

Jackson, Minnesota
November 19, 2019

The Jackson City Council met in regular session in the Council Chambers of City Hall at 6:30 p.m. on Tuesday, November 19, 2019 with the meeting called to order by Mayor Wayne Walter. On the roll call, the following persons were present: Mayor Wayne Walter, Aldermen Matt Madden, Larry Anderson, Jeffrey Gay, Donnie Schoenrock and Dave Cushman, City Administrator Matt Skaret, City Attorney Brad Anderson, Street Superintendent Phil Markman, Water/Wastewater Superintendent Tony Oxborough, Engineer Maria McCathy of SEH, Jackson County Sheriff Shawn Haken, City Finance Officer Deb Mitchell, Marty Siefert of the Coalition of Greater Minnesota Cities, Jackson Assistant Fire Chief Dave Bond, Engineer Greg Mitchell of Bolton and Menk, Jackson Fire Department Second Assistant Chief and Jackson Parks Board Chairman Michael Haeffner, Brandon Fredrickson, City Clerk/Council Secretary Dave Maschoff and Justin Lessman of the Jackson County Pilot. (Alderman Brandon Finck was absent.) (A quorum of the City Council was present.)

CALL THE MEETING TO ORDER

Mayor Walter called the regular meeting of the Jackson City Council to order. He noted the roll call showed all Councilmembers were present except for Alderman Brandon Finck.

There was no Public Hearing and no Bid Lettings.

OPEN FORUM

Mayor Walter said Brandon Fredrickson wanted to speak to the City Council about the City's rental housing ordinance.

Brandon Fredrickson thanked Mayor Walter and the City Councilmembers for their time. He explained he and his wife have been having some issues with the City when it comes to the City's rental housing ordinance in regards to the sale of their house.

Fredrickson explained they currently have a purchase agreement with the buyer. He said the City is telling him and his wife that they need to register the house as a lease and rental unit which it's not.

Fredrickson said we're having some miscommunication on what is a rental unit verses the purchase agreement and how that rental unit and everything written into the City ordinance could affect his current purchase agreement that he has with the buyer. He said that's kind of the big issue that's going on right now.

Fredrickson said he's been trying to work with everybody at the City to just try and figure this out.

Fredrickson said what he's just asking the City Council and Mayor to do is maybe take a look at the rental ordinance and kind of refine some of that. He said the way it reads it seems a little open to interpretation but the rental ordinance itself is a good thing. Fredrickson said he can see where the intent is although in this case, he thinks it's outside the City's jurisdiction. He said City Administrator Skaret and others can update the Mayor and Council further about the issue.

Fredrickson explained they will be closing on the sale of the house soon and they don't want to mess up that sale.

Cushman asked for some information to fill in the gaps regarding Fredrickson's issue. He said he appreciated Fredrickson attending the meeting.

Skaret explained Fredrickson had entered into a purchase agreement with the buyers back in June. He said the City became aware that the ownership on the house was changing when the future new owners came into City Hall to sign up for utilities because they were occupying the property.

Fredrickson said that was correct. He said the new people told the City Hall office staff that they were renting and they weren't. Fredrickson said they weren't so he thinks that's where this issue started snowballing. He said they received a phone call from City Hall asking if they were renting out their house. Fredrickson said he explained they had a purchase agreement and were selling the house.

Fredrickson said they had to wait because the new buyers were moving into our community so the buyers needed a certain amount of time for the bank to issue the loan. He explained they were just giving the new buyers time.

Skaret explained the City Hall office staff contacted Fredrickson's wife, Wendy, who indicated she didn't know when the closing date for the sale of the house would be taking place. He said Wendy Fredrickson said the closing would be taking place "soon".

Skaret said the City gave some leeway but typically the City's past practices have been no more than 30 days. Skaret asked Mitchell if that was correct.

Mitchell said it was.

Fredrickson said although they said they didn't have too; they shared the purchase agreement with the City so they could see that the process was underway and the property was selling. He said they were more or less waiting for the bank.

Skaret said the City Hall office staff actually never saw the purchase agreement.

Mitchell concurred that the office staff never saw the purchase agreement.

Fredrickson said he thought it had been sent to City Hall. He said if the City Hall office staff haven't seen it, he could get that for them. Fredrickson said they are not trying to hide anything. He said they are also definitely not trying to rent or be slum lords either. Fredrickson said they just want this sale to go through and a new couple joining our community to get into a house.

Skaret said the City understands that.

Skaret said the City Hall staff has never received a copy of the purchase agreement or anything. He noted the couple purchasing the house came into City Hall in June to sign up for utilities and that's when the City contacted Fredrickson. Skaret explained it was later in the summer and the City had not received the registration and things still had not closed on the house.

Skaret said the City contacted Fredrickson again and were told, "well, it should be just a few more weeks". Skaret said the City said OK and then it kind of got dragged out some more.

Skaret said then the City was told the closing would take place by the end of September. He said then on October 18th, the City Hall office staff called Fredrickson again and still nothing had been resolved. Skaret said just recently the office staff was told the closing on the sale would be taking place in December.

Fredrickson explained some of that's playing the telephone game between two different lenders and two different realtors. He said during process, the buyer changed lenders. Fredrickson said they have all the information from the bank that the buyer is currently working with. He said he would have to look again at the information the buyer gave him to say when the new closing date will be. Fredrickson said if the buyer doesn't follow through by the closing date, the buyer will leave the premises and they will lose their earnest money. He said the property is being sold and this is not a rental.

City Attorney Brad Anderson said to Mr. Fredrickson's point, this is probably one of those areas that's a little grey but the City Code is really pretty specific. He explained if the owner of the property allows somebody to occupy their property, then it's considered a rental unit. Attorney Anderson said the exception would be if there's a qualified relative.

Attorney Anderson explained under the existing Code a purchase agreement, while it's a contract to transfer ownership, it does not transfer ownership like a deed or a contract for deed. He explained the purchase agreement by itself does not disqualify that property from being subject to the rental ordinance. Attorney Anderson said technically the City is on its correct footing here.

Attorney Anderson said the Code basically says the owner needs to occupy the property. He noted the people living in Fredrickson's home are not the owners yet and they're occupying the property so the City Code then does require that a rental license be issued.

Skaret said the rental license fee is \$25 and the penalty for not obtaining a rental license is \$150.

Attorney Anderson pointed out the parties can waive inspection and other things that cost money according to the terms of the license. He said unfortunately under the City's Code, a rental license is required.

Schoenrock said he doesn't see how it would benefit the City to be involved in a real estate transaction. However, Schoenrock said he understands where the City Staff is coming from and they need to enforce the City Ordinances as they are written. He said that's what they want the City Staff to do without giving anyone favor one way or another.

Attorney Anderson said it is a little bit out of the ordinary to allow a party to occupy something that they're buying or leasing for five months. He said maybe a week or two that can happen, but most of the time that's not a normal situation with a purchase agreement.

Fredrickson explained that's why the amount of earnest money the buyers had to put down to do this was high to make sure that they had enough skin in the game. He said these things are going to happen. Fredrickson said the buyers are pretty serious about purchasing the property. He said the house market isn't that great. Fredrickson said it's maybe kind of a special case and maybe one that they wouldn't wish for. He said the rental ordinance is good, but the intent of it is off in this case. He noted they have rented in Jackson in the past.

Attorney Anderson said there are a lot of unique circumstances to this one. He said he can understand where Fredrickson's thinking and interpretation comes from, but on the other side of it, the strict interpretation of the Code would require a rental license.

Cushman asked if the \$25 cost for the rental license is what's being debated.

Fredrickson said the \$25 and the inspections.

Cushman said he heard the inspections could be waived.

Mitchell pointed out the inspections can't be waived if it's not family. She said the inspection doesn't cost anything. Mitchell explained what the landlord has to do is walk through the house with their tenant and just check it off that everything is in order. She noted the landlord and tenant can do the inspection themselves and they both have to sign the inspection sheet. Mitchell said if it's a family member that's staying at the property, family members do not have to do the inspection.

Cushman said there would be a check for \$25 that Fredrickson or the new owner could write for the rental license and there would be no other expenses by hiring a building inspector or anything like that. He asked Mitchell if that was correct.

Mitchell explained Fredrickson's were given notice that they had to register their property as a rental and obtain a rental license by November 1st or there would be a late fee. She said Fredrickson's have been issued a late fee of \$150 for not coming in and complying with the rules.

Attorney Anderson asked Mitchell if this has happened in the past in a somewhat similar situation.

Mitchell said yes it has. She said really the City hasn't had a lot of problems. Mitchell said when City Staff tells people that this absolutely has to be done and it's going to be over 30 days, most people just come in and pay it and give the Staff their insurance information and it's probably all taken care of that day.

Cushman said hindsight is always great. He asked Fredrickson why he didn't come in months ago to get this \$25 fee taken care of.

Fredrickson said it was more of an interpretation of what is a rental. He explained they had this back and forth with the City Staff saying no, it's not a rental and talked this through extensively. Fredrickson explained he feared what may come up in the inspection and who pays for what. He said the purchase agreement has already been signed. Fredrickson said he doesn't want to mess with the current purchase agreement if now we're going back to jump through this loophole that we didn't know existed. He said now we have to go back and do this and it could add addendums to our current purchase agreement. Fredrickson said now there is another party in our sale. He said we have the City, the lender, borrower and seller so we're just adding complexity. Fredrickson said they were hoping to get the property sold and be done with before they had to deal with coming down to City Hall or late fees.

Skaret said he doesn't know how the rental license would interfere with the sale or the closing on Fredrickson's property.

Fredrickson said we're talking about the exchanges of money and what effect it may have on the purchase contracts. He said it's an added level of complexity in a personal transaction that just seems weird.

Cushman suggested what if the City was to waive the late fee and require Fredrickson to pay the \$25 rental license fee and have Fredrickson and the people who are going to purchase the property do their rental license inspection, walk away shaking hands and the City be done with it.

Schoenrock said he agreed with Cushman's suggestion. Schoenrock said this issue could garner a lot of discussion. He said how do we get people to move to town, how do we make this a welcoming town and how do we make this a place where people want to buy homes. Schoenrock said he thinks the City wants to make that an easier process and not a hindering process. He said if someone has a purchase agreement, that's between the buyer and the seller. Schoenrock also noted that as a City we need to protect our renters.

Fredrickson said he just wanted to explain the situation from his point of view and appreciated the Council's time.

Cushman said he appreciated that.

CUSHMAN/SCHOENROCK moved and it was unanimously carried to waive the \$150 late fee to Fredrickson and that the buyer and seller work out the inspection and that the \$25 rental license fee be paid in a timely fashion.

CONSENT AGENDA

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

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

MARTY SIEFERT – COALITION OF GREATER MINNESOTA CITIES UPDATE

Siefert updated the Mayor and City Council about the legislative activities of the Coalition of Greater Minnesota Cities during the 2019 Minnesota Legislative Session and what the priorities of the Coalition are for the 2020 Session.

Siefert explained the Coalition represents 100 cities in rural Minnesota. He provided the Mayor and Councilmembers a listing of what was accomplished during the 2019 Legislative Session.

Siefert said the top priority was Local Government Aid (LGA). He noted the Legislature approved a \$26 million increase in base funding for 2020 and an additional \$4 million increase in 2021. Siefert said it will mean about a \$40,000 increase in LGA for the City of Jackson.

Other legislative priorities and updates Siefert provided to the Mayor and Council pertained to the Public Facilities Authority (PFA) water infrastructure grant and loan programs, the Greater Minnesota Business Development Public Infrastructure (BDPI) Grant Program, the Child Care Capital Grant Program and Child Care Grants.

Siefert reported there will be no new investments or funding increases for the Comprehensive Transportation Funding Package, Large-City Streets, Small-City Streets or Corridors of Commerce program.

Siefert noted Skaret attended the Coalition of Greater Minnesota Cities Conference in Alexandria and thanked the Mayor and Council for sending him. He said next year's Legislative Agenda was set at the Conference.

Skaret commended the Coalition of Minnesota Cities and said they are a powerful lobbying group. He said they are recognized as one of the most effective lobbying organizations at the State Capital. Skaret said the Coalition gives the smaller Cities in the State a stronger voice at the Legislature.

Mayor Walter thanked Siefert for everything he and the Coalition of Greater Minnesota Cities do.

WATER STORAGE TANK PAY APPLICATION NO. 12

Engineer Maria McCarty of SEH reported the new ground storage water tank is completed and the new pumps have been installed and began running on November 19th. She said with the cold weather arriving, some of the landscaping and installation of topsoil will have to be done in the spring. McCarty also noted the pouring of the bollards in front of the tank will also need to be done in the spring due to the ground already being frozen.

McCarty said additional work to be completed that will probably be taking place in December is pouring a new floor in the pump room so it's level and the installation of a door in the pump room.

Mayor Walter asked if Vet's Oil has access to their warehouse behind the new tank.

Oxborough said Vet's Oil has access to their warehouse.

McCarty explained Pay Application No. 12 is for some of the piping, a little bit of demolition, concrete work for the bases the pumps sit on in the pump room and electrical work for the ground storage reservoir.

McCarty said the amount due for Pay Application No. 12 is \$235,222.03.

SCHOENROCK/MADDEN moved and it was unanimously carried to approve Water Storage Tank Pay Application No. 12 payable to Magney Construction in the amount of \$235,222.03.

LIFT STATION NO. 4 PROJECT PAY APPLICATION NO. 1

Engineer Greg Mitchell of Bolton and Menk explained this was the first pay application for the Lift Station No. 4 Project to R & R Excavation. He said to date R & R Excavation has earned \$636,105.77. Mitchell said the retainage on the project is \$31,805. He said the pay request for the November 19th City Council meeting is \$604,300.48.

Mitchell said the Lift Station actually is complete. He explained when the Pay Application was processed, the contractor didn't have everything finalized. Mitchell said but now all of the structures are in, pumps are running and the controls are in. He said there's not much site work there but the contractor has the ground servicing completed as well. Mitchell said are some punch list items but those will be taken care of as we proceed. He said approval is being sought from the City Council for Pay Application No. 1.

MADDEN/GAY moved and it was unanimously carried to approve Lift Station No. 4 Project Pay Application No. 1 in the amount of \$604,300.48 payable to R & R Excavating.

ASHLEY PARK SHELTER HOUSE MATERIALS BID

Skaret said the Park Board has received a bid from Boekett Lumber in Jackson for the materials needed for the renovation of the Ashley Park Shelter House. He said the Park Board is recommending the City Council approve purchasing the materials from Boekett Lumber for \$16,068.29.

Skaret said there are also electrical and plumbing components of the project. He said several plumbers and electricians have looked at the shelter house, but no bids for plumbing or electrical work have been submitted yet. Skaret noted the shelter house project can proceed regardless of the plumbing and electrical and, if necessary, that part of the project can be done at a later time.

Skaret said at their November meeting, the Park Board approved recommending to the City Council purchasing the materials from Boekett Lumber even though plumbing and electrical bids have not yet been received. Regardless of the plumbing and electrical, Skaret said the Park Board noted the remodeling of the outside of the building needs to be done and they want to get on the contractor's schedule because they want the shelter house renovation completed by next summer.

MADDEN/CUSHMAN moved and it was unanimously carried to approve the bid to purchase the materials for the Ashley Park Shelter House renovation project from Boekett Lumber for \$16,068.29.

ASHLEY PARK SHELTER HOUSE LABOR BIDS

Skaret said two bids for Labor were submitted for the renovation of the Ashley Park Shelter House. He said bids were received from Tom Holthe and Associates Construction for \$12,000 and from Phibbs Olsem Construction for \$34,000.

Skaret said the Park Board recommends the City Council approve the bid of \$12,000 for labor from Tom Holthe and Associates Construction.

SCHOENROCK/ANDERSON moved and it was unanimously carried to accept the bid of \$12,000 for labor from Tom Holthe and Associates Construction for the Ashley Park Shelter House Renovation Project.

APPROVE BIDS FOR THE SALE OF THE 1991 ELECTRIC DEPARTMENT TRENCHER

Skaret said four bids were received for the sale of the 1991 Electric Department trencher. He noted the trencher was declared surplus property at the City Council's October 15th meeting.

Skaret said the high bid received was from Greg Johnson of Sherburn for \$3,600.

SCHOENROCK/GAY moved and it was unanimously carried to approve the high bid of \$3,600 from Greg Johnson of Sherburn, Minnesota for the purchase of the 1991 Electric Department Trencher.

FIRST READING – ORDINANCE NO. 102 ADOPTING SUPPLEMENT 2019-4 TO THE CITY’S CODE OF ORDINANCES

Skaret explained Ordinance No. 102 adopts the supplement to update the City’s Code of ordinances incorporating the changes since the last supplement in 2018. He said the City is doing their annual updating of the City’s Code books. Skaret said American Legal Publishing does that for the City. He explained as part of that, the City Council has to approve an ordinance adopting the supplement. Skaret said it takes two readings by the City Council and the first reading of Ordinance No. 102 is taking place at the November 19th City Council meeting.

Skaret asked the Mayor and City Council to bring their Code Books to City Hall so the outdated pages can be removed and the updated pages inserted.

SCHOENROCK/CUSHMAN moved and it was unanimously carried to approve the First Reading of Ordinance No. 102 Adopting Supplement 2019-4 to the City’s Code of Ordinances.

APPROVE THE SALE OF 1993 AIRPORT PLOW TRUCK TO VANDER HAAGS FOR \$1,000

Skaret explained the 1993 Airport Plow Truck had been declared surplus property and the City Council had authorized selling it to a salvage yard. He said Street Superintendent Phil Markman had checked locally with the salvage yard and they weren’t interested in the truck. Skaret said Markman then checked with Vander Haags who offered \$1,000 for the truck. He said that’s probably the most the City will receive for it.

Markman said Vander Haags will come and pick up the truck and give the City a \$1,000 for it.

ANDERSON/MADDEN moved and it was unanimously carried to sell the 1993 Airport Plow Truck as salvage to Vander Haags for \$1,000.

FIRST READING – ORDINANCE NO. 103 AMENDING FEES, RATES AND CHARGES FOR CITY SERVICES IN 2020

Skaret explained this is something the City Council does every year as 2020 quickly approaches. He said Ordinance No. 103 updates the City’s annual fees.

Skaret noted most of the changes are pretty minor. He pointed out it's being proposed to increase the fee for Variance Applications which would then be consistent for what's charged for a Conditional/Interim Use Application. Skaret said the same amount of work is involved in processing a Variance Permit as a Conditional/Interim Use Permit so it made sense to raise that to \$150 from \$100.

Skaret pointed out under the Water, the fee schedule had previously listed the individual prices for a variety of different parts such as meters, angle spuds, curb valves, saddles and so forth. He explained many of those pieces are made of metal and the prices do fluctuate quite a bit during the year so that was changed in order to make it just a little bit easier. Skaret said instead of listing the individual prices due to variations in market prices, all parts are the actual replacement cost plus a 7.5 percent markup for administrative fees up to \$50 per item plus shipping.

Skaret said back in 2017, the City adopted a three-year step increase on water and sewer rates and 2020 will be year three of that so those increases will be incorporated as well. He said there are a lot of projects going on for water and sewer so the City will definitely need all of the increases that were anticipated in the three-year plan.

Skaret said those were the major highlights of the changes in the fees and charges.

MADDEN/ANDERSON moved and it was unanimously carried to approve First Reading of Ordinance No. 103 amending fees, rates and charges for City services in 2020.

DISPOSAL OF OLD DOWNTOWN BANNERS

Skaret reported the new downtown banners that the City Council previously approved have arrived. He said the Electric Department has been taking down the old banners which are at City Hall.

Skaret said the question has come up, what are we going to do with the old banners. He noted there were sponsorships for the old banners. Skaret showed the Council one of the banners that had been taken down that had been sponsored by Henning Rental.

Skaret said it was suggested to maybe offer the old banners to the businesses that sponsored them. He said otherwise, he was open to suggestions on what to do with them.

Madden suggested offering the old banners to the businesses that sponsored them and if they don't want the banner, it could be disposed of.

Alderman Anderson said the banners could first be offered to the businesses that sponsored them and if they don't want them, the banners could be put on-line and sold for \$5 or \$10.

Skaret said the banners could be first offered for free to the businesses who sponsored them and if they don't want them, the banners could be sold for \$10 to anyone who's interested.

Alderman Anderson said there may be people interested in the banners for the pictures that are on them.

ANDERSON/MADDEN moved and it was unanimously carried to offer the old downtown banners for free to the businesses who sponsored them and if the businesses don't want them, the banners will be offered for sale on-line at a price of \$10 each.

APPROVAL TO HIRE GEORGE TAUER FOR PART-TIME SEASONAL SNOW REMOVAL HELP AT \$15.00 AN HOUR

Skaret explained George Tauer has worked for the City for the past couple of winters since he retired helping with snow removal. He said Tauer is willing to come back to help again this winter.

Cushman asked Markman if hiring Tauer part-time will fill-out the staffing needs for the Street Department for snow removal or if other part-time people will be needed.

Markman said staff from the Water and Electric Departments are used if additional help is needed during snow removal.

MADDEN/ANDERSON moved and it was unanimously carried to approve hiring George Tauer for part-time seasonal snow removal help at \$15.00 an hour.

AUTHORIZE THE ADVERTISING FOR THE HIRING OF PART-TIME SKATING RINK ATTENDANTS

Skaret said the City will need two attendants this year at the skating rink. He explained one of the attendants from last year has agreed to return but cannot work every day. He said at least two attendants will be needed.

Markman said Corinne Vacek has been serving as a skating rink attendant in the past. He said Vacek's son would also help out. Markman said her son has since moved to Lakefield.

Markman said Vacek approached him over the weekend asking if a second person could be hired because she has a conflict on Tuesday and Thursday nights. He said he would bring the request forward. Markman said the attendant would be at pay rate similar to the seasonal park employees during the summer. He said that's what the City has always done in the past.

Schoenrock asked where the skating rink will be located this season.

Markman said the skating rink will be on the river bayou this year. He explained the new grass would be torn up if the rink was located this season in the new Memorial Park. Markman said the new grass isn't established enough yet.

Alderman Anderson said hopefully this will be the last year the skating rink is located on the bayou.

Markman said everything is hooked up for this year's skating rink and they are just waiting for the weather to get cold.

Schoenrock asked if hockey boards have ever been found.

Markman said hockey boards haven't been found yet.

SCHOENROCK/ANDERSON moved and it was unanimously carried to authorize advertising for the hiring of part-time Skating Rink attendants.

CITY OF JACKSON RIGHT-OF-WAY PERMIT APPLICATION

Skaret explained the Right-of-Way Application fills in a gap in the City's forms at City Hall.

For digging in the right-of-way, Skaret said the City has a street digging permit, for example, if people are replacing a water or sewer service line. He said there's an application for that if there's any digging within the paved area of the street. But, Skaret said the City doesn't have any application form as far as the City's general right-of-way.

Skaret said he and City Attorney Brad Anderson have worked on a right-of-way excavation/construction permit for people to fill out if they are doing any digging, installing any structures or landscaping, planting a flower garden or anything in the right-of-way that's not part of the paved street but within the City's right-of-way. He said technically the right-of-way extends about 15 feet, give or take, on either side of the street. Skaret said there are people wanting to put different things in the right-of-way.

Skaret said the Right-of-Way Permit Application would provide a clear-cut process to get the right information on what exactly someone is doing, who's doing the work and when the work is going to be completed. He said the Permit Application also requires the applicant to put together plans and submit those plans with the application so the City knows exactly what the applicant is doing. Skaret said it gives the City's Department Heads a chance to look at it and sign-off on it.

Skaret said City Council approval will be required if the applicant is putting any actual structures in the right-of-way like a tower, wall, landscaping or anything that's not going to break away from the ground. He said any other digging would technically be able to be signed-off by the City's Department Heads.

Oxborough asked if someone would have to submit a Right-of-Way Application to install an irrigation system in their yard.

Skaret the person would need to obtain a Right-of-Way Permit if they were installing the irrigation system within the City's right-of-way.

Oxborough said a lot of times there are issues when a contractor strikes a resident's irrigation lines. He said the question then arises of who was supposed to mark the irrigation lines or who was to let someone know those lines were there. Oxborough said the City marks their own utilities but the City doesn't own resident's sprinkler systems so then who pays for the damaged sprinkler system. He said the Right-of-Way Permit Application could help in those incidents.

Skaret said the Permit Application would certainly help. He said there's a lot of these small cases that don't come up every day, but at times they do.

Skaret explained there is already a fee of \$75 in the City's fee schedule for a right-of-way permit. He said the City has a very good right-of-way ordinance that the City Council adopted in 2015. Skaret said a copy of the right-of-way ordinance is attached to the Right-of-Way Application so people know exactly what's required of them when they're digging in the right-of-way and restoration requirements.

Schoenrock asked if the Right-of-Way Permit Application would have anything to do with a company bringing in a utility such as a fiber optic line.

Skaret said it would.

Schoenrock asked if the City already had a fee schedule for such things as a fiber optic line separate from the fee for the Right-of-Way Application.

Skaret said there is already a separate one-time fee of \$1 per foot for the installation of fiber optic cable in the City's fee schedule.

SCHOENROCK/CUSHMAN moved and it was unanimously carried to approve the City of Jackson's Right-of-Way Permit Application.

Other:

Alderman Donnie Schoenrock – Hockey Boards

Schoenrock asked if someone could look into getting hockey boards for the skating rink. He noted Kevin Anderson has reached out to him a couple times over the last three or four years about the hockey pucks getting into the snow at the skating rink. Schoenrock said kids play hockey and the pucks get shot out of the rink and get buried in the snowbank and can't be found.

Park Board Chairman Michael Haeffner said he could put that item on the Park Board's December agenda for discussion.

Alderman Jeffrey Gay – Nuisance Ordinances and Junk

Gay said he had visited with Jackson County Sheriff Shawn Haken regarding nuisance ordinances and junk in the City of Jackson. Gay said Sheriff Haken explained how in some cases, the person violating a nuisance ordinance may simply pay the citation but the real problem is not remedied.

Gay said Haken also mentioned that in some cases the nuisance may be abated or partially abated, but then days or weeks later or next year the nuisance issue occurs again. Gay noted Haken said some cases go to court, but no court can truly understand or sympathize with what the neighbors, Councilmembers, Mayor, City Hall and law enforcement officers have gone through to try and get these issues abated.

Gay said one proposal that could be discussed by the City Council at a future meeting is that the City assigns fees for violations of junk ordinances. He said a dollar amount could be assigned to the violation rather than take the matter through the court system. Gay explained a City citation could be issued to the violator and then the matter would be a City responsibility and issue. He said the violator would pay the City directly. Gay said rather than the violator going to court, they would come to the City Council to state their case.

City Attorney Brad Anderson said that is already on the City's books. He explained in fact there was a problem that came up that the City Council was aware of and wanted the City Attorney's Office attention right away. Attorney Anderson said he had a visit with the Sheriff's Department, City Administrator Matt Skaret and Street Superintendent Phil Markman. He explained there's a criminal side and civil side to these cases. Attorney Anderson said it was concluded that the criminal side doesn't seem to be working that well so they're going to try the civil side. He said there is actually a case in process right now.

Attorney Anderson said that means that after the notices, if there's been no reaction or no correction of the nuisance, then the City will come to the Council and say the person was told to fix the problem, they didn't fix it and a resolution is needed from the City Council to have the City abate the nuisance.

In summarizing, Attorney Anderson explained then a new notice will be sent and if the person doesn't abate the nuisance by that time, then the City can get an order that basically says the City can go ahead and abate the nuisance. He said that's what the City is doing.

Gay asked if the violator will be charged accordingly for the City's time and effort.

Attorney Anderson said they would.

Attorney Anderson said collection of the fees is another thing. But he explained what the civil side allows and provides for is that the City can go into the problem area and fix it to remove whatever the problem is or correct it in whatever manner is needed. Attorney Anderson said the City hasn't done that. He said that procedure isn't used that often. Attorney Anderson said he's done it a couple of times in quite a few years and it's been effective. He said he knows sometimes it ends up with a lean against the property because at times it can be kind of hard to collect the cost of cleanup. But, Attorney Anderson said the City can have action to correct the nuisance because the City is going to do it at the City's expense initially until the City can recover the cost.

Attorney Anderson said the City is currently working on a case right now and there's probably going to be two cases the City will be working on.

Schoenrock noted the City used that process a couple of years ago to abate a nuisance at a property on Sverdrup Avenue.

Attorney Anderson also mentioned this process was also used to abate the nuisance property on Maple Street. He said the property owner was notified to fix-up or abate the property. Attorney Anderson explained through further negotiations, the property owner just gave the City the deed to the property which saved the City and the property owner expense at that point.

Attorney Anderson said it isn't the first time for the City to use this process. He said it's a different approach because it's believed it hopefully will be more effective in the end.

Skaret explained what's been happening is a lot of times Sheriff Haken or his deputies write the violator a ticket and the violator is just content to pay the fine rather than address the problem. He said then it just gets to be a repeat cycle.

Cushman said he thinks it's also taken the City off the hook. He said the City has not had to deal with it. Cushman said law enforcement has had to deal with it and when it gets solved it gets solved and when it doesn't get solved, the City Council gets angry and nothing happens. Cushman said the civil process puts the matter on the City Council to enforce the law and make it happen. He said he thinks it's a great idea.

City Administrator Matt Skaret – Thank-you and presentation to Alderman Anderson

Skaret said on behalf of the City Staff, he wanted to thank the City Council for granting eight hours of paid time off for all full-time City employees on December 24, 2019. He said all the City Staff appreciates that and it's very generous of the Mayor and City Council to do that.

Skaret also presented a candy bouquet and well wishes from the Mayor and City Council to Alderman Anderson on his knee surgery on November 12th and appreciation for his efforts to attend the November 19th Council meeting.

Alderman Anderson thanked Mayor Walter and the City Council and said he appreciated the candy bouquet and well wishes.

ADJOURNMENT

With no further business, SCHOENROCK/MADDEN moved and it was unanimously carried to adjourn the City Council meeting at 7:40 p.m.

David A. Maschoff, Council Secretary

Wayne Walter, Mayor

