

Jackson, Minnesota  
May 5, 2020

The Jackson City Council met in regular session in the Council Chambers of City Hall and also by teleconference and Zoom at 6:30 p.m. on Tuesday, May 5, 2020 with the meeting called to order by Mayor Wayne Walter. On the roll call, the following persons were present, Mayor Wayne Walter, Aldermen Larry Anderson, Brandon Finck, Dave Cushman and Donnie Schoenrock and joining by teleconference call were Aldermen Jeffrey Gay and Matt Madden (Madden arrived at the start of the Closed Session). Also present in the Council Chambers were City Administrator Matt Skaret, City Attorney Brad Anderson, Rebecca Nestegard, Sandy Adkins, Street Superintendent Phil Markman, Water/Wastewater Superintendent Tony Oxborough, Engineer Greg Mitchell of Bolton and Menk, Engineer Karen Cavett of SEH, Pastor John Scheutz of Our Redeemer Lutheran Church in Jackson and City Clerk/Council Secretary Dave Maschoff. Also joining by teleconference and Zoom were Jackson Ambulance Director Michael Muchlinski, Brooke Hanson, Nathan Peterson, Chelsea Honnette, Kristy Thurmer, Daniel Adkins, MRES Jackson Distribution Maintenance Foreman Jeremy Boogerd, Mike Schwartz, Justin Lessman of the Jackson County Pilot, Dave Schmidt of KKOJ/KUXX along with 18 others. At one time, there were a total of 34 people joining the meeting via conference call or ZOOM. (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.

Mayor Walter noted that he, Aldermen Larry Anderson, Brandon Finck, Dave Cushman and Donnie Schoenrock were present in the Council Chambers.

Mayor Walter said Aldermen Jeffrey Gay was joining the meeting by telephone and Zoom.

**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.**

### **Unscheduled Guests:**

Mayor Walter asked if there were any unscheduled guests in the Council Chambers or via Zoom or the telephone. He reminded any unscheduled guests that they would be permitted two minutes to speak.

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

Hearing none and seeing none, Mayor Walter said the Council would proceed with Council Discussion Items.

### **Council Discussion Items**

#### **BROOKE HANSON – AUTHORIZE STREET CLOSURES FOR PARADE ON MAY 15, 2020**

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Brooke Hanson said she was in charge of coordinating a parade for the Jackson County Central School District. She explained the JCC staff would like to hold a parade around 5 p.m. on Friday, May 15<sup>th</sup>. Hanson said she sent the proposed route of the parade in an email Tuesday to the Mayor, City Council and City Staff.

Hanson said JCC Staff was hoping to hold a parade to brighten the students' day. She noted the JCC Staff would practice social distancing and conduct the parade using their own vehicles. Hanson said families could stand along the street and wave as the JCC staff members drive by.

Hanson said the JCC Staff was asking the City Council if holding a staff parade could be held on the streets requested to be closed as outlined on the map provided to the Mayor and City Councilmembers.

**SCHOENROCK/ANDERSON moved and it was unanimously carried to approve the requested street closures for the JCC Staff parade at 5 p.m. on Friday, May 15, 2020 as long as the parade coordinators work with law enforcement in coordinating the parade.**

Hanson thanked Mayor Walter and the City Council.

Mayor Walter thanked Hanson for all she's doing.

**JACKSON BUSINESS OWNERS CONCERNS – RESOLUTION NO. 15-0520  
SUPPORTING JACKSON BUSINESSES AND URGING GOVERNOR WALZ TO REOPEN  
THE ECONOMY**

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Rebecca Nestegard introduced herself to Mayor Walter and the City Council. Nestegard said she and her husband own a coffee shop in downtown Jackson. She explained she was speaking to the City Council with, and for, her fellow small business owners.

Nestegard said she first wanted to start her presentation by saying thank-you to the Jackson Chamber of Commerce and Jackson Economic Development from all the businesses in town. She noted the quick response to the financial needs of our small business community was greatly appreciated and won't soon be forgotten.

Nestegard said she and her husband bought their building downtown in 2017. She said it quickly became a place where people gathered. Nestegard said it's become more than they could have imagined but on March 16<sup>th</sup> their world was shattered. She said Governor Walz made the announcement that day that all restaurants and bars would be closed to dining going forward due to the Covid-19 pandemic. Nestegard said the Governor was well-prepared with representatives from the industry. She said one nationally recognized chef, Andrew Zimmern, stood by Walz and said that the harsh reality is that most of us won't reopen. Nestegard said Governor Walz stood in the background nodding in agreement. She said Walz continued his address by stating that this was all for the greater good and that we can get through this together.

Nestegard said the fact is that we can't get through this together. She said some of us won't get through this no matter how much help the government offers. Nestegard said Walz has talked time and time again about the relief being offered on a state and federal level. She said he talks about the loans, grants, mortgage needs and utility deferrals. Nestegard said from a small business stance, those things don't really help us. She said the last thing we need is another payment upon reopening. Nestegard noted the bills, while deferred for now, will still come due in whole at a later date.

Nestegard said Governor Walz states numerous times that the shutdown doesn't stop take-out, curbside or delivery for restaurants or retail stores. She said from the Coffee Nest standpoint and others, these aren't great options either.

Nestegard explained they operate a very small shop. She said they don't have a drive-through nor can she put one in. Nestegard explained she can't afford to pay her employees to work when she doesn't know the kind of revenue they'll have coming in.

Nestegard noted John Puckett, the founder of Caribou Coffee, said that in the restaurant business, we pay 40 cents on the dollar for labor and she agrees with that. She said that leaves very little room for revenue to begin with. Nestegard said a restaurant cannot operate on carryout only and survive. She said the main problem that we see here is the Governor's choices on what he deemed essential verses non-essential businesses. Nestegard said when did Wal-Mart become more essential than Tootie's, Cosmos and Clover or Virginia and Company. She said when was it decided that big box stores, who generally feel little to no economic strain at any given time, became more essential than restaurants, salons or churches.

Nestegard said our future is being decided for us in very detrimental ways. She noted our country was founded on religion, small business and rural towns and those are the three things that will suffer the most in this pandemic.

Nestegard said she believes that there is a virus out there but she also believes that the impact the virus is having on us will be far worse than the virus itself. She said yes, sick people should quarantine but when did we decide that we needed to quarantine healthy people.

Nestegard said a virus has to infect around 70 percent of a population before it burns out. She said until that number is met, the virus will continue to evolve until it has run out of hosts.

Nestegard said she felt confident in saying that we were all willing to sit on the bench for awhile to buy time for a greater cause, the greater good that Governor Walz was talking about. But, Nestegard said she also feels confident in saying that most of us feel that that time has been bought and paid for.

Nestegard said our hospitals are ready. She said our health care system is prepped, equipped and ready to take this head on and that's the only way we'll see the Country get back to any kind of normal.

Nestegard said it is unfortunate that there will be casualties. She said it deeply saddens her. Nestegard said two people in her household are immune compromised. She said they take great care in keeping as safe as possible. Nestegard said it is her job along with her husband to keep their family safe. She said that burden does not fall on anyone else.

Nestegard said she knows it's scary and it's real and a small number of people will suffer, but at what point do we stop living in fear and get back to normal for the sake of quality of life.

Nestegard said hiding away in fear will only get us so far and mental health, along with economic health, will suffer greatly in the meantime. She said restaurant owners, salon owners and many other small businesses go through hours of training in order to know how to keep people safe. Nestegard said they know to sanitize and clean things thoroughly and have been trained on bacteria and viruses, along with being trained on food preparation and safe handling.

Nestegard said she can't see how her coffee shop or any other place of business in our small town of Jackson is somehow less clean or less safe than our nation's big box stores. She said we were already and will continue to clean and disinfect all prep areas, tables, chairs, door handles, etc.

Nestegard said she doesn't sit before the Mayor and City Council merely to complain or unload all of her thoughts on them, but stand before them to ask for the City Council's help moving forward. She asked where to we go from here? Nestegard said what are we asking from you?

As Nestegard said earlier, our Governor has decided our future for us. She said we are unable to gather religiously and unable to operate the businesses we own. Nestegard said we are being denied our freedoms.

Nestegard said the sad truth is that most of us will be unable to survive; forced to close our doors permanently. She asked what would that mean for Jackson? Nestegard asked what percentage of our businesses are retail or food service based. She said how many employees will lose jobs.

Nestegard said we are here trying to prevent Jackson from failing as a small town community. She said we are here asking for your help. Nestegard said we are proposing that the Mayor and City Council stand with us. She said they are not asking the Mayor and City Council to rebel against the Governor. Nestegard said they are simply asking the Mayor and City Council to help the business owners create, write and stand with them in their proposal to Governor Walz to open our State.

Nestegard said the business owners are asking the City Council to have confidence that they are well trained and completely capable of keeping people as safe as possible. She said we can put a plan in place together to protect our small town from a business standpoint and a health standpoint.

Nestegard said how will businesses do this? She noted businesses are willing to operate at less capacity to allow for distancing. Nestegard explained some examples might include the library could open by simply allowing only a set number of people in the library at a time. She said churches could open for worship maintaining rows between families. Nestegard said the clothing stores could open allowing only a set number of people to shop at one time. She noted the weather is quickly getting nicer and could picnic tables be put on Main Street or in parking lots to allow people to dine outside.

From a restaurant standpoint, Nestegard said they are willing to use disposable containers for all food service, dine-in and carryout alike. She said they're willing to insure their employees are not sick by taking temperatures and screening upon each start of their shifts. Nestegard they also promise, as they always have, to continue to disinfect all surfaces including door handles, countertops, tabletops and chairs. She said salons could operate at partial capacity adhering to social distancing between clients and following the same cleaning protocols that they always have.

Nestegard said the gym could open allowing only a certain number of people in and ensuring machines are cleaned between use. She said Jackson businesses are willing to post signs explaining their Covid-19 plans, train employees to follow them, and put policies in place for customers.

Nestegard said the business owners are willing to meet as a group to discuss safety practices throughout Jackson, ensuring every business is operating with the same procedures in place. She said they CAN do this in a safe and calculated manner.

Nestegard said the business owners ask for the City Council's support. She said they are asking the City Council to help them develop a plan to take to Governor Walz. Nestegard said the business owners believe this is a fair and reasonable request, and one that they can achieve together, for the greater good of our wonderful community of Jackson.

Nestegard thanked Mayor Walter and the City Council for their time.

Mayor Walter thanked Nestegard. He asked if there were any comments from City Councilmembers.

Cushman asked Nestegard if she had a proposed resolution that she would like the City Council to look at.

Nestegard said the Jackson businessowners have been looking at a resolution that would be similar to what the Lakefield City Council approved on May 4<sup>th</sup>. She said they didn't have a formal written resolution but was asking the City Council for help in writing a resolution urging the Governor to reopen businesses.

Skaret said there is a resolution that has been prepared for the City Council. He said it basically does to the effect of what Nestegard is talking about in supporting Jackson businesses and urging Governor Walz to expedite the reopening of Minnesota's economy in a manner that better balances the economic and public health needs. Skaret said it doesn't go into any of the details that the resolution the Lakefield City Council approved, but it does express support for the businesses and requests the Governor to expedite the reopening.

City Attorney Brad Anderson suggested having Skaret read the proposed resolution.

Skaret read the proposed resolution:

***Whereas***, the Covid-19 Virus poses a serious public health and safety risk and has mushroomed into a worldwide pandemic; and

***Whereas***, Due to the pandemic, Minnesota Governor Tim Walz has issued a variety of executive orders that have required a number of businesses to cease or significantly reduce operations, along with issuing “stay at home” orders for Minnesota; and

***Whereas***, the closure of some businesses and the reduction in operations of other businesses has created much economic hardship in the City of Jackson and throughout Minnesota; and

***Whereas***, on April 30<sup>th</sup> Governor Walz extended the “Stay at Home Order” and closure of restaurants, bars, hair salons, and other places of public accommodation to May 18<sup>th</sup>; and

***Whereas***, the economic harm caused may result in the permanent closure of many businesses and cause irrevocable harm to the local economy and livelihood of many Jackson residents; and

***Whereas***, the closure and reduced operations of many Jackson businesses has resulted in lost economic activity in the City of Jackson and encouraged residents to do their business in neighboring states where businesses are re-opening up faster; and

***Whereas***, the Jackson City Council understands the need to protect public health, urges those who are sick, have weakened immune systems, or who otherwise do not feel comfortable going out to stay home; and

***Whereas***, the Jackson City Council urges residents to continue practicing social distancing and follow other guidelines by the Centers for Disease Control and Minnesota Department of Public Health; and

***Whereas***, the Jackson City Council urges Governor Walz and State leaders to balance the overall public health and economic health needs in making future decisions relating to the Covid-19 pandemic; and

***Whereas***, the Jackson City Council urges Governor Walz and State leaders to re-open the State’s economy in the fastest way possible while balancing the need to protect public health.



***Now, Therefore Be It Resolved***, the Jackson City Council, is hereby urging Governor Walz and State leaders to allow restaurants, hair salons, other places of public accommodation, and any other businesses that were required to close as a result of the Executive Orders to re-open as soon as possible while following strict public health and safety protocols; and

***Now, Therefore Be It Further Resolved***, the Jackson City Council is hereby urging Governor Walz to lift the “Stay at Home” order while at the same time requesting those who are sick, have vulnerable immune systems, or should otherwise stay home to continue staying at home.

Finck asked Nestegard her thoughts about the proposed resolution.

Nestegard said she thinks the resolution is great. She noted one of the things that businesses were questioning was allowing the picnic tables for customers to use outside. Nestegard asked if that’s something that would be allowed by businesses to maintain business. She explained there are some restaurants that don’t have a ton of space. Nestegard said even in her business how do you have people six feet apart when her capacity is 30 to 40 people to start with. She noted having a picnic table on the sidewalk or on one side of the street or in Pillar’s parking lot which would allow businesses to maintain social distancing but still have people come in and dine. Nestegard said she didn’t know if that’s something that would be feasible.

City Attorney Anderson said that would not comply with the Governor’s orders that are in place now. He said he knows the City Council is all sympathetic to Nestegard’s and other businesses’ position and would like to do as much as they possibly could to help. Attorney Anderson said the City Council can’t go against the law. He said the City even had two other parties take a look at this and everybody’s in agreement that if the City Council doesn’t enforce the orders as they exist, they can be criminally libel and civilly liable just as the business owner can.

Attorney Anderson said the City Council can certainly advocate for a change and to encourage the Governor to change the rule of law as it currently is. He said that’s what he thinks the proposed resolution extends to. Attorney Anderson explained for the City Council to say they will permit businesses to basically violate the Governor’s order, unfortunately the City Council can’t do it. He said they would be personally liable as well as publicly liable as a group.

Schoenrock thanked Attorney Anderson for clarifying things. He said as a business owner he understands the position Nestegard and other business owners are in. Schoenrock said he's thought about this a lot since Lakefield first discussed their resolution two weeks ago. He explained the City Council doesn't have the ability or power to make State laws less strict. Schoenrock said having the City Council expressing their encouragement for the Governor to end the business closures is legally what the City Council can do. He asked Attorney Anderson if that was correct.

Attorney Anderson concurred with Schoenrock.

Finck noted from a financial aspect, it's been the goal of the City Council to make sure they do whatever they can to keep our businesses on the backside of this open through some of the programs the City Council has approved. He said whether Governor Walz allows businesses to open up or doesn't, the City Council can't control that but can sure advocate for that. Finck said he thinks everyone on the City Council is all in agreement that they're advocating for the Governor to allow businesses to open up. He said the City Council wants to see our community back to normal.

Finck said but if the City can't get Governor Walz to open up businesses, what will the businesses need to get through the next two or three weeks to still be viable. He said that's what we're really asking tonight. Finck noted the City Council has put in about \$300,000 into the local economy through different programs. He asked Nestegard what can the City Council do to get the businesses farther down the road if Governor Walz does not allow businesses to reopen. Finck said the statement was made at the Finance Committee meeting about six weeks ago that the City wants every business to come out on the backside of this situation. He said that's what the City can help do in trying to figure out how to get businesses there whether it's through loans, zero percent interest or grants. Finck said the City wants to help businesses and not see any businesses close. He said the City Council would like to have that discussion with the business owners to see what that is that would help.

Nestegard noted the Lakefield City's Council's resolution approved on May 4<sup>th</sup> stated the City of Lakefield was not going to expend resources in enforcing businesses to stay closed. She asked if the Jackson City Council was saying they're not OK with that and the City will expend those resources.

City Attorney Anderson said from the legal department, no, the Jackson City Council is not OK in saying they're not going to expend resources in enforcing businesses to stay closed. Attorney Anderson said the City Council shouldn't do it and he's advising them against doing it. He explained even the League of Minnesota Cities, just minutes before the Council meeting started, provided another opinion as to whether the Jackson City Council could do it. First of all, Attorney Anderson said the City Council has no legal authority to not enforce the rule of law. Second, he said the City Council will be subjected to potential criminal and civil repercussions if they don't follow the law. Third, Attorney Anderson said it would also subject the business owners to potential criminal and civil penalties.

Attorney Anderson said he doesn't know it for an absolute fact, but the Minnesota Attorney General has the City of Lakefield on their radar and are reviewing Lakefield's resolution probably as we speak. He explained he even had a fourth clarification from a fourth party that if the Jackson City Council wanted to not expend resources in enforcing businesses to stay closed, they can't. Attorney Anderson said they just legally can't. He said they don't have that authority to do it.

Attorney Anderson said he hopes people remember the Jackson City Council members are not the problem. He said they're trying to help and they stepped up to the plate and put over \$300,000 into the community in direct financial assistance plus other things that they're doing. Attorney Anderson noted last month, the City Council waived late penalties on utilities that couldn't be paid for. He said he thinks the City Council is also opening the door that if the City can be of help in some other way, they'll certainly try to look at it and do it. Attorney Anderson said unfortunately the Jackson City Council has no legal authority to approve a resolution that says the City is not going to expend resources in enforcing businesses to stay closed.

Finck said what the City Councilmembers are understanding from Attorney Anderson that if the City Council approved a resolution similar to Lakefield's saying the City is not going to expend resources in enforcing businesses to stay closed, the City Councilmembers could be personally prosecuted for it. He said it's no different than if a business goes against the law. Finck said that ties the City Council's hands really tight on what they can and can't do. He said this is pretty serious according to what the City Council has been told. Finck said he doesn't know how Lakefield is getting around it, but the matter was investigated pretty hard today.

Schoenrock said this situation sucks. He said there's no other explanation, it just sucks. Schoenrock said he liked Finck's focus on looking at ways of what the City can do to help. He also pointed out how the residents of Jackson have really stepped forward and have been coming out with overwhelming support of the businesses. He said it's been awesome. Schoenrock said to keep businesses open, he urged residents to patronize and keep supporting the local businesses. He said it's the most important thing individuals can do to support the businesses. Schoenrock said he knows people's budgets are tight right now, but if they're going to go out, to order from the local restaurants and keep supporting local businesses. He said the best thing people can do individually right now is support their local businesses as much as they possibly can.

Nestegard said she understands what Schoenrock is saying. She noted she's felt that local support at her business, but what about salons and churches.

Finck said that's really hard.

Nestegard said there's nothing those businesses can do. She noted salon owner Sandy Adkins who has her salon in her home. Nestegard said there's nothing for Adkins to sell while the shutdown continues, so she's just out completely. Nestegard also mentioned churches. She said people can still give, but churches are still maintaining these huge buildings. Nestegard said there's nothing the churches can sell. She noted yes, people can still give their donations and tithe and do all of that but at what point does Jackson as a whole fail.

Finck said it's a huge concern.

Nestegard said the other problem is we're 15 miles from the Iowa border which is now opening. She said what's to stop any of us from going down to Iowa. Nestegard said they're still going to bring that Covid back here because they live here.

Nestegard said her fear is that when people get into a routine, as we all do, instead of Friday night down at Pillar's or Kat's, now all of a sudden it's Friday night down at the Lakes at the bars because they were open and that's just the routine they got into. She asked how do we get those people back?

Finck said those are all really valid points. He said he doesn't know if the City Council has the solution to them. Finck said he sure hopes our whole community rallies around our businesses when they open. He said Governor Walz has made it clear he's not flipping a switch and we all understand that. But, Finck said if Governor Walz decides to loosen the restrictions, there are things the City can work with within that loosening such as having picnic tables and things like that, he would sure hope we as a City would rally around that as quick as the City rallied around getting emergency assistance funds out. Finck noted if you go to other communities around here, they didn't divvy out what we did in Jackson. He said he thinks that says a lot about us as a community. Finck noted the taxpayers support. He said that's the taxpayer's funds and it's not the City Council's. Finck said the City Council are the stewards of those funds.

Finck said the minute the City can see that glimmer of hope, the City will be back there to back the businesses and help in any way they can. Finck said the Governor hasn't given the City that glimmer of light yet. He said he is very sympathetic to what's going on with the businesses. Finck said the City will rally behind the businesses. He said we have to promote our community and hope our community rallies around that. Finck said that's the best we can do is hope as he can see.

Mayor Walter said he thinks there's been a lot of good comments made. He said as has been stated, the City Council will be here to help, but right now the City can't give anymore help than to urge the Governor to open businesses back up. Mayor Walter said that's all the City Council can do.

Cushman said he doesn't think the City will ever be able to do enough, that's the thing, that's the bottom line here.

Cushman told Nestegard if the City Council told the business owners to go ahead and open up their stores tomorrow, he doesn't think that in itself helps them, he really doesn't. He said he thinks we need to get through this as a State, as a society. Cushman said the mindset is there. He said he sees this as three camps out there. Cushman said there are those that are eager to open up. He said there's some that think we should and there are some that are deathly afraid. Cushman said there are three camps and which side of that fence are we all going to end up in.

Cushman said he thinks going against the State law of the State of Minnesota right now doesn't suit Jackson well. He said it sends a message that he doesn't think we want to be a part of. Cushman said we're bigger than that. He said he thinks we can find a way through this. Cushman said if we can make it another week until next Thursday when we hear what we've got coming up for May 18<sup>th</sup>. He said that's what we've been saying all along sitting in the Council Chambers talking about stuff.

Cushman noted this game changes every day. He said let's see what we have by Thursday of next week and what can we come forward with at that point.

Cushman said he is in 100 percent support of the resolution that City Administrator Skaret read that he thinks should be on Governor Walz's desk tomorrow. He said the resolution should be sent to the Governor tomorrow to say the citizens of Jackson are tired of this and we're ready to move forward.

Cushman said he's not going to encourage business owners to break the law. He said he can't. Cushman said he can't in good conscious do that. He said he thinks it would be a terrible message that the City of Jackson would send to the rest of the nation, not just to the State of Minnesota.

Finck said the City Council wants businesses to come and let them know what do they need the City to help them with. He said the City Council has made it very clear. Finck noted the City Council has met at City Hall daily at times to try and figure out how to help. He said please, if there are ideas, thoughts on what the City can do to help bridge this gap until Governor Walz makes his decision, the City Council knows they will need to figure out a way to make it happen and they will. Finck asked Nestegard to please reach out and said that goes to all the businesses in the community.

Schoenrock requested if City Attorney Brad Anderson would receive new information from the League of Minnesota Cities or the State regarding having tables in a restaurant six feet a part or information of that nature, that the information be communicated to the businesses as soon and as fast as possible. He noted the importance of making sure of keeping the lines of communications open.

Mayor Walter said he would entertain a motion regarding Resolution No. 15-0520.

**ANDERSON/CUSHMAN moved and it was unanimously carried to approve and adopt Resolution No. 15-0520 supporting Jackson businesses and urging Governor Walz to expedite the reopening of Minnesota's economy.**

Cushman noted Resolution No. 15-0520 will be signed tonight and asked when the Resolution will be sent to the Governor.

Skaret said the Resolution will be sent to the Governor (Wednesday, May 6<sup>th</sup>) tomorrow morning.

Nestegard thanked Mayor Walter and the City Council.

Mayor Walter and Councilmembers thanked Nestegard.

#### **JACKSON AMBULANCE DEPARTMENT – NEW AMBULANCE**

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Ambulance Director Michael Muchlinski said the Ambulance Department would like to start the process to spec and get a new ambulance ordered. He explained it takes about two months to spec and six months to build. Muchlinski said by that time one of the Department's ambulances will have over 100,000 miles so they would like to start looking into getting a new ambulance.

Finck asked if it was normal protocol to replace ambulances when they have around 100,000 miles on them.

Muchlinski said the Ambulance Department always tries to sell their used ambulances and once they reach 100,000 miles, they really depreciate a lot. He said they've been trying to sell the used ambulances when they have around 80,000 or 90,000 miles on them. Muchlinski said this ambulance will probably be over that mileage.

Cushman asked if the money for the new ambulance are funds the Ambulance Department presently has in the bank and not taxpayer money their using to support the ambulance with.

Muchlinski said that was correct. He explained the ambulance is being purchased with funds that have been earned through insurance payments from patients.

Cushman asked if the Ambulance Department is in a spot where they could make the purchase happen.

Muchlinski said that was correct.

**FINCK/ANDERSON moved and it was unanimously carried to allow the Jackson Ambulance Department to spec out and order a new ambulance.**

Muchlinski thanked Mayor Walter and the City Council.

## **AMENDED SPLASHPAD CONTRACT WITH COMMERCIAL RECREATION SPECIALISTS**

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Skaret explained the initial bid from Commercial Recreation Specialists, also known as Vortex which is the vendor for the splashpad, just included the concrete for the splashpad area itself. He said it did not include the concrete for the sidewalks leading up to the splashpad or the concrete slab for a picnic table or the concrete slab for the mechanical building.

Skaret said there is a revised quote that reflects that with the addition of \$13,437.

Chelsea Honnette said the extra cement work will flow through Commercial Recreation Specialists.

Schoenrock asked Kristy Thurmer of the Splashpad Committee if these were funds already budgeted for and not additional funds.

Thurmer said it's just an updating of the quote at this point.

Finck asked Honnette if local contractors and suppliers are being used for the splashpad project.

Honnette said that was correct.

Finck said he really appreciates when local contractors and suppliers are used.

**SCHOENROCK/CUSHMAN moved and it was unanimously carried to approve the amended Splashpad Contract with Commercial Recreation Specialists.**



Finck asked Honnette if the contractor made a donation to the splashpad through the bid.

Honnette said that was correct.

Finck said the City should recognize Hansen Concrete in the donation they are making towards the splashpad as a local contractor also. He said he wanted to have Hansen Concrete recognized. Finck thanked Honnette.

Mayor Walter also thanked Honnette.

### **BELSON OUTDOORS QUOTE FOR SPLASHPAD BENCHES AND WATER FOUNTAIN**

Skaret said there is a quote that was also not part of the splashpad contract but was budgeted for.

Thurmer explained the quote from Belson Outdoors is for a drinking fountain and three benches. She said all the money has been donated specifically to these three things. Thurmer explained all of the Splashpad money is in a City account which is why every time they purchase something; they need to have the City Council approve it. She said this has been budgeted for and they have the money and are just looking for the official OK to purchase.

Skaret said it's for three benches and a drinking fountain in the amount of \$5,595.65.

**CUSHMAN/SCHOENROCK moved and it was unanimously carried to approve the quote of \$5,595.65 from Belson Outdoors for three benches and a water fountain for the splashpad.**

Other than for change orders, Schoenrock asked if future purchases for the splashpad that are budgeted and within the quotes could be included on the Council's Consent Agenda. He said that would save time and wouldn't require the Splashpad Committee to attend and request approval from the City Council each time they needed to make a budgeted purchase.

Skaret said future budgeted splashpad purchases could be included on the Council's Consent Agenda.

Finck also asked if Skaret could continue providing the Council the spreadsheet of the budget and expenditures for the Splashpad Project.

Cushman said change orders would come before the City Council if something happens, otherwise he agreed with Schoenrock.

Schoenrock said it would also save the Splashpad Committee and City Staff time in putting everything together for the City Council's agenda.

#### **QUOTE FOR SPLASHPAD SHED FOR MECHANICAL EQUIPMENT**

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Skaret explained what's being proposed is a 12' by 14' shed to go on top of the concrete pad that was approved by the Council a couple of motions ago. He said the Splashpad Committee has been working with Boekett Building Supply in Jackson. Skaret said the price for the shed is \$5,753.10. He noted that's just the price for the shed and does not include the labor to put it together. Skaret said the Splashpad Committee is currently looking for a contractor to assemble the shed.

**SCHOENROCK/ANDERSON moved and it was unanimously carried to approve the quote of \$5,753.10 from Boekett Building Supply in Jackson for the Splashpad Shed for the mechanical equipment.**

#### **213 SOUTH HIGHWAY REAR YARD RESTORATION QUOTE DUE TO SOUTH HIGHWAY PROJECT**

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Although Kristy Konda was not present at the meeting or by phone or Zoom, Skaret explained Konda initially spoke to Alderman Jeffrey Gay about her complaint.

Skaret said he, Alderman Gay and MRES Jackson Distribution Maintenance Foreman Jeremy Boogerd then met with Konda.

Gay said they looked at Konda's rear yard. He said he thinks Konda had a valid complaint. Gay said Konda was unable to get into her driveway and therefore she had to go through the neighbor's driveway around behind her house and up to the front of her house by the garage. He said that caused ruts in the lawn and so forth. Gay said it would have been too far of an area to walk with groceries and other stuff through the snowbanks and so forth. He said in his estimation, the City needs to do something about Konda's lawn because it was not her fault that she had to do that.

Street Superintendent Phil Markman said as far as he knew there was no issue with Konda's driveway through the winter. He said Konda had access until the weather warmed up and the contractor was working on driveways. Markman said Konda should not have had to park away from her house that he's aware of. He said that was just this spring. Markman said Konda never called his office and he doesn't know if Neal Johnson from the County was ever contacted.

Markman said the only time her driveway was unavailable through all this was when the utilities were being dug but then that was restored so she could use her driveway through the winter until they poured concrete during the last couple of weeks. Markman said he doesn't know why Konda would have had to drive across her yard that many times to do that.

Mitchell said Konda had temporary bituminous through the winter months so she did have a temporary driveway through the winter. He said he doesn't think that was an issue. Mitchell said it had to be just during the construction project when utilities were being installed and curb and gutter being poured. He said those are times when you just can't physically get into your driveway. Mitchell said there are cases during a construction project, and that applies to everybody, where it's just not possible to get into your driveway.

Mitchell said in Konda's case, she lives on a corner lot so she has access on the side street where she could park on the street and there is a distance to walk, but it's maybe a couple lots. He said it's not like she would have to park two blocks away or anything like that. Mitchell said this was a typical construction project and wasn't anything out of the ordinary. He said they did try to maintain access as much as possible, but with the utility work, there's times when you just can't do it. Mitchell said even when the contractor is prepping the subgrade and the base, the material is turned up and it's difficult to even walk on or let alone drive a vehicle across. He said it's not possible.

Gay said he can see Konda's point that she would have to park quite a distance away and have to carry groceries and so forth. He said he could understand why Konda wouldn't want to go through the snowbanks to get to her home. He said it's quite a distance to walk. Gay said the pictures that Konda sent him showed she definitely did not have access to her driveway but that's not to say that was throughout the whole winter. He was that was primarily when it was raining and so forth and they were doing road work in front of her house.

Finck noted the South Highway project was a County project that the City piggybacked on. Finck asked if Konda has approached the County for resolution for this and what has the County come up with. He noted this is just a piggyback project of the City's. Finck said this is not the City's project.

Gay said Konda has approached the County. Gay said the County is taking care of everything in front of the house, but the way he understands it is that the County wasn't going to do anything with the rear of the house and that was a whole different part of the project.

Finck asked for an explanation regarding the rear of the house.

Mitchell said the back of the house is what Konda used for access. He said because Konda is on a corner lot, she was driving into her neighbor's driveway to the north. Mitchell said once she was across the sidewalk, she was driving off the neighbor's driveway into her own back yard and then around to the south side of the house.

Finck said again he would prefer Konda's concerns be referred back to the County. He said this is really the County's project and their lead. Again, Finck said the City is just paying for the utilities under the street. He said that's his opinion, right, wrong or indifferent. Finck said that's why the City partnered with the County. He said the County took the lead. Finck said he remembers when there were issues or mistakes, the County didn't come to the City Council and ask for approval. He said the City is just along for the ride.

Gay said he could go along with that.

Schoenrock said he feels the same way. He noted the City wasn't able to call any shots on this project because it's not the City's project. Schoenrock said for the City to have to do a clean-up of the project would be unfair all around. He said he thinks the only way for Konda to really pursue any relief from this would be to request relief from the County.

Gay said he's agreeable to that and he thinks Konda should be as well and see what the County's stance is on this. He said he hasn't talked to the County himself.

Markman said the residents along South Highway were told up front that there were going to be inconveniences and times where they would not be able to use their driveway. He said they were told they would have access to their house but that didn't mean doorstep service. Markman said it was Konda's choice to get permission from the neighbor to use the neighbor's driveway and to drive on her own yard. He said he doesn't see where the City is liable for fixing her rear yard when she had other alternatives to park within a reasonable distance. Markman said he knows it's unfortunate. He said he doesn't know how long Konda had been parking in the rear yard. Markman said regarding anything with the snow, he doesn't think she had to do that because they were not working in front of her house and she had complete access through the winter to get to her driveway.

Schoenrock noted last winter a resident along South Highway had written a letter to the editor in the newspaper and felt that the contractor had done a great job of allowing access. He said he would trust the County Commissioners would give Konda the ability to voice her concerns. Schoenrock said maybe Gay could help Konda along the way and pass this information along to the County Commissioners.

Gay said he could certainly do that.

Mayor Walter and Councilmembers thanked Gay.

Gay thanked the Mayor and Council for giving Konda's concerns consideration.

## **STREET LIGHT POLE QUOTES**

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MRES Jackson Distribution Maintenance Foreman Jeremy Boogerd explained there are two quotes for Street Light poles. He said one quote is for 20 spun aluminum street light poles similar to the poles that are on Springfield Parkway and North Highway. Boogerd said there would be enough poles to finish North Highway and the new ones would be installed on South Street, White Street and in those areas of town as the South Street project went forward next year. He noted the poles would also be used at some of the parks to clean up the overhead wire and some of the wood poles.

Boogerd said the other quote is for a quantity of six tall Highway 71 downtown street light poles. He noted one pole broke this spring at the corner of Springfield Parkway and Highway 71. Boogerd said the City doesn't have any more poles and they don't make that type of pole anymore. He said one of the six new poles would be used to replace the pole that was broke. Boogerd said a better price is quoted if the City orders six at one time. He said four of the poles would be used to replace the poles for one block on either the north or south end of Highway 71. Boogerd said the other pole could be used in case another pole broke.

Finck asked if the bids were for different colored poles.

Boogerd explained there are three pricing options for poles. He said the lowest amount quote is for a spun aluminum pole similar to the poles along Springfield Parkway. He said the other quote is for a painted black pole which are currently downtown. Boogerd said those type of poles requires some more maintenance but is cheaper on the front end. He said the third quote is for an anodized pole where they chemically burn the black color into the metal to prevent chipping, rusting and things like that.

Boogerd said he provided the three different types of poles as information to the City Council to see if they wanted the spun aluminum look through downtown or the black look we currently have because it carries a little higher price tag. He said structurally, they're the same pole.

Finck said in the times that we're in right now, to stay consistent with what we've done and not spend extra to start making changes that are going to cost the City more money. He said as long as the poles are structurally the same, he would be really hard pressed to spend extra money in today's environment. He said it's not needed, it's just cosmetic.

Alderman Anderson asked Boogerd why there's a \$2,000 difference between the spun aluminum poles and the anodized black poles when structurally they're the same pole.

Boogerd explained the spun aluminum is the bare color of the metal while the black anodized pole is put into a chemical bath and essentially the black color is burned into the aluminum. He said the anodized pole requires less maintenance and will last longer.

Gay noted about maintaining consistency with similar poles instead of having poles of different color that would look like a mismatch.

Boogerd said he would be fine with ordering just two anodized poles and thinks he could still receive a good price on the poles. He said the quote on these two poles would be for tall poles to be used at the intersections on Highway 71.

Finck noted Gay's point of being consistent with the poles.

Markman said the poles on Highway 71 have always been black.

Finck noted the poles along Highway 71 will be black and the rest of the community will stay silver poles and we're not going to start upgrading everything to black poles. He said he agreed with Gay's point about consistency and wanted to make certain everyone knew what was being done.

**CUSHMAN/SCHOENROCK moved and it was unanimously carried to approve the purchase of two anodized black poles for downtown Jackson and approve the quote for 20 aluminum poles in the amount of \$19,360 for the rest of the community.**

Cushman said the number of poles needed could be revisited by the City Council next year to see where we're at and buy as we need rather than stockpile.

#### **RESOLUTION NO. 13-0520 APPROVING COVID-19 UTILITY BILL POLICY**

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Skaret said Resolution No. 13-0520 is basically what the City Council discussed at their April 21<sup>st</sup> meeting as far as the delinquent utility bill payments and shut-offs. He said it basically extended the "Cold Weather Rule" on a month-by-month basis and also waived the delinquent fees. Skaret said the City is not going to do shut-offs on a month-by-month basis due to non-payment contingent upon people coming in and following otherwise what the Cold Weather Rule would require. He said the utility customer would have to declare an inability to pay and enter into a payment agreement. Skaret said they did amend the utility payment contract form.

Skaret explained at the time of disconnection, the utility customer is required to pay 25 percent of the past due bill and then they have three months after that to get current. Skaret noted the City hasn't had to do any shut-offs yet.

Skaret said the City Council verbally approved the practice regarding the Covid-19 utility bill policy at the April 21<sup>st</sup> meeting, but Resolution 13-0520 puts it into writing and clarifies it as a policy.

**SCHOENROCK/FINCK moved and it was unanimously carried to approve Resolution No. 13-0520 approving the City's Covid-19 Utility Bill Policy.**

### **FIRST READING OF ORDINANCE NO. 107 UPDATING PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS LICENSES**

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Skaret said the proposed ordinance update was spurred by the Covid-19 pandemic. He explained back in March, there was a group in Jackson that was selling under a valid peddler's license that they obtained last year. He noted the license is valid for a year.

Skaret said the group's tactics were pretty brash and pretty aggressive. He said the current City Code was reviewed to see what could be done to stop these peddlers from operating. Skaret said the current code is pretty antiquated and ties the City Staff's hands. He said if the City Staff wants to suspend someone's license for having unruly or poor behavior, poor conduct and so forth, Staff has to wait until the next City Council meeting to suspend the license. Skaret said if there's a peddler operating in Jackson and not conducting themselves properly, City Staff has to wait possibly two weeks for the next Council meeting. Meanwhile, he said the peddlers can continue to operate freely over the next two weeks because City Staff isn't allowed to pull their license immediately upon reports being filed at City Hall or at the Sheriff's Office.

Skaret said Ordinance No. 107 is an attempt to modernize and update the City's ordinance. He said it would provide some additional clarification and would require peddlers, solicitors and transient merchants to fill out a permit application, pay the same fee, get everyone on the same playing field, and require them to come before the City Council and have the Council approve the application. Skaret said then everyone will know who's coming to Jackson to sell and what they're going to be doing and will also give the Council and anyone else an opportunity to ask questions.



Skaret said if peddlers, solicitors or transient merchants are not conducting themselves according to the license, then the City Clerk would have the authority to suspend the license. He said the peddler, solicitor or transient merchant would then have the right to petition the City Council for a public hearing to have their license reinstated and give them due process.

Skaret said if they chose not to file a petition for a public hearing before the City Council, then the license after 10 days would be automatically revoked.

Maschoff noted Ordinance No. 107 would exempt, as the previous ordinance did, school and other charitable groups.

**CUSHMAN/ANDERSON moved and it was unanimously carried to approve First Reading of Ordinance No. 107 updating Peddlers, Solicitors and Transient Merchants Licenses.**

### **EMERGENCY ASSISTANCE REVOLVING LOAN FUND APPLICATIONS**

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Skaret pointed out there are four applications that were received by the Finance Committee on May 4<sup>th</sup>. Skaret said there was \$34,000 remaining that was allocated by the Council for the City's Emergency Loan Program. He said there were four applications and the Finance Committee's recommendation is to split the remaining funds equally among the four applicants at \$8,500 each.

Finck said the Emergency Assistance Revolving Loan Fund Program was a success for our community and did the things the City tried to accomplish. He said the Finance Committee started meeting about the program six or eight weeks ago. Finck said the City wanted to be swift and quick on how they handled the program and help businesses to bridge the gap.

Finck said although the funds are exhausted, he still wants to let businesses know that if a business has a need, the City can still figure out how to help them. Finck said we still have the ability and the willingness to help and help swiftly if needed. He noted Cushman's comment at the first Finance Committee meeting that the City wants to see every business succeed on the backside of this pandemic and that was the whole point. He said he thinks the City Council has done some good for what they've done.

Schoenrock said he's heard from businesses how much the Emergency Loan Program has been appreciated. He noted the work of the Finance Committee, Mayor, City Administrator and City Council over the past weeks. Schoenrock said the City put their money where their mouth was and backed up businesses in getting action done. He said this helped when businesses needed it. Schoenrock said he's been a part of a lot of good things, but seriously, this was one of the best things he's been involved in where the City Council got behind the businesses in Jackson. He said the City Council should be so proud of the work they did. Schoenrock said hats off to the Finance Committee and noted all the hours the Committee and City Staff put in. He said they really, really deserve to be commended on getting this money together.

**ANDERSON/SCHOENROCK moved and it was unanimously carried to approve the Emergency Assistance Revolving Loan Applications of \$8,500 each to Expressions, Autos on 71, Deputy Registrar #50 and Eyekandy Design Studio.**

**Other:**

**Councilman Donnie Schoenrock**

Schoenrock noted Mark Temple is interested in purchasing property in the Westridge area.

Mayor Walter said Temple should visit with the EDA who is scheduled to meet on May 12<sup>th</sup>.

#### **CLOSED SESSION**

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Mayor Walter asked for a motion for the City Council to go into Closed Session.

**ANDERSON/FINCK moved and it was unanimously carried for the City Council to go into Closed Session at 7:52 p.m.**

**The City Council went into Closed Session as allowed by Attorney-Client Privilege pursuant to Minnesota Statute 13D.05CD.**

**RETURNING TO OPEN SESSION**

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**SCHOENROCK/ANDERSON moved and it was unanimously carried for the City Council to go out of Closed Session at 9:01 p.m.**

**ADJOURNMENT**

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Mayor Walter entertained a motion to adjourn the meeting.

**ANDERSON/SCHOENROCK moved and it was unanimously carried to adjourn the City Council meeting at 9:02 p.m.**

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**David A. Maschoff, Council Secretary**

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**Wayne Walter, Mayor**



