore. He said Sheriff Haken has checked with neighboring animal shelters and veterinarian clinics. Skaret said about the best the City can do is there's one neighboring animal shelter that would take one or two cats periodically but on a spay and neuter program. He said under that scenario the cat would be taken to that shelter, it would be spayed or neutered and then brought back to Jackson and released. Skaret said that wouldn't really be taking care of the problem in the short term. He noted in the long term it would help, but in the short term that's not an easy fix.

Skaret said he wanted to let the Mayor and Councilmembers know about the situation. He noted City Clerk Maschoff has also had some conversations with the people who have been feeding the cats in the downtown area.

Skaret said it's a problem the City is aware of. He said the City is working on it but there aren't any easy solutions right now.

Skaret noted there is nothing stopping a property owner from trapping a cat on their private property and addressing the situation that way. He added that's certainly legal.

Sheriff Haken said the issue is where to take the cats. Haken said every place that's been called has the same problem that they don't have room. He said animal shelters in neighboring communities are also leery of accepting cats from another County when they'd rather designate cat space for their own cats.

Maschoff said he's had conversations with some of those that have cared for the cats. He noted there are several small cat shelters on a small private parking lot in the downtown area. Maschoff said the plans of those caring for the cats are to remove the cat shelters when the weather warms up. Maschoff said that may offer some relief to the situation.

Cushman asked if there were any City restrictions regarding feeding these cats that are considered stray or wild.

Skaret said the City does not have an ordinance against it. He said the City Council, in theory, could adopt an ordinance banning the feeding of certain wildlife or animals. Skaret pointed out that raises a whole other set of issues such as what animals to include in the ordinance. He said that certainly would be another debate and a lot of time could be spent on that. Skaret said such an ordinance could be pursued if that's something the City Council would like to do.

Cushman said absolutely not. He said he was just curious if there were any current restrictions in place.

Alderman Anderson said the Sheriff's Deputies have more important things to do than that.

Request help from the local media to spread the word about parking on only one side of the street in residential areas

Alderman Anderson requested assistance from Dave Schmidt from KKOJ/KKUX Radio and Justin Lessman from the Jackson County Pilot newspaper to help inform Jackson's residents about the emergency ordinance restricting parking to the one side of residential streets with odd numbered addresses. He asked Schmidt and Lessman to do as much as they can to spread the word. Alderman Anderson said their help would be appreciated.

Sheriff Haken mentioned there have been fewer violations of vehicles left on the streets this winter when a Snow Emergency has been declared. He said in past years there may have been 10 to 15 vehicles left on the streets but this year there has only been four or five and sometimes fewer than that.

Regarding the emergency ordinance restricting parking to one side of residential streets, Sheriff Haken said the Sheriff's Department will give a little leeway for a few days because it's unknown if people have looked at Facebook or have received word about the restricted parking. He explained the Sheriff's Department will spend several days knocking on doors to inform those that have vehicles parked on the wrong side of the street before they start issuing tickets. Sheriff Haken said he expects compliance with the parking restricted to one side of residential streets will go pretty good. He said hopefully it will go as well as the snow emergencies have been.

Skaret noted even with the adoption of the local emergency parking ordinance, the City can still declare a Snow Emergency during an actual snow event and order all vehicles off the street until the street is plowed.

Skaret said the City certainly appreciates the help of Justin Lessman from the Jackson County Pilot and Dave Schmidt from KKOJ/KUXX who have done a great job of spreading the word to the public about the City's snow emergencies.

ADJOURNMENT

With no further business, GAY/ANDERSON moved and it was unanimously carried to adjourn the meeting at 8:00 p.m.

David A. Maschoff, Council Secretary

Wayne Walter, Mayor

