

MINUTES
BUHL CITY COUNCIL MEETING
BUHL CITY HALL
10/17/2023

Tuesday, October 17, 2023

6:30 P.M.

1. **CALL TO ORDER** by Mayor Carter at 6:30 p.m.

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL:**

Councilors: X Hadrava X Kealy X Loeffler X Towner
Mayor: X Carter

Administrator: X Jeffries
Public Works Foreman: Pink
Attorney: X Kearney
Engineer: X Jamnick

4. **APPROVAL OF AGENDA/COUNCIL ADDITIONS TO AGENDA**

ADD item 8.D.1 - Damian 2nd Addition Electrical Service Provisions and Installation.

Motion by Kealy to approve the agenda as amended.

Supported by Towner.

Discussion. Approve/Reject/Table.

Motion carried unanimously.

5. **REPORTS FROM DEPARTMENT HEADS:**

Police Chief Vernon Manner:

Chief Manner addressed the City Council regarding an overview of the Police Department's activities in the community –

Commented that generally, things are going smoothly;

Indicated that Calendar Parking begins November 1; the department will start with warnings rather than citations to get residents used to the program again;

Indicated that Community Service Officers (CSOs) did administrate the blight program throughout 2023, but indicated that the department realizes there are still ongoing issues;

Mayor Carter offered thanks for the services that the Chisholm Police Department is providing Buhl, and that they are doing a great job here and that the community is happy to have them here (in the city).

Councilor Kealy asked whether residents should contact the City or contact the Department regarding blight issues – Chief Manner responded to contact the Department, and reminded all that 911 is not only for emergencies any longer.

Councilor Kealy followed up with a similar question regarding parking issues – Chief Manner indicated to contact the Department for these issues as well -

Administrator Jeffries:

Indicated that the Public Works Department is busy preparing for the winter season, with activities such as tree trimming and stump removal ongoing –

Indicated equipment is also being evaluated for its fitness for use and duty entering this winter season –

Mentioned an option exists for delivering electrical power to the Damian 2nd Addition neighborhood and indicated this will be taken up under agenda item 8.D.1. –

Indicated that municipally-sponsored fall clean-up activities are over, but encouraged residents to clean up their yards and properties as best they can -

Highlighted items addressed at an October 10, 2023 Long Range Planning and Zoning Commission meeting, which included:

1. Summary of 2023 permitting and construction work through $\frac{3}{4}$ of the year – 39 building permits/land use permits issued through September 30, 2023;
2. Discussed the matter of the collapsed building located on the corner of Forest St. and Culver Ave., and future use considerations of this property;
3. Discussed the Car Wash building regarding the same, and noted that there has been considerable movement in making that property look presentable; and commented that recent activities have been curtailed;

4. Discussed the conditional use permitting process in general as it applies in the City of Buhl, noting that the Long-Range Planning and Zoning Commission acts in an advisory authority and recommendation capacity on these matters and that final decision-making resides with the City Council; and
5. Discussed the consideration for zoning district re-evaluations, and/or re-bounding (a) district(s), and explained the difference between all the existing zoning districts in the city.

6. CITIZENS FORUM:

None.

7. CONSENT AGENDA

A. Minutes:

- i. Regular City Council Meeting – October 3, 2023

B. Claims:

i. Payroll #20		\$ 14,812.67
ii. A/P		<u>\$ 84,076.87</u>
TOTAL		<u>\$ 98,889.54</u>

Motion by Towner to approve the consent agenda.

Supported by Kealy.

Discussion. Approve/Reject/Table.

Motion carried unanimously.

8. BUSINESS:

- A. Approval of Schedule Change for November 7, 2023 City Council Meeting to Avoid Conflict with Election Day.

November 7, 2023, is Municipal General Election Day in Minnesota for many counties, school districts, and municipalities.

As a rule, no state agency, board, commission, department, or committee shall conduct a public meeting on the day of the state primary or general election.

Although no municipal elections are scheduled that day in the City of Buhl, it is special election day for Independent School District No. 712, the Mountain Iron-Buhl District.

As such, it is reasonable and appropriate to recognize this election day, and in order to conform with the intent of the rule and statute, the date of the November 7, 2023 City of Buhl Council meeting should be rescheduled.

Recommendation is to reschedule the Tuesday, November 7, 2023 City of Buhl Council meeting to Monday, November 6, 2023, at 6:30 p.m., in the City Council chambers at City Hall, 300 Jones Ave., Buhl, MN.

Motion by Kealy to reschedule the Tuesday, November 7, 2023 City of Buhl Council meeting to Monday, November 6, 2023, at 6:30 p.m., in the City Council chambers at City Hall, 300 Jones Ave., Buhl, MN.

Supported by Loeffler.

Motion carried unanimously.

B. Resolution 23-64 for the City to Accept a Donation to the Buhl Public Library.

The City has received an offer of donation related to operations at the Buhl Public Library.

Edwin and Connie Fillman have offered a donation of \$25.00 to the City as a financial contribution toward the library's 2023 operational needs as members of "Friends of the Library".

Recommendation is for the City to accept this donation.

Motion by Loeffler to authorize the City to accept a donation from Edwin and Connie Fillman in the amount of \$25.00 for 2023 Buhl Public Library program initiatives and operational needs, to execute Resolution 23-64 concerning the same, and to acknowledge these donations with appreciation.

Supported by Kealy.

Discussion. Approve/Reject/Table.

Motion carried unanimously.

C. Update on Restorative and Punch List Corrective Items for Alley F West of Memorial Drive Between Pennsylvania Avenue and Whiteside Avenue.

The City Council requested and received an update from the City Engineer, John Jamnick, of JPJ Engineering, Inc., regarding this item and other punch list related items at the October 3, 2023 City Council meeting.

Considerable additional comment, suggestion, discussion, and feedback that had been received from the public at this meeting was reviewed, as well.

The City Engineer proposed a modification to Alley F to attempt to address, remediate, and resolve the issues with the present condition of this alley, which was introduced and presented by staff. This modification included an alteration to the elevation profile of this alley in the affected area(s).

Project construction activities related to this item were performed the week of October 9-13, 2023, with the new profile of this alley completed.

Performance of this modification as it relates to alleviating and remediating the outstanding drainage issue(s) will be monitored as future weather events occur.

Informational only.

City Engineer Jamnick offered several comments, including –

Last week Alley F (west of Memorial Drive between Pennsylvania Ave. and Whiteside Ave.) restorative and re-grading activities were completed; at this time it looks like it is going to work –

Steps in front of Lutheran Church repaired/reconstructed;

Miscellaneous paving repairs were undertaken, and some remain;

Noted that other Casper Construction related items have been addressed; and

Noted that all concrete-related work has been done.

D. Update on Damian 2nd Addition and Miscellaneous Work Construction.

The City Council requested and received an update from the City Engineer, JPJ Engineering, Inc., regarding this item at the October 3, 2023 City Council meeting.

Construction activities related to this item re-commenced and were conducted the week of October 9 – 13, 2023. Work was performed at the Damian 2nd Addition as well as Woodbridge Ave. east.

Substantial progress was made during this period, and additional activity is anticipated to continue during the remainder of October.

It is staff's position that projected completion of the remaining project activities remains anticipated by the end of October.

Information only.

City Engineer Jamnick offered several comments on these items, including -

Contractor has been doing some grading, especially on the west side of the development, where they levelled out excess material that was placed there; east side grading is now following;

Will be excavating Jefferson Ave. soon to begin work on reducing an existing hump in the road and to straighten out the roadway corridor;

Have re-located some utilities in this area;

Working on establishing building elevations to accommodate property owner considerations, especially as it related to siting new structures (houses; garages);

Discussed a turn-around at the east end of Woodbridge Ave is being worked on;

Noted that October 31st is the current established curb and gutter installation date, but also noted that this is substantially at the mercy of the weather in the upcoming future;

Clarified that the re-alignment of Jefferson Ave. is all in the existing right-of-way and will not substantially impact existing parkland on the east side of Burton Park.

D.1 Damian 2nd Addition Electrical Service Provisions and Installation.

As construction activities at the Damian 2nd Addition continue to move toward completion, one of the open items is to determine how electrical service to the new lots will be provided.

The City needs to work and partner with Minnesota Power to provide the service main feed(s) and service junctions. The option to provide electrical power is either overhead or underground.

The City Public Works Department has evaluated both options, and suggests overhead feed(s) are desirable primarily due to their cost basis.

Minnesota Power has provided a Scope of Work and cost estimate for a new 3-phase overhead line installation/relocation (attached). The initial cost estimate for this installation is \$43,500, and would provide a power connection site for each lot.

Cost for underground installation of the same is City estimated in excess of \$60,000.

It is the City's understanding that these project activities and costs are outside the scope of, and not a part of, the existing contract(s) for developing these properties.

Recommendation is to accept the Minnesota Power estimate of October 16, 2023 to provide electrical service to the Damian 2nd Addition for \$43,500.

Motion by Kealy to accept the Minnesota Power estimate of October 16, 2023 to provide electrical service to the Damian 2nd Addition for \$43,500.

Supported by Towner.

Discussion. Approve/Reject/Table.

Clarification was requested by the City Council that:

1. This item was/is not a part of the existing construction plans or contract(s);
2. This work, and its cost(s), were not a part of the original proposal; and
3. This is an extra cost to the contract(s) which will be borne by the City.

Administrator indicated that that is his understanding of the matter.

Engineer Jamnick clarified that this item is not included in existing contract(s).

Jeffries explained his understanding of the project details and activities, and noted a possibility of some cost savings if some existing equipment can be utilized and if the soil conditions of the project site are found favorable for underground installation(s).

Comment was made that many thought this project was fully funded.

Discussion ensued related to the upside/downside regarding whether to act on this now, or wait until spring of 2024. There appears to be a clear advantage with acting on this now.

Councilor Kealy asked where this funding will be coming from; Administrator indicated that the most legitimate source appears to be the electric fund, which is an enterprise fund, and at this time has a sufficient balance in it to cover these activities.

It was noted that Public Works has been aware of this item and recommends an overhead installation of these services.

Motion carried unanimously.

E. Update and Discussion on 98 Forest St. Property and Use Thereof.

DonLee Pulford is the title holder of two (2) parcels of land in the City located at the northeast corner of Forest St. and Culver Ave. housing a large commercial structure.

This existing structure on these commercially zoned (C-1) properties has collapsed and is non-repairable. Demolition of this structure and removal of the building materials and its contents is the only plausible remedy to this situation.

Mr. Pulford has on several occasions indicated he is aware of and understands this issue, and also indicated that it is his intention to remedy this by November 1, 2023.

Nevertheless, due to a lack of progress regarding these clean-up and removal activities, this item was brought before the City Council on September 19, 2023.

The City Council directed that the City Attorney prepare a letter memorializing that this matter must immediately be addressed, and these parcels remedied into a safe and presentable condition. If this is not achieved, it will be the intention of the City to declare a public health emergency and to direct that these demolition actions be taken, with the expense of these activities and any associated costs thereto being transferred to the responsibility of Mr. Pulford.

This letter is anticipated to be delivered to Mr. Pulford in the immediate future.

Additionally, staff continues to explore and pursue other potential remedies and avenues of remediation, including but not limited to working with potential demolition contractors to determine the scope and approximate cost of realizing this remediation, working to determine if assistance with any remedy may be available through the Mn Department of Iron Range Resources and Rehabilitation (IRRR) Community Development programming, and working with the St. Louis County Planning & Community Development department concerning the same.

Information only.

Administrator indicated that it is becoming increasingly apparent that any action which may provide assistance will take substantial time, certainly a matter of months.

Attorney Kearney indicated that the letter to Mr. Pulford is ready, explained that the mechanism – even if it is litigation with a default summary judgement – is usually drawn-out, and that usually the best course is to get consent from the owner undertake these activities on their behalf, and to charge and assess the costs of demolition against the real estate.

It was also noted that it appears unlikely that the owner has the resources to accomplish this.

It was noted that obtaining control of the property is desired by most funding agencies prior to offering potential assistance.

Administrator indicated the City is looking into potential Community Development Block Grant (CDBG) assistance for this initiative, although it is by no means certain that this assistance may be determined as eligible.

Administrator also noted that estimated demolition quotations received thus far have ranged from \$17,000 to \$37,000.

Administrator indicated that the timing of any potential assistance would be into fiscal year 2024, and activities would likely not be able to occur until end of 1st quarter 2024, at the very earliest. Legal timeframe for the same is extremely difficult to estimate with any confidence.

Mayor Carter highlighted the public health and safety sensitivities inherent with the present situation, and the City's duty to be aware of this.

Staff will continue to explore all legal and funding assistance avenues which may be available to the City.

F. Update on Potential Location for City of Buhl Youth Center.

Staff has been working with the owner(s) of the B2 Bank property (formerly the First National Bank of Buhl) located on the northwest corner of State Street and Jones Avenue, as a potential location for establishing a youth (teen) center in the City of Buhl.

Current opinion is that this facility is very favorable and desirable to serving in this capacity, and staff has recommended that the City pursue acquiring rights to accessing this facility for these purposes.

B2 Bank had previously taken this under their consideration.

Staff recently met with B2 Bank administration, and, as a result, it is anticipated that B2 Bank will offer an arrangement which will provide this facility for use by the City in the near-term.

The form of this arrangement may be, initially, a leasehold interest for the City to obtain exclusive use of the facility.

Details regarding the availability date of accessing the facility are forthcoming, and at this time staff anticipates a reasonable possibility of obtaining this access by the end of the year, if not by December 1, 2023.

Informational only.

Councilor Loeffler inquired whether or not anything further has been forthcoming from St. Louis County regarding a grant application for funding to assist in this endeavor; Administrator indicated no further information has been received as of this date, however is anticipated before year's end.

G. Schedule Working Session for Continued 2024 Budget Initiatives.

The preliminary City budget for fiscal year 2024 was introduced at the September 19, 2023 City Council meeting.

A dedicated fiscal year 2024 budget working session was held on September 28, 2023 by the City Council, with an additional session scheduled for October 19, 2023.

The final budget, and associated tax levy, will need to be prepared and completed by the end of December 2023.

Although substantial headway has been made in reviewing and evaluating the proposed 2024 budget, it is anticipated that additional dedicated time for further evaluation and review may be warranted in order to achieve a workable fiscal year 2024 budget that is acceptable to the City Council.

Staff preliminarily proposes Thursday, November 9, 2023 at 6:30 p.m. for an additional dedicated fiscal year 2024 budget working session, in the City Council chambers in City Hall, if deemed necessary.

Information only.

It was noted that November 9 will not work; the City Council will consider a date, if needed, after the next budget working session which is scheduled for Thursday, October 19, 2023.

H. Closed Session – Employment Agreement Negotiations.

The City of Buhl is a statutory city organized and operated under the laws of the State of Minnesota.

Mn Statutes § 13D.01 provides that all meetings conducted by a statutory or home rule charter city must be open to the public, with some exceptions.

A public body is permitted to close a meeting under certain circumstances, including to discuss labor negotiations.

The City desires to discuss labor and employment agreement negotiations as it applies to the City Clerk-Treasurer-Administrator (CCTA), and, as such, is permitted to close a public meeting to engage in these discussions.

This meeting will be closed as permitted under Mn Statutes Section § 13D.03 to discuss the City's labor negotiation strategy related to the City's employment agreement with the CCTA.

Motion by Hadrava to authorize closing the October 17, 2023 City Council meeting as permitted under Mn Statutes Section § 13D.03 to discuss the City's labor negotiation strategy related to the City's employment agreement with the CCTA.

Supported by Towner.

Discussion. Approve/Reject/Table.

Motion carried unanimously.

Motion by Kealy to re-open the October 17, 2023 City Council meeting as permitted under Mn Statutes Section § 13D.03 to discuss the City's labor negotiation strategy related to the City's employment agreement with the CCTA.

Supported by Towner.

Discussion. Approve/Reject/Table.

Motion carried unanimously.

I. Other Business.

Stuart Lehman, Fire Chief, invited the public to not hesitate in contacting the Fire Department, and gave a summary report of the Department, including:

They have responded to a number of calls in the last few months, including the brush pile near the recycling center (was started on fire by others); a vehicle fire on Highway 169; and a few other brush fire calls.

Noted that the radiator for the brush truck needed to be replaced;

Noted that there may be a new firefighter hire in the near future;

Noted that a Fire Department fundraiser is being contemplated (with additional discussion from Councilor Kealy);

Indicated that Fire Department retirements and their financial impact are being studied (20 years is fully vested in the Department retirement, which cannot be accessed until 50 years of age);

Noted that in Buhl you must reside within a 30-minute response time window and that an individual cannot serve another department simultaneously; and

Noted that (truck) delivery pumps needed to be tested and serviced, and that PACs are scheduled to be (flow) tested, also.

J. Councilor's Comments.

Councilor Towner –

Halloween is coming! Get your floats ready for the parade!

K. Mayor's Comments.

Thanked everyone for their patience, especially with regard to the closed meeting, and noted that "we (the City Council) really try to serve our community to the best of our abilities"...

9. ADJOURN:

Motion by Kealy to adjourn. Supported by Loeffler. Motion carried unanimously and the meeting was adjourned at 9:13 p.m.


Brandin Carter, Mayor

ATTEST:



Tony Jeffries, City Clerk