

Jackson, Minnesota
November 17, 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, November 17, 2020 with the meeting called to order by Mayor Wayne Walter. On the roll call, the following persons were present, Mayor Wayne Walter, Aldermen Matt Madden, Larry Anderson, Brandon Finck, Nathan Peterson and Dave Cushman. Also attending in-person were City Administrator Matt Skaret, City Attorney Brad Anderson, Street Superintendent Phil Markman, Jackson Fire Chief Dave Bond, Jackson Ambulance Director Stephanie Beranek, Tom Brooks, Cheryl Brooks, Nicole Hall, Mitch Jasper and City Clerk/Council Secretary Dave Maschoff. Also attending via Zoom and Teleconference were Alderman Jeffrey Gay, Jeff Losleben and Jim Goodman of ZEF Energy, Luke Ewald and Justin Lessman of the Jackson County Pilot. (A quorum of the City Council was present.)

PLEDGE OF ALLEGIANCE

Mayor Walter announced the Pledge of Allegiance would be recited before the City Council meeting was called to order. All those attending recited the Pledge of Allegiance.

CALL THE MEETING TO ORDER

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

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

CONSENT AGENDA

Mayor Walter said he would entertain a motion to approve the Consent Agenda.

Alderman Dave Cushman asked to have Consent Agenda item 7(E) pulled for discussion regarding approving a fireworks permit for Ryan Learn, Kaboom, Industries, LLC, of Mapleton, Minnesota for the Chamber of Commerce/Holiday Fest Committee fireworks display for Holiday Fest on December 5, 2020.

Finck asked to have Consent Agenda item 7(G) pulled to explain the logic behind the Finance Committee's recommendations to the City Council to approve the organization budget requests for 2021.

FINCK/ANDERSON moved and it was unanimously carried to approve the Consent Agenda as presented minus Consent Agenda Items 7(E) and 7(G).

Cushman noted the Jackson Chamber of Commerce's announcement on November 17th that the Holiday Fest Parade on December 5th has been cancelled. He said he was curious if the cancellation of the parade has any effect on the Chamber's contract with the fireworks company and whether the Chamber was still requesting to have the fireworks take place as scheduled.

Skaret said he spoke with Chamber Director Corey Christopher on November 16th and the intent was to continue on with the fireworks. Skaret pointed out the fireworks can be seen from a variety of places around town and people don't have to gather in one particular spot to see the fireworks. He said people can be encouraged not to gather in large groups and to spread out. Skaret said there are certainly ample places throughout the City where people can watch the fireworks and can still be in compliance with all of the Governor's orders regarding Covid.

Cushman said he agreed with what Skaret was saying. He said he just wanted to make sure the City Council was still going forward with the fireworks display.

Mayor Walter asked for a motion.

FINCK/CUSHMAN moved and it was unanimously carried to approve Consent Agenda Item 7(E) approving a Fireworks Permit for Ryan Learn, Kaboom Industries, LLC of Mapleton, Minnesota for the Chamber of Commerce/Holiday Fest Committee Fireworks Display for Holiday Fest on December 5, 2020

Consent Agenda Item 7(G)

Finck noted the Finance Committee goes through this process every year regarding budget requests from the organizations that the City helps support.

Finck said he thinks it's just good to reiterate why the City budgets the requests the way they do and how they look at the requests.

Finck explained the City has a pool of money that's a certain amount. He said the Finance Committee tries to divide up the available funds among all of the requests and that's what the Finance Committee did.

Finck noted the budget request approved for Fort Belmont is similar to what the City has approved in the past. He said the budget request approved for the Jackson Area Chamber of Commerce is also very similar to what has been approved in the past.

Finck said the Food Shelf's budget request is an additional request to support them. He noted the Food Shelf had another budget request for some electrical upgrades. Finck explained the Finance Committee decided the Food Shelf is Countywide, not just Citywide, so the City will match the County Commission's funding up to \$5,000 to go towards whatever the Food Shelf needs. He said the City is also doing that with the Jackson Cemetery Association. Finck said the Finance Committee felt the Cemetery Association budget request is more of a Countywide than just Citywide request. He said the Finance Committee approved having the City match dollar-for-dollar with what the Cemetery Association can receive from the County up to \$5,000 which would then give them \$10,000 in their pool. He noted the City is challenging with matching funds for some of the Countywide type things.

Finck noted the City has been providing supporting funds for the Jackson Center for the Arts for roughly four years. He said the Jackson Center for the Arts organization really fills a nice gap in the community with some nice programs.

Regarding the Jackson Summer Recreation Program for the youth in the community, Finck said Director Jacqueline Knips does a nice job with the program. He noted the Summer Recreation Program supports the community's youth softball, baseball and arts program that occurs in the summer.

At their November 16th meeting, Finck said the Finance Committee also talked about the youth in the community experiencing some additional stress due to the Covid pandemic. He explained the Finance Committee recommended putting some additional funding into the Summer Recreation Program if the Summer Recreation Program can develop a special event for the youth in the community to participate in contingent upon City Council approval.

Mayor Walter asked for a motion to approve Consent Agenda item 7(G).
**FINCK/ANDERSON moved and it was unanimously carried to approve
Consent Agenda Item 7(G) approving Organization Budget requests for 2021.**

Unscheduled Guests:

Tom Brooks

Tom Brooks asked where the City Council was at regarding the neighbor's complaints pertaining to 712 Highway 71 South. He noted members of the City Council and City Attorney's Office were going to meet with the property owner. Brooks asked if that meeting has taken place and where the City Council is at with the situation.

City Attorney Brad Anderson said the meeting with the property owner has taken place. He said the matter is under investigation and they're looking into it further. Attorney Anderson said Skaret has worked on a new City ordinance pertaining to noise which will be considered by the City Council at their meeting tonight (November 17th). He said there's also ongoing investigations with the Sheriff's Department as well.

Brooks noted a month ago when he attended the City Council meeting, Attorney Anderson said it looked like the property at 712 Highway 71 South was ready to be seeded. Brooks said drive by the property now. He said it's far from it. Brooks said, in fact, the resident has dug deeper on the property.

Brooks said he was just kind of curious of where the City was at on this because it's frustrating.

Brooks thanked Mayor Walter and the City Councilmembers.

Council Discussion Items

MITCH JASPER – CURB CUT REQUEST/EVENTS CENTER

Mitch Jasper said he was requesting a curb cut on Second Street in front of the former Coast to Coast store. He explained he plans to install a garage door and hopefully develop an events center, a gathering area in the building. Jasper said the plans also include a bar or restaurant that's not a bar or restaurant.

Jasper said it would be a bar ready to be stocked and a restaurant meaning basically a caterer's kitchen along with an events center.

Jasper explained with an events center, he would want to have a garage door in order to bring people in, to load and unload coming in and going out. He said the events center could be used for weddings, funerals, and any sort of businesses that would want to have a place for an event. Jasper said the events center would be available for those types of uses.

Jasper said he's in the process of purchasing the building. He said it all came about pretty fast for him. Jasper explained he wanted to bring his request for a curb cut to the City Council so he could get this item out of the way.

Jasper said he's looking for a curb cut and looking for a motion from the City Council to grant a curb cut. He noted the curb cut would take away two parking stalls. Jasper explained the two parking stalls would be his parking stalls. He noted it would move the handicap accessible parking stall into his parking spots replacing two parking spots for the building at 509 Second Street.

Jasper said he would have a glass garage door with a glass walk-in door on the front of the building on Second Street. He said his goal is to concrete the whole floor in the building, sheetrock it, install fans, HVAC and a little bit of new lighting. Jasper said he plans to keep it basic, keep it low cost so it's affordable and something in downtown Jackson. But in order to do that, Jasper said he needs to have a garage door. He explained to have the garage door off of Sherman Street would be very difficult. Jasper said that would destroy all the walk-in possibilities for the so-called restaurant, so-called bar, but it's not a restaurant and not a bar. He said that area is in case anybody would want to use that area for a restaurant or a bar. Jasper said having the garage door on Sherman Street would take away from that so the garage door needs to be on Second Street.

Jasper pointed out having a garage door on Second Street does not set a precedent as there are other garage doors on Second Street. He noted he happens to own one of the garage doors on Second Street and he hasn't had any problems with anyone being injured or having harm from that.

Jasper said he was requesting a motion for him to be allowed to have a curb cut according to the City's rules regarding curb cuts.

City Attorney Anderson asked if Jasper has purchased the building yet.

Jasper said he and the owner of the building have come to an agreement and the owner has a purchase agreement in their hands right now.

Attorney Anderson asked Jasper if approval of the curb cut would be contingent upon his purchase of the building.

Jasper said that would be correct. He said in his estimation the owner is anxious to sell and he is as anxious to buy.

Cushman asked Jasper if there were any other obstacles on Second Street in front of the building or any underground utilities.

Jasper said he spoke with MRES Jackson Distribution Maintenance Foreman Jeremy Boogerd who informed him the electric wires for the street lights were put in next to the concrete curb. He said Boogerd said the street light wires could have wire added to them and be lowered by an electrician. Jasper said it's an issue, but it's a construction issue and can be taken care of.

Cushman asked if the proposed garage door would be far enough away from the corner of Second and Sherman Streets.

Jasper said the location of the garage door on the building would be similar to the garage door that he has on his current building on Second Street. He explained the proposed garage door would be located where the front doors are currently located on the former Coast to Coast building.

Jasper said with an events center, you need to have something in Minnesota where you could bring in a limousine for a wedding party, a hearse for a funeral or to bring in equipment for a business display. He said the garage door is needed. Jasper said installing a garage door coming from the alley would be just about impossible and coming off of Sherman Street is going to destroy all the possibilities of the walk-in from Sherman Street. So, Jasper said he asking for a curb cut in the front of the building taking up his two parking spaces and moving the handicap parking stall into his two parking spaces that would be eliminated.

Finck asked Street Superintendent Phil Markman if he saw any issues with Jasper's curb cut request.

Markman said as long as the garage door is further north from the corner of Sherman and Second Streets and it's going to be where the current front doors are located, it shouldn't be an issue. He said there would be too much of an incline to install a garage door from the alley or from Sherman Street. Markman said installing the garage door off of Second Street is the only place that makes sense coming in at ground level and not having a huge incline for people that need help getting in and out.

Mayor Walter asked Jasper if the handicap parking stalls on Second Street would be located by the proposed overhead door?

Jasper said the handicap spots would be saved but they would be moved to the north of the overhead door. He said there would be no loss of the handicap parking stalls. Jasper said he would take out two of his parking stalls in front of the building and replace them with the handicap stalls. Jasper said there would be no handicap parking stalls lost, but he would lose two of his parking spots.

Cushman asked City Attorney Brad Anderson if there were any legal questions pertaining to Jasper's request.

Attorney Anderson said legally no. He said as Jasper noted, there's already one or two garage doors on Second Street. Attorney Anderson also said it appears Jasper plans to install a nice, attractive door so it won't detract from the appearance of Main Street.

Jasper said he plans to keep the proposed garage door lower than the current awning but as tall as the current awning so any three-quarter ton pickup, any sort of van or suburban can come into the building, but not a U-Haul or anything big. He said it won't be a huge garage door, but something is needed to bring in that size of equipment such as a pickup or van.

Cushman asked if the floor in the building is structurally sound for vehicles.

Jasper said it is. He said it's amazing how well-built the building is. Jasper noted there are no cracks in the blonde brick where the building has settled over the years. Jasper said it's very tough to find any cracks. He said it's a solid building. Jasper said the former owners of the building, Five Star, put a 30-year roof on the building and so it's a good building. He said it's just so big and to be able to use it would provide for a great opportunity. Jasper said there's a lot of opportunity and he thinks it's a good structure and it can be used. He said with that, the garage door would make that happen.

PETERSON/CUSHMAN moved and it was unanimously carried to approve Mitch Jasper's request for a curb cut on Second Street in front of the building at 509 Second Street contingent upon Jasper's purchase of the building.

Jasper thanked Mayor Walter and the City Councilmembers.

JACKSON AMBULANCE – STEPHANIE BERANEK – CHANGE ON-CALL TO \$5.00 PER HOUR FOR ALL SHIFTS EFFECTIVE ON DECEMBER 1ST, 2020 AND REQUEST AMBULANCE DEPARTMENT'S PART-TIME EMPLOYEES THROUGH MARCH 31ST, 2021

Jackson Ambulance Director Stephanie Beranek explained the Ambulance Department is looking to change their on-call pay rate to \$5.00 per hour for all their shifts.

Beranek said currently, depending on what shift Ambulance Department personnel work and what time of the day, the on-call pay can range from \$2.00 an hour to \$8.00 an hour. She said the Ambulance Department is looking to make it easier on their payroll and on their own tracking and just make it \$5.00 an hour across the board for the on-call shifts.

Beranek said the Ambulance Department is also requesting to extend the Ambulance Department's part-time employees through March 31st, 2021. She explained the Ambulance Department has had some events happen and they haven't gotten a true picture of what it would be like to have everybody that's currently hired as part-time working through the shifts as they have them arranged. Beranek explained a person left right away when they started with the part-time personnel so they are looking to extend the part-time employees so the Ambulance Department can get a better picture of how they function with their part-time people before they make a decision regarding whether they're going to continue with the part-time employees.

Skaret noted the Ambulance Department's two part-time employees are Patty Vidana and Jeremy Fricke.

Cushman said he thinks it's always important to keep in mind that this isn't taxpayer money that's funding this, but that it's being funded through the Ambulance Department's own enterprise funds.

Beranek said that was correct.

FINCK/ANDERSON moved and it was unanimously carried to change the Jackson Ambulance Department's on-call pay to \$5.00 per hour for all shifts effective on December 1st, 2020 and also extend the Ambulance Department's part-time employees through March 31st, 2020.

ELECTRIC VEHICLE CHARGING STATION GRANT APPLICATION

Skaret said Jim Losleben and Jim Goodman from ZEF Energy were joining the City Council meeting via Zoom. He explained ZEF Energy has approached the City of Jackson about potentially partnering with them on the installation of an electric vehicle charging station in Jackson.

Skaret said the MPCA (Minnesota Pollution Control Agency) has grant funding available to try and get communities, not necessarily to sign on the dotted line to do this type of project, but to indicate a letter of interest. Skaret asked Losleben and Goodman to explain their proposal and the grant program from the MPCA.

Goodman introduced himself to the Mayor and City Councilmembers. He said he's been working with ZEF Energy since 2016. Goodman said ZEF Energy builds electric vehicle charging station infrastructure. He said ZEF Energy manufactures a charging product that's called a Level Two Charger.

Goodman said ZEF Energy also is involved in building an electric charging corridor around the United States. He pointed out ZEF Energy was awarded the 22 sites for the Minnesota Pollution Control Agency's Phase One electric vehicle charging project for the State of Minnesota.

Goodman went on to explain how the grant funds became available for the State of Minnesota due to the settlement Volkswagen made with the EPA (Environment Protection Agency) for falsifying information on their emissions standards. He explained the State of Minnesota is allowed to use 15 percent of their settlement money to support installing electric vehicle charging stations.

Goodman said the State of Minnesota has three phases for installing electric vehicle charging stations. He said ZEF Energy was awarded Phase One by the State of Minnesota for 22 charging stations across the State. Goodman said the scope of Phase Two will be to install charging stations at 38 sites all across the State on defined corridors.

Goodman said Jackson is right at the very tip of one of the corridors. He explained what ZEF Energy is looking for is a letter of intent. Goodman said the letter of intent does not commit the City but basically says "we are interested". He said the letter of intent would mean that if the City of Jackson would be awarded a MPCA grant to install an electric charging station, the City would be willing to talk with ZEF Energy about placing an electric vehicle charging station in the Jackson community. Goodman said the letter of intent would provide evidence to the grant administrator that ZEF Energy has done their job as developers and have spoken to the City of Jackson.

Skaret noted the total cost of installing an electric charging station would be \$93,522. He said the grant would cover \$74,818 and the City's share would be \$23,522. Skaret asked Goodman to explain who would own the charging station after it was built.

Goodman noted in looking at revised estimates, the City of Jackson's share of the project could be approximately \$15,000. He explained the City of Jackson would have the option to own the charging station right away or the option to own it after the grant term is done. Goodman went on to explain details of owning the charging station. He said if the City wants to own the charging station, the City can set the rates to charge people for charging their vehicle. Goodman said if something goes wrong with the charging station, ZEF Energy will come and fix it.

Jim Losleben explained he's been working on this electric charging project for about three months. He noted the electric charging station project has to be completed in three years from now. Losleben said that allows time for Cities to set aside funds for their share of the project. He pointed out the opportunity of having the MPCA grant provide funding to pay for 80 percent of the project. Losleben said the 80 percent funding from the State may not be available three years from now. He noted the State of Minnesota received 16 billion dollars due to the settlement and 15 percent of that money has been earmarked for the installation of electric charging station projects over the next three years.

City Attorney Brad Anderson asked about the option price that was mentioned if the City wanted to purchase the charging station.

Goodman said it would zero dollars for the City.

Losleben explained at the end of five years, ZEF Energy could turn the charging station over to the City. He said the City would have time to think about what they would like to do prior to the end of the five-year period.

Madden asked what infrastructure and equipment is included in the total cost estimate.

Goodman said what's included in the estimate is everything that would be needed for a turn-key the project. Goodman went on to explain the type of transformers and electric power needed, the pad needed for the charging station, equipment needed for the charging station itself, software, internet connection, signage, painting at the station site and bollards to protect the charging station from getting run into. He said the charging station would also come with a warranty.

Goodman went on to explain costs, grant participation, costs of operating the charging stations, the amount of property to locate a station and potential locations for a charging station in the community. He explained the average charge on an electric vehicle is 30 minutes which gives the motorist about an 80-mile range and an hour charge provides about a 175-mile range. Goodman said during the 30 minute or hour charging period, motorists can spend time in the community. He said Jackson could be part of the electric charging corridor. He said ZEF Energy would like to partner with the City of Jackson.

Madden asked Losleben and Goodman if they had any statistics on the average revenue generated from the 22 charging stations that were installed as part of Phase One.

Goodman said they didn't have any revenue statistics available yet because they are all so new with some being commissioned into service in the last two weeks and some to be put into service in the coming two weeks. He said he did have data on the other 50 charging stations that ZEF Energy owns and operates in the Midwest. Goodman said the average walk-up revenue at the end of 2019 was \$2,200 a year. He noted the charging stations weren't used a whole lot because it's the beginning times of electric vehicles. Goodman said ZEF Energy is seeing 20 percent year over year load growth.

Finck noted there may be additional costs to upgrade and bring power to a site for a charging station.

Madden also noted there could be added costs depending on where the charging station is located.

Goodman said the utility work for installing a charging station can range from \$8,000 to \$16,000 depending on the location. He said the \$16,000 cost was at a site in Marshall. Goodman said most of the utility work has cost between \$8,000 and \$12,000 for 22 sites they've constructed.

Losleben noted ZEF Energy was looking for a letter of intent from the City.

Goodman said a charging station is a nice amenity for a community.

Skaret said the Electric Vehicle Charging Station Grant application is due November 25th.

Goodman and Losleben thanked Mayor Walter and the Councilmembers for letting them give their presentation.

Mayor Walter and the Councilmembers thanked Goodman and Losleben for their presentation.

To clarify, Finck asked if ZEF Energy was just looking for a commitment to listen to them, not a commitment to the project.

Skaret said that was correct. He said there are no binding commitments as far as working with ZEF Energy or selecting a location.

City Attorney Anderson said there was no binding obligation.

From that aspect, Finck said he didn't see an issue with letting someone explore the cost factors of a plan. He said by all means that may mean the City looks at different options as well. Finck said at this point there would be no cost to the City just for exploration. He noted having MRES Jackson Distribution Maintenance Foreman Jeremy Boogerd involved in the conversation to see what would be feasible.

Madden agreed. He said he didn't see any harm just to talk about the proposed Electric Charging Station.

FINCK/PETERSON moved and it was approved on a 4 to 1 vote to approve a letter of intent to partner with ZEF Energy on the Minnesota Pollution Control Agency's (MPCA) Minnesota Diesel Replacement Program Volkswagen Settlement: Phase Two EV fast charging corridors RFP.

Voting in FAVOR of the motion were Aldermen Larry Anderson, Brandon Finck, Jeffrey Gay and Nathan Peterson.

Voting AGAINST the motion was Alderman Dave Cushman.

ABSTAINING was Alderman Matt Madden.

FIRST READING OF ORDINANCE NO. 111, AN ORDINANCE AMENDING CHAPTER 94.05(F) OF THE JACKSON CITY CODE OF ORDINANCES PERTAINING TO NUISANCES AFFECTING PEACE AND SAFETY

Skaret explained Ordinance No. 111 pertains specifically to the operation of machinery. He noted the City has a noise ordinance right now that's fairly vague and open ended. Skaret said people have basically until 10 p.m. to operate equipment that creates noise. He noted there's a variety of things listed in the current ordinance that's pretty open-ended.

Skaret said Ordinance No. 111 would basically provide a second tier to the noise ordinance. He explained it would specifically stipulate that the operation of machinery such as backhoes, forklifts, dump trucks, payloaders, bulldozers, skid loaders, and other machinery commonly associated with construction and landscaping projects and the use of equipment or tools associated with construction, repair, maintenance or landscaping is prohibited between the hours of 8 p.m. and 7 a.m. Skaret went on to explain this restriction shall not apply to emergency situations, so designated by the City Administrator, that result from a force majeure, such as a weather event, that endangers the safety, health or welfare of the community.

City Attorney Anderson said Ordinance No. 111 pertains to machinery and equipment such as a skid loader, jackhammer or a chainsaw, a noisy skill saw, whatever.

Skaret noted Ordinance No. 111 does not apply to snow removal equipment or lawn mowers, leaf blowers or smaller pieces of equipment.

Mayor Walter said the proposed ordinance refers to construction equipment. He asked what does that do to the contractors working on road construction projects in town.

Skaret said road construction contractors usually don't work that late.

Mayor Walter pointed out the construction workers on North Highway were working until dark which would have been past 8 p.m. He said he doesn't think the City can restrict the road contractors from working as long as they need to or want to. Mayor Walter said that's the only problem he would have with Ordinance No. 111.

Peterson asked if road construction would be something designated by the City Administrator as stated in the proposed ordinance.

City Attorney Anderson said he thinks the City Administrator designation really applies to unexpected events that happen that no one has any control over like a blizzard, ice storm, wind storm or tornado when people need to get out and clear some lanes of travel or repair power lines or things like that.

Finck said regarding the City Administrator designations, the more ambiguous the ordinance is and more open-ended it is, the more problems there will be. He said you're either in or you're out. Finck said he understands the issues the City is having and he wishes there was a better solution to those issues. He said government restricting rights is an issue. Finck said he's challenged a little bit by the proposed ordinance.

Skaret suggested the City Council could put a caveat in the proposed ordinance stating a construction project could operate beyond 8 p.m. if it's a City sponsored or City operated project.

Finck asked what time would he have to be done if he's remodeling or shingling a house under the proposed ordinance.

City Attorney Anderson said outside work would have to end at 8 p.m.

Finck noted in the summer months when it's daylight later and some are doing projects on the sideline, stopping at 8 p.m. would be a challenge.

Tom Brooks said common sense has to come into play. He noted someone doesn't mow their lawn every night or blow snow every night unless it's blowing. Brooks noted if someone is shingling or siding their house, a person will know it's a project that's not going to go on for 365 days a year for four years.

Brooks said he's not going to have a problem if his neighbor wants to side their house until 10 p.m. because he knows it won't be a continuing action. He said he realizes this is a line that's really tough to follow. Brooks said his neighbor at 712 South Highway 71 will continue to make noise until 8 p.m. or 10 p.m. He said he would like to see something done, but people have to have a little common sense to what the person is doing. Brooks said if there's road construction, that's just a temporary thing. He said the contractor is not going to keep going back and forth and repaving the road 16 or 17 times because it's been paved once.

Finck noted if an ordinance is put in place, the City is subject to enforce the ordinance. He said that's the problem.

Brooks said so far, the City Council hasn't proceeded in enforcing the ordinances anyway so it doesn't make much difference.

Finck said he was just explaining that if an ordinance is adopted, the City is subject to enforce that ordinance.

Brooks said he just wanted to let the Council know that common sense goes a long way too.

Brooks said he appreciates the City Council trying to get something done, but he doesn't want to be known as the person who got the new ordinance in place because of this and that. He said most people have common sense.

Finck said most people do have common sense. He said he just wants to make sure how tight is the City handcuffing themselves for cases when someone wants to do a two-day project and the neighbors are OK with it. Finck said what's the out to allow someone to work beyond 8 p.m.

City Attorney Anderson said Finck raises a good point. He said what if, for example, the Coop was going to build a new fertilizer plant which is right next door to a residential area. Attorney Anderson said that project could take all summer. He asked do you want construction workers to work after 8 o'clock or 9 o'clock?

Attorney Anderson said that's one of the hard parts about making a law. He noted when you apply it to everybody, sometimes it doesn't always work in every situation.

Finck said the problem he had with the proposed ordinance is putting authority on the City to have someone apply for an after-hours permit to work after 8 p.m. He asked who's going to police that and who's going to decide who gets an after-hours permit and who doesn't? He said if Ordinance No. 111 is adopted, the City better have a process for people to come and apply for a week-long permit to work through a project. Finck noted, for example, the individual who may work during the day and is going to shingle their house in the evening until 10 p.m. He said under the proposed ordinance, does the City have the right to issue a permit for such a purpose?

Madden asked if something could be added to the ordinance that a person can't work beyond 8 p.m. unless they have permission from their neighbors.

Peterson also suggested having City Council approval to work beyond 8 p.m.

Finck said he didn't want the issue to be upon City Council approval. He noted the City Council doesn't approve building permits.

Madden pointed out who's going to call in a complaint other than the neighbors. He said if a person gets permission from their neighbors and they all say it's OK, who's going to complain?

Brooks said he understands what the City Council is trying to do and he also understands what Mayor Walter said about road construction work underway beyond 8 p.m. Brooks noted it's no different than the laws pertaining to the County Parks. He said the laws say no alcohol is allowed, but yet people are still drinking beer. Brooks said the alcohol rule in the parks is there in case it gets out of hand and the Sheriff's Department can enforce the rule. Otherwise Brooks said, the Sheriff's Department is not going to come up to people and tell them they can't have beer sitting at their campfire. But he said the rule is there for the fact that if it gets out of hand, a law enforcement officer can say you're not allowed to do this. Brooks said otherwise, there would only be a half-dozen people in the campground if no alcohol was allowed at the campsite. Brooks said in adopting a new ordinance, there's got to be some kind of leeway that the City can say they can overlook this a little bit or this somehow.

Mayor Walter said if the City starts tying the hands of the contractors doing the street projects in town and telling them they have to shut down at 7 or 8 o'clock or whatever is decided, it will be the same as the County parks, and the City won't have anybody bid on projects.

Brooks said he understands that. He said the only ones that are really going to complain about the 8 o'clock shutdown are the ones who are made to shut down at 8 p.m. and they will be the ones out looking for violators. Brooks said those will be the ones that will then say if someone is operating beyond 8 p.m. why can't I.

Brooks said the City Council has to do what they have to do and he'll probably do what he has to do.

City Attorney Anderson said Ordinance No. 111 can be thought about further and revised for the next City Council meeting. He said what he's hearing is placing on somebody's shoulders a judgement call that says for a reasonable period of time for a reasonable reason, the City is going to allow someone to work on a project beyond 8 p.m. He asked if the City Council still wanted to keep 10 p.m. as the deadline to shut down. Attorney Anderson said he doesn't know how late some of the contractors are working.

Mayor Walter said the contractors were working in the dark on North Highway.

Brooks said he's seen contractors work until midnight especially if there's bad weather coming in. He said they'll put up lights and work until midnight.

Markman noted the biggest thing is getting something accomplished in a time period. He explained that's what's been irritating with Mike Erickson at 712 Highway 71 South is that it's been going on for so long, but what has Erickson done? He said Erickson gets the project to a certain point, and then all of a sudden, he does something else and it starts all over. Markman said Erickson had everything leveled out and now he has excavated down almost a foot. He said Erickson then waits until it snows or rains, sleeps all day and then fires up his equipment when everyone else is home. Markman said he understands the common-sense factor. He said you could have an average of how long it takes to shingle a house, how long it takes to side a house or replace a window, but it's hard. Markman said nothing is cookie-cutter and that's the hard part. He said you can't do a one-size fits all ordinance.

Finck said City Attorney Brad Anderson summed it up pretty good. He said he really thinks the City needs a permit process to forego the ordinance and there's got to be a few steps in there that a person has to take in order to obtain a permit. Finck said there also needs to be deadlines on that. He said he doesn't care if it's a weekly permit and the person has to come back to City Hall every week. Finck noted a contractor could be granted a waiver. He said the City is going to go down the path of setting strict laws and enforcing them. Finck said the City better have the situational out and the permitting process for that respectful consumer that wants to work until 9 o'clock at night putting a new roof on their house or replacing windows, a one-time event, so they can do so.

Skaret said the City can have a special permit process.

Finck said he thinks Ordinance No. 111 needs to have those provisions included if the City is going to go down this path.

Brooks suggested such a permit could be free.

Finck said, in his opinion, the permit provision should be included in the proposed ordinance.

City Attorney Anderson asked about the shutdown times in the proposed ordinance.

Finck said he doesn't have an issue with the times as long as there's an out to be able to extend the time.

Attorney Anderson said the City Council needs to understand that City staff is not saying that 8 p.m. is right time for construction shut downs in the evening. He said this is a place to start and the City Councilmembers as legislators have to decide what's the best because they are the ones that make the law.

Skaret said this is just a starting point for discussion. He said if the City Council doesn't want to do anything, that's up to them.

Mayor Walter said he thinks the City Council needs to do something for the problem, but he doesn't think the Council has the solution in front of them.

Cushman said it seems like the City has added another layer to try and solve one problem. He pointed out there is really one issue that's plagues the City right now. Cushman said the City will add another layer creating some more work for the City Clerk. He said there's going to be people that say they didn't know they were going to work past 9 o'clock and they did not know they needed a permit. Cushman said he would agree with the Mayor that the Council is overthinking this.

Cushman said most people are courteous and conscious of what they're doing in their yard. He said when you don't have that, that's where you start coming up with laws that affect all of us.

Skaret said a question to think about going forward is, does the City Council want to deal with what they've just dealt with again.

Cushman said on the other side, the City solves the problem but created many more.

City Clerk Maschoff said he agrees with Alderman Cushman and with Tom Brooks' analogy about alcohol in the campgrounds. He said he thinks with most people, it's common sense. Maschoff said someone may be working on shingling and maybe they're going to work beyond 8 p.m., but if it's my neighbor I know they're working on it and they're going to get it done and the project isn't going to go on forever and that fine. He said he thinks any problem is based on a complaint.

Maschoff said he thinks if there's more permitting, the City has muddied the waters. He said he would have questions about how would it be policed and enforced. Maschoff said he thinks the City would just be miring the ordinance down in possibly another layer of complications. Maschoff said he knows common sense doesn't always rule, but if 8 p.m. as the shutdown is in place and there's a big problem, then there's something in the City's toolbox to use. But for the most part, Maschoff said if you're working a little later at night on a project, it will be fine with most neighbors. He said the neighbors may even help.

Cushman said a pattern of this behavior is another avenue of this. He said most contractors are not going to have that pattern of four years of this activity. Cushman said they're going to have a week. He said a contractor will work on a road and when the road is done, they'll pick up and leave. Cushman said this road is never getting done and that's the problem. He said we have a pattern that's accumulated and it's continued on and on and there's no end in sight and when you think it's done, it's not, we're starting over.

Peterson asked if the specific list of equipment not to be used could be added to the current ordinance.

Mayor Walter noted the list of equipment is included in the proposed ordinance. He noted snow removal equipment is exempt.

City Attorney Anderson said the problem with enforcing the current ordinance stems from the fact that unless law enforcement officers catch a violator in the act, they can't issue a citation unless the officer has an investigated case where they have witnesses that come forward and testify. He said that's a different procedure in those cases. Attorney Anderson said the easiest way to go is for the deputy to show up and find the person operating the bobcat at 10:30 p.m. past the shutdown deadline and issue them a citation, shut down the equipment or go to the jail. He said it's been hard to catch the violator in the act. Attorney Anderson said matters involving the complaints pertaining to 712 Highway 71 South are currently being investigated.

Madden asked if changing the shut down time from 10 p.m. to 8 p.m. in the current ordinance will make it any easier for the officer to catch a violator of the noise ordinance.

Attorney Anderson it would probably be the same problem.

Finck noted there are individuals who have met with the property owners of 712 South Highway 71. He asked if there were any short-term or long-term solutions that came from that meeting.

Attorney Anderson said he believes there are going to be. He noted one of the major concerns from a meeting a year ago with the property owners has been addressed which was hooking the property up to sanitary sewer. Attorney Anderson said but now we're getting into aspects of it that the City Council is not going to settle and it's going to have to be up to the property owners who are going to have to decide to do something about it. Attorney Anderson said after the conversation with the property owners on November 17th, it sounds like the City just needs to give it a little time because it sounds like it's definitely going in the right direction.

Cushman said that's the best way to put it. He said let's give it a little time. Cushman suggested tabling Ordinance No. 111 and see what the next week brings because he thinks a big step was made on November 17th.

FINCK/PETERSON moved and it was unanimously carried to table the First Reading of Ordinance No. 111, an Ordinance amending Chapter 94.05(F) of the Jackson City Code of Ordinances pertaining to nuisances affecting peace and safety.

SEWER JETTER TRUCK QUOTE FOR OLD TRUCK

Skaret said one bid was received for the City's old sewer Jetter Truck. He said the bid was above the \$5,000 minimum threshold that the City Council set. Skaret said the bid was from Jeff Quastad of Estherville, Iowa in the amount of \$5,212.

ANDERSON/FINCK moved and it was unanimously carried to accept the bid of \$5,212 from Jeff Quastad of Estherville, Iowa for the City's old sewer Jetter Truck.

WASTE MANAGEMENT CONTRACT FOR 2021 TO 2025

Skaret said the City's contract with Waste Management expires on December 31st, 2020. He said earlier this year, the Finance Committee met to discuss the contract. Skaret said the City has a long-standing relationship with Waste Management that goes back many years.

Skaret said the Finance Committee directed him to reach out and directly negotiate with Waste Management on a new contract. He noted the current Waste Management prices in the information provided to the Mayor and City Council. Skaret then pointed out the rates in the new contract. He said the five-year contract would include three percent rate increases each year to keep up with inflation and the cost of doing business.

Skaret said probably the biggest change in the proposed contract which the Finance Committee discussed pertained to the City-wide clean-up. He said right now it costs Waste Management about \$11,500 to do one City-wide clean-up. Skaret said in the past there has been a City-wide clean-up in the spring and again in the fall. Skaret pointed out the garbage rates quoted in the new contract includes reducing the City-wide clean-up to just once a year. He said the City can do two clean-ups, but then the overall rates are just a little bit higher and the \$11,500 gets spread out a second time to the rest of the residents.

Skaret said in order to still provide the City-wide clean-up, which is a very valuable service in the opinion of the Finance Committee, there will still be one clean-up instead of two to keep a lid on the garbage rates.

Cushman noted the discussion was a second clean-up could be added should it be decided it was needed.

Skaret said if a second City-wide clean-up was added, the City would just need to find another way to fund it.

City Attorney Brad Anderson said he thinks the proposed new contract is fair and equitable to both sides.

Cushman noted the City has had a relationship with Waste Management where they have come back to the table and listened and made corrections when needed. He said he thinks it's a good partnership.

Skaret noted there is a clause in the new contract where there is a one-year automatic extension after five years unless either party gives the other at least 90 days advance written notice of the intention to terminate the contract at the end of the term. He asked Councilmembers if they were comfortable with that.

Councilmembers indicated they were comfortable with that clause in the contract.

FINCK/ANDERSON moved and it was unanimously carried to approve the new five-year contract for 2021 to 2025 with Waste Management as proposed.

CEDA CONTRACT FOR 2021

Skaret said he would recommend the CEDA contract for 2021 be tabled. He explained the City is having some negotiations with CEDA. Skaret noted the City has a one-year, year to year contract with CEDA. He said it's not that the City is planning to discontinue the service, it's just working out some of the questions as far as the cost.

Finck explained the cost of the contract came to light with the potential of Tom Nelson in the Economic Development Office being called up for active duty in the National Guard next year. He said the question was would the City be getting the same value if someone else was put in Nelson's position if the new person had less experience or doesn't have the networking in the community like Nelson does. Finck said a clause could be included in the contract.

Cushman said the dollar amount of the contract is associated with Tom Nelson, not with CEDA. He said in order to get Tom Nelson value, the City has to have a Tom Nelson replacement if Nelson would get deployed or leave for any other reason so the City is not locked into a contract with someone with less experience.

CUSHMAN/MADDEN moved and it was unanimously carried to table action on the CEDA contract for 2021.

INCREASE THE HOURLY WAGE FOR PART-TIME SNOW PLOW DRIVERS FROM \$15 TO \$16

Skaret said the City has only one part-time snow plow operator at this time. He explained former Street Superintendent George Tauer has been helping out on an as needed basis with snow plowing since he retired in 2016. Skaret said Tauer's wage has been the same at \$15 an hour. He said Tauer is very knowledgeable of the City's streets and equipment and is reliable.

Skaret said Street Superintendent Phil Markman had asked if the City could give Tauer a dollar an hour raise.

FINCK/ANDERSON moved and it was unanimously carried to increase the hourly wage of part-time snow plow drivers from \$15 to \$16.

MAYOR'S PROCLAMATION IN HONOR OF JO STRUBE'S 100TH BIRTHDAY

Mayor Walter said he had a proclamation in honor of Jo Strube's 100th birthday.

Mayor Walter read:

WHEREAS, *Jackson is proud and honored to have Jo Strube as a resident and member of our community; and*

WHEREAS, *Jo Strube was born November 28, 1920 in Chicago, Illinois; and*

WHEREAS, *After completing nurse's training in Mother Cabrini School of Nursing, World War II was still going on and Jo Strube enlisted in the United States Army to help protect America and our freedoms; and*

WHEREAS, *Jo Strube served as a nurse working tireless hours fixing the countless grave injuries of wounded servicemen, including Japanese prisoners of war, and helping them heal; and*

WHEREAS, *During her service in World War II Jo Strube met her future husband, Norman, a fellow servicemember who was a medic from Jackson; and*

WHEREAS, *Following their service in the Armed Forces Jo and Norman were married on July 13, 1946, and moved back to Jackson; and*

WHEREAS, *Jo Strube worked as a nurse at Halloran Hospital, helped establish a hospital in Lakefield, and then returned to Jackson and worked the remainder of her nursing career at the Jackson Medical Center, before retiring in 1978; and*

WHEREAS, *In addition to serving patients in a hospital setting, Strube was often hired by patients to provide individual care and often times provided care free of charge to those who couldn't afford to pay.*

WHEREAS, *in 2003 Jo Strube was honored by the Minnesota Nurses Association for her distinguished service to her community and country;*

WHEREAS, *Jo Strube's 100th birthday is on November 28th*

NOW THEREFORE, *I, Mayor Wayne Walter, proclaim November 28, 2020 as a day of celebration in honor of her tireless service and dedication to our wounded members of the armed forces, patients here in Jackson, contributions to our community, and her longevity.*

Signed this 17th day of November, 2020.

Mayor Wayne Walter

Other:

Alderman Nathan Peterson

Peterson said he wanted to thank the Jackson Fire Department and EMS members for the great job they did with the fire at Burger King on Friday night, November 13th. He said they did a good job and are proud to have them serving the community.

City Administrator Matt Skaret

Skaret noted Friday night's fire at Burger King and the benefit of the new water storage tank in providing enough water to fight the fire and still maintain water for the community as well. He said it was a really good decision the City Council made in pursuing the ground storage water tank project. Skaret said it was an expensive project but it really helped the firefighters on being able to focus on putting the fire out instead of worrying whether they would have an adequate amount of water and water pressure. He pointed out a lot of water was used, hundreds of thousands of gallons. Skaret noted it's not only having that water on hand, but it's replenishing that water in a timely manner so the rest of the town has water and the City doesn't have to order residents to conserve water for a period of time.

Skaret reported the City's Volunteer Recognition Committee consisting of Aldermen Larry Anderson and Jeffrey Gay met recently. He said outstanding volunteers to be recognized have been chosen in all three categories of the awards program. He said unfortunately, due to Covid restrictions and the limited space in the Council Chambers to maintain social distancing, it will be difficult to have a reception, but the outstanding volunteers could be invited along with a guest or two to the December 1st City Council meeting to be recognized.

Alderman Brandon Finck

Finck asked what if the City would have still had the old water storage system on the night of the fire at Burger King and what would have that been like.

Markman said he talked with Water/Wastewater Superintendent Tony Oxborough who said the east water tower would have been drained. He said there would have been problems around Jackson and people would have had to use potted water and efforts in fighting the fire would have been hampered to refill tanker trucks. Markman said there were six other area Fire Departments who assisted Jackson in fighting the fire and also had tankers that were being filled at various sites. He said the City Water Department also assisted firefighters. Markman said the firefighting efforts went as good as they could.

Markman noted Oxborough said the new water storage tank paid for itself on that one incident.

Mayor Wayne Walter

Mayor Walter said he wanted to thank the Jackson Fire Department and the good job they did in fighting the fire at Burger King.

Jackson Fire Chief Dave Bond said he wanted to thank the City in providing the Fire Department the equipment to help them do their job.

Alderman Brandon Finck

Finck suggested with the fireworks display taking place on December 5th, maybe that would be an opportunity to present the awards to the City's Volunteers of the Year prior to the start of the fireworks. He said the honorees could be recognized outside in the parking lot of City Hall that evening. Finck noted that people will be outside and socially distanced in their vehicles.

Maschoff said sound equipment could be set up for a presentation.

Skaret said an outdoor presentation could be arranged.

ADJOURNMENT

With no further business, FINCK/ANDERSON moved and it was unanimously carried to adjourn the City Council meeting at 8:15 p.m.

David A. Maschoff, Council Secretary

Wayne Walter, Mayor

