

Jackson, Minnesota
October 20, 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, October 20, 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, Water/Wastewater Superintendent Tony Oxborough, MRES Jackson Distribution Maintenance Foreman Jeremy Boogerd, Jackson Fire Chief Dave Bond, Tom Brooks, Cheryl Brooks, Greg Ahrens, Dave DeJong and Luke Ewald. Also attending via Teleconference and Zoom were Alderman Jeffrey Gay, Engineer Maria McCarty of SEH, City Clerk/Council Secretary Dave Maschoff, Justin Lessman of the Jackson County Pilot and Dave Schmidt of KKOJ/KUXX Radio. (A quorum of the City Council was present.)

PLEDGE OF ALLEGIANCE

Mayor Wayne Walter asked Alderman Jeffrey Gay to lead those attending the City Council meeting in the Pledge of Allegiance.

Those present in the Council Chambers 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 noted five Councilmembers were present in-person and one Councilmember was joining the meeting via Zoom.

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

CONSENT AGENDA

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

Unscheduled Guests:

Tom and Cheryl Brooks, Greg Ahrens

Tom Brooks said he and his wife, Cheryl, along with Greg Ahrens were speaking to the City Council regarding their neighbor, Michael Erickson, at 712 South Highway 71. He said they were bringing attention to the Mayor and City Council of another one of the City's ordinances.

Tom Brooks noted a section of Ordinance No. 94.01 regarding Public Nuisances. Brooks read *whoever by his or her act or failure to perform a legal duty intentionally does any of the following is guilty of maintaining a public nuisance, which is a misdemeanor. Section One, maintains or permits a condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort or repose or any considerable number of members of the public.*

Brooks said the noise created by Erickson is driving people nuts. He said there is noise everyday until 10 p.m., rain or shine.

Brooks said he also wanted to reflect on Ordinance No. 94.04, another part of the nuisance ordinance. Brooks read *reflected glare or light from private exterior lighting exceeding 0.5 footcandles as measured on the property line of the property where the lighting is located when abutting any residential parcel, and one footcandle when abutting any commercial or industrial parcel.*

Brooks said Erickson's lights are shining up onto their yard all night long. He said sometimes Erickson has two 500 halogen bulbs shining right up into their rooms, right into their living room and right into their bedrooms. Brooks said that's a known.

Brooks said another thing he wanted to bring up to the Council is that he talked with three of the Councilmembers one other time.

Brooks said a little over a year ago, he was down to City Hall to see the City Administrator wanting to know where the City Council was at on what they were doing with this situation. He said all he got was "it's being handled". Brooks said every time he asked Skaret a question, "it's being handled". Brooks said he'd ask what are you doing? Give me something, what have you approached? Brooks said he was told "It's being handled Tom". Brooks said that is not an answer when you're asking a question of a City official, you expect an answer.

Brooks said before he left, this is the comment Skaret told him, “Tom, we got to handle this situation a lot differently, we don’t want anybody killed”. Brooks said “that tells me that you guys are afraid of this man. All you guys need to come down and find out what he’s doing”.

Brooks said “but when you tell a person that it’s got to be handled different because somebody’s going to get killed, that’s nothing”.

Brooks said he talked to three Councilmembers. He said one of them told him “bad choice of words”. Brooks said “Oh, really?” He said that’s all he has.

Cheryl Brooks said she wanted to remind everyone of Public Nuisance Ordinance No. 94.04, Section (V), Noises Prohibited, under (a) General Prohibition, *No person shall make or cause to be made any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any person or precludes their enjoyment of property or affects their property’s value. This general prohibition is not limited by the specific restrictions of this section.*

Cheryl Brooks said now this is three plus years. She said “we’ve been more than patient and it’s done. We’re done and something is going to be done.” Cheryl Brooks said she saw the 712 South Highway 71 nuisance complaint follow-up is listed on the Council’s agenda. She said we will see what is planned and we’ll go from there.

Greg Ahrens introduced himself to Mayor Walter and the City Council. Ahrens said he was attending the City Council meeting in support of Tom and Cheryl Brooks and the rest of the people in the neighborhood.

Ahrens said one question he had to the City Council regarded if there are any ordinances or building restriction guidelines, building permit type things that are going on. He said if the Council goes down and looks at Erickson’s lot right now, Erickson has pretty much excavated clear out to the lot lines. Ahrens said there’s no barriers for erosion control whatsoever. He said it’s just a constant motion of moving dirt back and forth, digging all the time.

Ahrens asked if we have ordinances, isn’t that the City Council’s responsibility to take care of or the City Administrator to at least go ahead and do some kind of actions with the City’s ordinances? Ahrens said if not, “what good are they guys”? He said “seriously, what if everybody in this town did what he’s doing?”

Ahrens asked “what if we were up on the west edge of town with a lot, would you approve having a whole lot all tore to heck up there in that new addition?”

Ahrens said “under construction, I can see it. But this man has been doing this for three years, he doesn’t stop”.

Ahrens said he’s very disappointed in the City Council, he really is. Ahrens said he thinks it’s a total inaction by the Council.

Ahrens thanked the Mayor and City Council for his time.

Mayor Walter thanked Ahrens.

Council Discussion Items

WATER STORAGE TANK PROJECT FINAL PAY APPLICATION

Engineer Maria McCarty of SEH said the final payment for the Water Storage Tank project has been submitted to the City Council for consideration. She said all the painting and electrical work has been completed. McCarty noted the grading is also done.

McCarty said the final payment, including the retainage, is \$19,798.

Water/Wastewater Superintendent Tony Oxborough said the project is completed.

CUSHMAN/MADDEN moved and it was unanimously carried to approve the Water Storage Tank Project Final Pay Application of \$19,798 to Magney Construction.

APPROVE SALE OF OLD 1997 FIRE TRUCK TO THE CITY OF DUNNELL FOR \$25,000

Jackson Fire Chief Dave Bond said the City of Dunnell offered to purchase the Fire Department’s 1997 International fire truck that was replaced for \$25,000. Bond said approval was being sought from the City Council to accept the offer and sell the fire truck to the City of Dunnell.

PETERSON/ANDERSON moved and it was unanimously carried to approve the sale of the 1997 International Fire Truck to the City of Dunnell for \$25,000.

APPROVE LETTER OF INTENT TO APPLY FOR TRANSPORTATION ALTERNATIVES PROGRAM GRANT FOR PROPOSED SOUTH HIGHWAY 71 TRAIL IN JACKSON

Dave DeJong and Luke Ewald of the Friends of the Jackson County Trails Committee were in attendance at the City Council meeting.

DeJong explained the Trails Committee is considering pursuing the construction of a sidewalk trail from Sunrise Estates going north to near the intersection of Highway 71 and County Road 34. DeJong outlined the proposed trail depicted on a graphic displayed on the Council room's smart screen.

DeJong said in order to construct the proposed trail, it's going to take funding. He said the Trails Committee is going to start the process by seeking a TAP (Transportation Alternative Program) grant. He explained TAP is a federal grant with 80 percent of a project paid for through the federal grant with a 20 percent local match. DeJong said it would be similar to the federal grants that were used to fund the construction of the other trails in Jackson.

DeJong said TAP is a federal grant for the construction of trails but not necessarily for the planning of trails. He said the TAP grant funding could be used for planning, but the TAP program likes to have the funding used more for construction.

DeJong said the Friends of the Jackson County Trails Committee is pursuing the development of a trail along South Highway 71 because the Minnesota Department of Transportation is resurfacing Highway 71 in 2028. He said the Trails Committee has been talking with the Minnesota Department of Transportation to work in conjunction with them. DeJong said the problem is safely crossing Highway 71 someplace to join the rest of the trail system. He noted where there is a current sidewalk along Highway 71 that's in rough shape. DeJong pointed out on the smart screen where there is currently, what MnDOT calls a bridge on Highway 71, which is actually three or four culverts. He noted where there is a waterway and so there's no room for a trail.

DeJong said the Department of Transportation is planning to replace the culvert when they resurface Highway 71. He said what the Trails Committee is talking to MnDOT about is extending the culverts out so there can be a trail across the culverts. DeJong explained so besides under the road, there would be an extension of the culverts. He said MnDOT isn't really willing to provide a lot of funding for the proposed trail so that's why the Trails Committee is looking at applying for a TAP grant.

In order to apply for a TAP grant, DeJong said the first thing the Trails Committee has to do is a letter of intent. He said the letter of intent doesn't commit the City in any form. DeJong said it just lets the Trails Committee write the letter of intent. He explained the letter of intent needs to include the estimated cost of the project, how other federal grants have been used by the Trails Committee in the past and what cooperating agency is backing the 20 percent matching funding and so forth.

DeJong said for right now, the Trails Committee is seeking permission from the City Council to let the Friends of the Jackson County Trails Committee apply for a TAP grant.

DeJong explained the Transportation Alternative Program Grant is a very competitive grant. He said not a lot of them are awarded. DeJong said there's probably only about 15 TAP grants awarded during the year in the State. He said it's highly competitive. DeJong said the Trails Committee thought it would be a good time to apply for the TAP grant for a proposed trail in light of the planned resurfacing of Highway 71.

DeJong noted there are a lot of people living in Sunrise Estates. He said there are a lot of kids that walk or ride. DeJong pointed out some people walk on the highway along the guard rail which is a safety issue.

DeJong said in order to apply for the TAP grant, the first step is the letter of intent. He said the process to apply for the grant needs to start now because all these things take a long time to process.

Peterson asked if the plans are not to construct the trail until Highway 71 is resurfaced in 2028.

DeJong said MnDOT is going to resurface Highway 71 in 2028. He said if the Trails Committee is awarded the TAP grant, it would be eligible for funding in 2025. DeJong said the Trails Committee are trying to work the engineers and MnDOT to see if the bridge could be replaced earlier.

Skaret said he and Jackson County Public Works Director Tim Stahl had a teleconference last week with MnDOT to talk to them about the project and the possibility of replacing the culverts and widening the bridge hopefully in 2025 and not wait until 2028. Skaret said MnDOT's argument for doing the entire project in 2028 was to minimize the disruption and not having to close the road twice in a three-year time span.

Skaret said for the City's purposes for getting the trail installed, it would be a lot handier to have that project done in 2025. He noted that is a prerequisite to have the culverts and the bridge at that location widened in order to put the trail in because currently there's not enough room. Skaret noted MnDOT is going to talk to their planning department to see what can be done.

Peterson asked if MnDOT doesn't do the resurfacing, culvert and bridge replacement earlier, does that take the Trails Committee out of the grant consideration for 2025.

DeJong said it does not. He said if MnDOT does not do their project until 2028, the Trails Committee can probably work with the TAP program explaining MnDOT is not moving forward earlier and request if the Trails Committee can have a little leeway on the grant expenditure date.

Alderman Anderson asked DeJong if the Trails Committee had an estimate of what the proposed trail project will cost.

DeJong said the current estimated cost is about \$150,000 for the sidewalk trail and about \$50,000 for the extension, so about \$200,000.

Skaret also noted if the Trails Committee was awarded the TAP grant, the City's cost share would be about 20 percent of that.

DeJong said TAP is a federal grant with 80 percent of a project paid for by the grant with a 20 percent local match.

Mayor Walter asked how will they will get people safely across Highway 71.

DeJong said the Trails Committee would be working with the County Engineer and MnDOT. He pointed out on the graphic displayed on the smart screen where people could cross Highway 71 providing for the most visibility for motorists. He said there's not really an ideal spot to cross over Highway 71. DeJong noted the location pointed out was probably the safest considering the number of feet you get for visibility.

Madden asked if MnDOT would install a signaled crosswalk at that location.

DeJong said he didn't know. He said the Trails Committee would have to talk with MnDOT.

Luke Ewald noted a signaled crosswalk had been proposed for the trail crossing at Dan's Island Park a few years ago.

DeJong said it all depends on what MnDOT wants to do.

Mayor Walter noted it would be awfully hard for truckers travelling down the hill on Highway 71 to stop at a crosswalk in that area.

Markman also pointed out the curve on Highway 71 travelling from the north to the south. He noted it's such a blind spot that all of a sudden there would be a traffic signal for motorists to stop at.

DeJong said a traffic signal at the proposed trail crossing probably wouldn't be like the HAWK System that's across Highway 71 near Subway where motorists need to make a complete stop when someone is crossing. He said any traffic signal wouldn't be for a complete stop, but probably some flashing lights.

Madden said the traffic signal he was referring to was the HAWK System. He shared the same concerns Mayor Walter brought up regarding the ability for trucks to stop at that location on Highway 71.

DeJong noted MnDOT likes to keep traffic moving.

Madden said even a flashing light at that location on Highway 71 would be better than what's there now. Madden said when he comes home from work, he notices more and more children and people walking along that section of Highway 71 and it's kind of scary every time he passes them.

Cushman said it's not safe as it currently is right now.

MADDEN/PETERSON moved and it was unanimously carried to approve the Letter of Intent for the Friends of the Jackson County Trails to apply for a Transportation Alternatives Program grant for the proposed South Highway 71 Trail in Jackson.

DeJong said as the actual grant writing begins for the TAP grant, the Trails Committee may ask for a Councilmember to assist and serve as a liaison between the Council and the Trails and Grant Committee.

DeJong thanked Mayor Walter and the City Councilmembers.

APPROVE QUOTE TO PURCHASE NEW STREET LIGHT POLES FOR INDUSTRIAL PARKWAY

MRES Jackson Distribution Maintenance Foreman Jeremy Boogerd clarified the quote is not for poles, but for the arms that are put on the top of the poles.

Boogerd said the problem the Electric Department has along Industrial Parkway is that the fixtures are so heavy. He explained the wind causes the heavy fixtures to shake and it breaks the light bulbs. Boogerd said the Electric Department installed LED bulbs, but the LED bulbs are too heavy and they break the light sockets.

Boogerd said the Electric Department could install a two-foot arm on the light pole and install a flat LED head and just be done with it all. He said they could also wire them at 110 instead of 220 as well.

Boogerd said there are 29 arms needed for the light poles along Industrial Parkway. He noted the quote presented to the Council is actually \$500 less because the arms are \$25 less expensive than the originally quoted price. Boogerd said there are also seven arms for the light poles along Torgerson Lane if the Council wanted those lights to match the street lights on Industrial Parkway. He said it would cost about an additional \$2,400 if the Council wanted to order the seven additional light pole arms for Torgerson Lane.

Boogerd said the grand total for the street light arms is about \$11,000. He said currently it's a constant blub breaking and ballast breaking issue because of the heavy weight on the top of the poles and the wind along Industrial Parkway.

Boogerd said the brightness of the lights would be very similar to the brightness of the street lights along Springfield Parkway.

Madden asked whether the arms and lights came with a warranty.

Boogerd said he can check on warranty information. Boogerd noted there are other MRES (Missouri River Energy Services) communities that have used this vendor and these arms and lights over the last four or five years and they have been satisfied.

FINCK/MADDEN moved and it was unanimously carried to approve the purchase of Street Light Arms and Lights for Industrial Parkway and also Torgerson Lane.

LIQUOR STORE SNOW REMOVAL BIDS

Skaret said the Street Department does a wonderful job removing snow from the Liquor Store parking lot. He said last year, the Liquor Store staff tried to keep up with the snow shoveling on the sidewalks and by the back door.

This year, Skaret said it was requested and discussed with the Liquor and Finance Committees about bidding out the snow removal for the sidewalks around the Liquor Store. He said it doesn't seem like much, but when you actually walk it, it's a fair amount of sidewalk around the store. Skaret said in addition to the sidewalk, about a three-foot perimeter from the curb bordering the sidewalk would also be cleared of snow so the snow plows don't end up getting too close to the sidewalk. He said the snow removal would also include removing snow from the back door for the employees.

Skaret explained all the contractors that do snow removal in Jackson were invited to bid. He said two bids were submitted including one from Beckel's Cheapscares for \$65 per time and the other from Polz Lawn Care and Snow Removal for \$150 per time.

ANDERSON/FINCK moved and it was unanimously carried to approve the proposal from Beckel's Cheapscares for Liquor Store sidewalk snow removal.

Skaret noted the Liquor Store staff would be responsible for putting the ice-melt on the sidewalks.

UTILITY COMMISSION RECOMMENDATION: APPROVE AGREEMENT FOR IMPROVEMENT AND SPECIAL ASSESSMENTS TEMPLATE

Skaret said the Agreement for Improvement and Special Assessments Template is due to the new policy the City Council approved requiring the televising of sanitary sewer service lines during street reconstruction projects.

Skaret said if the sanitary sewer service line needs to be replaced, homeowners have a year to get that completed. He noted replacing a sanitary sewer service line can be a costly endeavor. Skaret said it is typically less expensive to have it done when the street is under reconstruction.

Skaret explained the Agreement for Improvement and Special Assessments is basically a template that if people cannot afford to have their service line replaced, the City would have the sanitary sewer service line replaced for them and the City would assess the cost, plus five percent, to the homeowner to be repayable over a 15 year period at a 3-and-a-half percent interest rate in equal installments. He said that would be the template going forward.

Skaret said on the North Highway Street Project, there really hasn't been a problem with the sanitary sewer service lines because it's a relatively newer part of town. He said it's anticipated to be a bigger problem when the street reconstruction begins on South Street. Skaret noted there are a lot more houses on South Street and it's an older part of town. He anticipates the Agreement for Improvement and Special Assessments will be used more frequently during next year's phase of the street reconstruction project.

Skaret said he and City Attorney Brad Anderson worked on the Agreement Template together and it was presented to the Utilities Commission. He said the Utilities Commission looked at it pretty carefully and thinks the Agreement meets everyone's satisfaction.

Cushman said he had one question. He said he's still concerned about the criteria and inspection process that the City is going to go through to do this. Cushman said in the newer part of town, the inspection process is easy. He said the older part of town gets to be a real question mark as to what's a seep and what's a leak. Cushman said it should be determined what that is going forward. He said he doesn't want the City just ramming this project through on people. Cushman said he wants people to be a part of it. Cushman said the City can pay for replacing a homeowner's sewer service line and it's a great time to do it, but he thinks people should have some say in it as well. Cushman asked Skaret to elaborate on that process a little bit.

Skaret asked Street Superintendent Phil Markman to elaborate.

Markman explained what would be done in a situation regarding a homeowner's sanitary sewer service line. He noted at their October 6th meeting, the City Council approved purchasing a camera to televise sewer lines. Markman said during this phase of construction on North Highway, the contractor televised the sewer service lines. He said the camera had a thumb drive so everything that was seen in the line was recorded.

Markman said if it works out that the homeowner is on site when the sewer line is televised, the homeowner can witness what the line looks like in real time. He said then if there are any issues, the issues can be brought up to the homeowner and an explanation given that there could be problems with the line. Markman said if the televising of the line shows obvious deformation or whatever, that's one thing. He said they're not going to nit-pick every line. Markman said they will have the engineer of the project look at the service line and the homeowner would also be welcomed to have their local plumber look at the line and get their opinion about it. He noted there's one local plumber in Jackson that has a camera.

Markman said it would be a joint effort in determining the condition of a sanitary sewer service line. Markman said the City staff would draw attention to a potential problem with a line and get a plumber's opinion or someone who replaces sewer service lines for a living.

Markman said the City is looking for more of the obvious problems with sewer service lines. He said we're probably going to run into some Orangeburg pipe which is like a tarpaper material from years ago. Markman said he knows of some residents who have already replaced Orangeburg pipe on their own which was a failing pipe system probably from the 1950's and 1960's. Markman said City staff will be looking more for the obvious when it comes to sanitary sewer service lines that need to be replaced. He said they're not trying to have everybody upgrade their sewer lines.

Markman said there have been two property owners on South Street that have already asked about replacing their sewer service lines because they've had trouble with their line in the past. He said those property owners are very interested in seeing what their service line looks like. Markman said the City is trying to help the homeowner out to solve the problem while the street is open so there's no added cost. He said the effort is to avoid having a property owner have a sewer system failure a year after the street project is complete and then digging up a brand-new street and incurring the extra costs of repairing the street, gutter and curb. Markman said while the street is under reconstruction is the time to do any replacements or repairs.

Cushman noted it would be a cost savings to the homeowner to replace or repair any sewer lines while the street reconstruction is underway.

Markman explained as part of the street reconstruction projects, the sewer line is being replaced from the main sewer line to the right-of-way with new PVC and new saddles if needed on the line. He said any private sewer line replacement would basically be from the street right-of-way into their house. Markman said the property owner would be responsible to hire their own contractor to bury the line on their property to the house. He said he has spoken with the General Contractor for the street project, Duininck's, and Duininck's doesn't want anything to do with services beyond the right-of-way. Markman said Duininck's is willing to work with any contractor hired to replace service lines in a timely manner while the street is opened up for reconstruction.

Cushman said it sounds like the City has a plan. He noted most people are visual so they can see what their service line looks like.

Markman noted the cameras used to view the sewer lines are amazing in what you can see with the technology that's built into them.

Oxborough pointed the big push for the City to purchase a camera was to reduce the City's I&I (Inflow and Infiltration) problem due to such things as cracks, breaks and problems with the joints in the lines. He said that's what the City is trying to enforce overall and help the homeowner out at the same time.

FINCK/PETERSON moved and it was unanimously carried to approve the Agreement for Improvement and Special Assessments Template.

FINANCE COMMITTEE RECOMMENDATION: APPROVE COVID EMERGENCY ASSISTANCE LOANS REPAYMENT DEFERMENT FOR 12 MONTHS TO NOVEMBER 1, 2021

Skaret said the Finance Committee met on Monday evening, October 19th. He noted the City Council approved Covid Emergency Assistance Loans back in late March and early April. He said emergency loans were approved for 20 businesses in Jackson that were directly affected by the Governor's Executive Orders requiring them to either partially or completely shut down.

Skaret said the loans were up to \$15,000 at zero percent interest with the payments deferred until November 1st, 2020. He pointed out November 1st is right around the corner and the situation is still pretty serious with Covid and with the economic impact Jackson businesses are feeling.

Skaret said the Finance Committee really studied the situation. He said the Finance Committee's recommendation is to defer the loan payments for those businesses that request it for a year until November 1st, 2021.

MADDEN/ANDERSON moved and it was unanimously carried to approve the COVID Emergency Assistance Loans repayment deferment for 12 months to November 1, 2021.

FINANCE COMMITTEE RECOMMENDATION: CARES ACT FUNDING UPDATE – APPROVE FORGIVING 45 PERCENT OF PRINCIPAL ON COVID EMERGENCY ASSISTANCE LOANS

Skaret explained this was the second half of the conversation the Finance Committee had at their meeting on Monday evening, October 19th.

Looking at the CARES Act dollars, Skaret said the City of Jackson received about \$256,000 in funds due to the extra expenses related to Covid. He said that money was made available by passage of one of the Covid relief bills by Congress. Skaret said that funding was then funneled down through the States and then to the cities and counties.

Skaret said the City wanted to capture all of the expenses they've had with Covid such as PPE, technology upgrades and the Covid leave for various employees in the Street, Water and Electric Departments who had to stay at home earlier this spring in order to ensure the continuity of services. He said all of those expenses tally up to about \$125,000 so far. Skaret noted that gives the City about \$131,000 left over.

Skaret said the City's goal was always to do something with that left-over money, something a little bit extra for our businesses. He said the Finance Committee is recommending the City forgive 45 percent of the principal on the Covid Emergency Assistance Loans that were just talked about.

Alderman Anderson asked how much would that amount to.

Finck explained the average loan limit was about \$15,000. He said every loan was a little bit different. Finck explained on a \$15,000 loan, it's about a \$6,500 forgiveness. He said to remember the City is using federal dollars to forgive 45 percent of the principal on the Covid Emergency Assistance Loans. Finck said the City's position is net neutral on this. Finck noted businesses are still struggling downtown. He pointed out the Finance Committee discussed their recommendation at length on whether this was the right thing to do. Finck said the discussion was to continue to strengthen the community and to keep it where it is. He said when you look at what the federal outlook is when you talk about vaccines for Covid and how long that's going to take to do immunizations within your population, the Finance Committee thought this was the right move with the loan repayment extension along with forgiving 45 percent of principal on Covid Emergency Assistance Loans. Finck said it also actually puts the City about eight-and-a-half years ahead on the repayment terms by getting the Covid Emergency Funds back into the City's Revolving Loan Fund.

Alderman Anderson asked if the Finance Committee's recommendation meets the criteria for use of the CARES Act relief funding the City of Jackson received.

Skaret said it does.

Cushman said the Finance Committee did have one question on whether or not the loans should be rewritten or leave the loans written the way they are.

Finck said Economic Development Coordinator Tom Nelson was going to get ahold of City Attorney Brad Anderson and Skaret on whether the loans had to be revised or modified.

Attorney Anderson said it's probably simpler to do a simple modification of the note rather than dealing with the security interest that the City has put in place to protect some of the City's funds.

Finck said Nelson and Skaret will be reaching out to Attorney Anderson.

Finck said one thing should be noted that if the City doesn't use the CARES Act money that was allocated to them, the funds have to be returned to the federal government. He said the Finance Committee was trying to find an appropriate use for these funds since the City has them now.

Alderman Anderson said the City should do anything they can do to help these businesses.

Skaret noted the City has to have the CARES Act money used up by November 15th.

Peterson asked how much of the CARES Act money that was allocated to the City has been used so far.

Skaret said the City has used about \$125,000 so far. He said forgiving 45 percent of principal on the Covid Emergency Loans would pretty much take care of the remaining balance.

Attorney Anderson asked Skaret if this would be a permitted use of the CARES Act funds.

Skaret said it is.

FINCK/ANDERSON moved and it was unanimously carried to approve the use of the CARES Act dollars to help replenish the City Revolving Loan Fund and forgive 45 percent of principal on the Covid Emergency Assistance Loans.

712 SOUTH HIGHWAY 71 NUISANCE COMPLAINT FOLLOW UP FROM OCTOBER 6TH CITY COUNCIL MEETING

Skaret said as has been noted, the City has been working on this complaint for quite some time. He said the occupant of 712 South Highway 71, Mike Erickson, has been cited on multiple occasions for various nuisance violations. Skaret asked City Attorney Brad Anderson if that was correct.

Attorney Anderson said the City Attorney's Office reached out to the Sheriff's Department to make sure there's no miscommunication as to enforcement of the City's ordinances and State laws. He said the Sheriff's Department confirmed that if they get a complaint, if they observe a violation, that they will cite Erickson.

Attorney Anderson said he knows there was at least one citation for sure and there was an issue that hasn't come to the City Attorney's desk yet, but it's in the works. He explained when the Sheriff's Department charge these violations, there's a new electronic charging system and sometimes there's an error in entering the codes into the system. Attorney Anderson said there is a citation against Erickson that's in the process for sure right now. He said he didn't know how many total citations, but knows there's a citation in the process for sure. Attorney Anderson said the City Attorney's Office has reached out to the Sheriff's Department on more than one occasion as well.

Attorney Anderson said they have also discussed whether or not there were any building code issues that the City can address. He said the City also confirmed that Erickson's property was hooked-up to the City's sanitary sewer. Attorney Anderson said Monday night he drove by 712 Highway 71 South and didn't see any construction material out in front of the property that he noticed.

Attorney Anderson said he was told that the property was going to be seeded yet this fall which may have been accomplished. He said he doesn't know if it has been seeded, but it's looks a lot smoother on the property like something had been done.

Attorney Anderson noted there was some construction going on at the property recently. He said he noticed that work was being done on a retaining wall. Attorney Anderson said he doesn't know if the retaining wall has been completed or not. He said it doesn't appear there's any construction material on the front side of the property.

Attorney Anderson said there may be issues that are civil in nature between the neighboring landowners and Erickson. He said perhaps a restraining order might be one option that could be taken at look at if a neighbor feels their property is being damaged by Erickson's actions. Attorney Anderson said there are some civil remedies that are available to landowners that deal with Erickson directly.

Attorney Anderson said nobody is holding back on enforcement of any of the City's ordinances at this time that he knows of.

Skaret said they have also talked about the light and noise emanating from 712 South Highway 71. He said the neighboring residents have been instructed that if there's light or excessive noise that they need to call the Sheriff's Office and then the Sheriff's Office will come down and address it.

Tom Brooks said the other night he called the Sheriff's Office because Erickson was now digging again behind his property around 9:30 p.m. He said the Sheriff's Department drove by, turned around and drove by, but didn't stop. Brooks said he called the Sheriff's Department and was told the Sheriff has ordered the deputies that as long as it's not 10 o'clock at night, they can't do anything. But Brooks said according to the nuisance ordinance his wife read to the Council earlier in the meeting, if the noise is annoying or anything after a certain time, he can be shut down. Brooks said he was told by the Sheriff's Department that what Erickson was doing was a construction activity and using a gas-powered machine that could run until 10 o'clock at night. Brooks said if what Erickson is doing is a construction activity, he would like to see Erickson's building permit.

Attorney Anderson noted not all construction activities necessarily require a building permit.

Brooks said he would say that Erickson moving all that dirt around until 10 o'clock at night, every night is kind of a nuisance. He said he really believes something needs to change as far as the hours that Erickson can operate his equipment.

Attorney Anderson said maybe that's something that needs to be looked at. He said the ordinance, as he remembers, does allow construction activities to continue until 10 o'clock and then it's supposed to cease between 10 p.m. and 7 in the morning. Attorney Anderson said it would take Council action to change the ordinance.

Brooks said he thinks it's not just him that's complaining about this. Brooks said to the Mayor and City Councilmembers that if this situation with Erickson was going on in their back yards, "I guarantee you; you'd be here every time and complaining". He said something has got to be done with this guy.

Attorney Anderson said the City Attorney's Office has talked with the Sheriff's Office to make sure we're both on the same page about enforcement. He said he has also talked with the property owner of 712 South Highway 71 about that same issue, so hopefully we're all on the same page. Attorney Anderson said until a deputy can issue a citation, that aspect of it, the City doesn't have any control.

Brooks said Erickson has kind of cleaned up the stuff up top, but all he did was move it down below on the property for now. Brooks said when he looks out of his yard, he sees it.

Cushman asked Attorney Anderson about some conversation at the October 6th City Council meeting about the water runoff, retainage of water in Erickson's back yard that has now become Erickson's neighbor's problem. He asked if the drainage issue has been looked at.

Brooks asked if anyone has been by to look at the property at 712 South Highway 71.

Attorney Anderson said he drove by the property a couple of times. He said according to Tom Brooks' comments and observations, it sounded like Erickson had literally dug up to Brooks' property line. Attorney Anderson said he doesn't know where Brooks' property line is located, but did observe there is a lot of trees, brush or shrubs that were still along an embankment that would be holding the embankment in place.

Cheryl Brooks pointed out that's the observation from one side of the embankment compared to the east side of the embankment.

Attorney Anderson informed Tom and Cheryl Brooks if Erickson is doing something that endangers the lateral support of their property, in other words, Erickson is digging up there and leaving no support to that property, that is a civil issue. He said the Brooks can, as landowners, bring a civil action against Erickson because their property is being damaged. Attorney Anderson said that's nothing the City can do unless it becomes some kind of attractive nuisance. He said he doesn't know of any cases that have ever been prosecuted in that sense.

Brooks said he would invite everybody at the meeting to come up and walk around his backyard and take a look and use their own judgement because right now, he can't explain it enough to the Mayor and Councilmembers.

Attorney Anderson asked Brooks where their property line is located in relationship to their wooden fence.

Tom Brooks said their property line is ten feet down to the south of their wooden fence.

Peterson said he was at Brooks' property a few weeks ago and Erickson has dug right on the property line and then it drops. He said Erickson has dug right up against the Brooks' property line.

Cushman said regarding the water issue and the neighbor east of Erickson, it looks like there used to be a water drainage problem there that's probably been enhanced.

Cushman said maybe we're looking at this wrong. He said maybe we got to get a group together at the site with the property owner of the land to sit and physically look at the back yard, scope that hillside out on the City level and the civil level and see what we've got here. He said he thinks we're messing with the wrong person. Cushman said he thinks the City has to get more directly involved with the person that owns the property.

Attorney Anderson said actually months ago, last winter or fall, there was a meeting with the property owner including the occupant of the property and they had this discussion.

He said there were issues on their side and there were issues obviously on the City's side. Attorney Anderson said at that time one of the City's big priorities was to make sure the sewer was hooked up to the City sewer and wasn't being just dumped someplace. He said it wasn't known where the sewer was draining. Attorney Anderson said the other issues such as the clean-up of the property, removing debris and other items was also discussed at that time. Attorney Anderson said there was a deadline to complete those items by September 1st, 2020. He said it was felt the City gave a very reasonable amount of time to get this all accomplished. Attorney Anderson said everyone left the meeting and it was felt there was a decent, fair agreement in place.

Attorney Anderson said it took Erickson longer than September 1st to get it all done and he doesn't know for sure if it's actually done yet. He said he doesn't know if it's been seeded or not.

Tom Brooks said the property has not yet been seeded. He said Erickson has still been dragging the property. Brooks said every night, Erickson is dragging stuff back and forth, back and forth, back and forth. He said Erickson is like a little kid. Brooks said Erickson will dig up dirt, dump it, drag it, dig it up, dump it, drag it, move the pile here, move the pile there. He said it's an ongoing "pain in the butt".

Attorney Anderson said the City Attorney's Office followed up with the landowners to see if the landscaping project on the property is going to get done or not. He said there were assurances from the actual property owner that it was supposed to be done. Attorney Anderson said everything that the property owners told him is done except the seeding. Attorney Anderson said it looks a lot smoother on the property and he frankly couldn't tell if someone had been on the property to seed it or not. He said he knows a contractor was on the property building a retaining wall and he was hoping the contractor would get the seeding done too.

Cushman pointed out a year ago, the hillside on the property wasn't even an issue. But he said as you drive by the property, it looks like the hillside has gotten pretty evasive on the backside of the property. Cushman said he thinks we physically have to be standing there with the property owner to say "is this acceptable". Cushman said he goes by the property at six o'clock in the morning and a lot of times he sees the lights are still on up in the trees. He said it's all lit up at six o'clock in the morning.

Brooks said it looks like a little city on the property at night.

Peterson said the lights are also on at 4 o'clock in the morning.

Cheryl Brooks said the lights are on all night long.

Cushman said if something could be arranged for an on-site visit with whoever has to be there with the property owners to look at the property on a dry or wet day, it doesn't really matter.

Cushman said he thinks we have to physically stand there in the back yard, have permission to be there with the landowner to say "is this acceptable?" He said this just comes down about being a good person. Cushman said this isn't some City ordinance, it's about being a good person.

Brooks said it's about being a good neighbor.

Cushman said whatever we do, there's always a comeback. He said he can see the post already tomorrow on Facebook because the City stood up to this. Cushman said but at some point, "we've got to stand there and look at this and say this is not acceptable".

Markman, who is a neighbor of Erickson, said Erickson does nothing during the day. He said it's not like Erickson goes to work, leaves and then comes back and has to do this. Markman said Erickson chooses to do this on purpose. He said you can almost set your clock by it. Markman said when he goes home and travels up the hill on Bluff Avenue, Erickson sees him and then fires up his equipment at 3:30. Markman said if he comes home later in the afternoon, then Erickson will start-up his equipment. He said it's planned. Markman said Erickson is methodical that way.

Attorney Anderson said if he remembers correctly, the agreement that was reached between the City Attorney's Office, the property owners and Erickson, even addressed the lights shining during the night because it was known that was an issue.

Finck said with all the items that were included in the agreement and that it's past the deadline, to Cushman's point, it's time to get a group together, the City Attorney, City Administrator and if the Sheriff needs to be there along with the homeowner and let's sit down at the property and go through this. He said there needs to be an acceptable resolution to this for neighborhood peace, and there's not right now from what he hears from Tom Brooks and the group.

Tom Brooks said they're willing to basically get along with Erickson if Erickson would choose to get along. Brooks said every time they drive by, they get flipped off, no matter what. He said if they walk in their backyard and Erickson is down below on his property and sees them, Erickson flips them off. Brooks said "that gets pretty old". Brooks said he don't care who you are, if every time you drive by and you make one little look over to Erickson's property, he flips you off. Brooks said one night he told he and his wife to quit their f'ing staring. He said "it just gets old".

Brooks said they're willing to get along. He said they want peace.

Cheryl Brooks said they want peace. She said they want to keep their home and we want peace.

Tom Brooks said as of right now, Erickson had devalued their home by what he has done and that is not right. He said if they wanted to sell their home, nobody in this world would buy it with that guy living on the property down below them. Brooks said somebody looking at their house to buy it would ask what's going on at the property down below you. Brooks said all we could say would be "we don't know". He said you know why, because nobody knows.

Tom Brooks said nobody has went down and talked with Erickson to find out what he's doing. Brooks said he can't.

Attorney Anderson said Erickson was in the City Attorney's Office last fall or winter and talked to.

Finck said something changed since then because September 1st was the deadline so it's time to find out because it's almost November.

Cushman said it needs to be looked at to see where the City is regarding the agreement that was put together with Erickson and the property owner. He noted it was a great year to get everything done that Erickson needed to get done. Cushman said there were no weather-related excuses this year whatsoever. He said so why aren't we done. Cushman said the meeting could be held with the property owner. He said he doesn't even think the occupant has to attend the meeting. Cushman said he really don't care, the occupant is out of the issue at this point, but the owner of the property is. He said it's a City issue as well.

Cushman said he thinks we sit down; we figure it out and we see where we go from here. He said he thinks we have to because otherwise it's not going to get done.

Finck said in his opinion, somehow in the next two weeks, a meeting should be established before the next Council meeting to know where we're at.

Cushman said if a Council representative is needed, he'd be happy to attend and be part of that meeting.

Alderman Anderson said he would also be willing to attend the meeting.

Cushman said he will attend a meeting only if the property owner is in attendance. He said he's not going to deal with the occupant of the property.

Brooks commented you can't deal with the occupant.

Cushman said he's not going to deal with the occupant but is going to talk with the owner of the property.

Mayor Walter said he thinks the Council has some direction and hopefully finds out where we are heading. He thanked Councilmen Cushman and Anderson for offering to attend a meeting with the property owner.

Tom Brooks thanked the City Council.

REMINDER: NOVEMBER 3RD CITY COUNCIL MEETING RESCHEDULED TO THURSDAY, NOVEMBER 5TH AT 5 P.M. DUE TO THE GENERAL ELECTION

Mayor Walter said the Councilmembers are reminded that the November 3rd regular Jackson City Council meeting has been rescheduled to Thursday, November 5th at 5 p.m. He said the meeting has been rescheduled due to the General Election occurring on November 3rd. Mayor Walter said the meeting will be held an hour-and-a-half earlier and two days later than usual.

Finck said he will try to join the meeting via Zoom because he will be out of town on November 5th.

SET GENERAL ELECTION RESULTS CANVASSING MEETING: NOVEMBER 12TH OR 13TH

Skaret said the City Council doesn't have much of a choice. He said the State will be still accepting ballots until November 10th. He said the votes have to be canvassed and certified by November 13th.

Finck asked City Clerk Maschoff which day would work the best for a canvassing meeting.

Maschoff said either November 12th or 13th will work. He said having the canvassing meeting on November 13th would give more time for the County Auditor's Office to finalize their reports.

Mayor Walter asked if it would be a short meeting.

Maschoff said it would.

CUSHMAN/PETERSON moved and it was unanimously carried to set the General Election Results Canvassing Meeting on Friday, November 13th, 2020 at 12 noon at the Jackson City Hall.

CLOSED SESSION

CLOSED SESSION PURSUANT TO MN STATUTES CHAPTER 13D.05 SUBD. 3(C) TO CONSIDER THE PURCHASE OF REAL PROPERTY AND CLOSED SESSION PURSUANT TO MN STATUTES CHAPTER 13D.05 SUBD. 3(B) FOR ATTORNEY-CLIENT PRIVILEGE

Mayor Walter asked for a motion for the City Council to go into Closed Session to consider the purchase of real property and for attorney-client privilege.

FINCK/ANDERSON moved and it was unanimously carried to for the City Council to go into Closed Session at 7:37 p.m.

RETURNING TO OPEN SESSION

Mayor Walter asked for a motion for the City Council to go out of closed session.

ANDERSON/PETERSON moved and it was unanimously carried for the City Council to return to open session at 8:18 p.m.

(There was no Council action on any items upon returning to Open Session)

Other:

City Administrator Matt Skaret

MRES Refund

Skaret noted there was a letter from Missouri River Energy Services in the Council's Consent Agenda that the City of Jackson is getting a one-time refund of about \$130,000. He explained the refund is largely due to Covid and lower than expected expenditures for MRES. Skaret said MRES is giving all of their member communities a share of some excess funds that they have. He said the City of Jackson's share is about \$130,000.

Splashpad Update

Skaret reported the splashpad passed inspection last week. He said he had about a 40-minute conversation on October 20th with the president and regional manager of Vortex, the company contracted to install the splashpad. Skaret said Vortex is going to try and make the City of Jackson happy.

Skaret said Vortex's president and regional manager were very concerned about the City of Jackson's experience during the construction of the splashpad. He said the company is going to bring in eight feet of sod around the perimeter of the splashpad so it's not as messy next spring. Skaret said the company will also seed grass over the rest of it.

Skaret said Vortex also wants to give the City something extra. He said they want to give the City a shaded feature/umbrella for the seating area at the splashpad. Skaret said he was seeing if Vortex would give the City something extra for all of the hardship during the construction process of the splashpad.

Cushman thanked Skaret for taking care of the matters related to the splashpad.

ADJOURNMENT

With no further business, Mayor Walter asked for a motion to adjourn.

PETERSON/ANDERSON moved and it was unanimously carried to adjourn the City Council meeting at 8:22 p.m.

David A. Maschoff, Council Secretary

Wayne Walter, Mayor

