

Mayor Dave Olson called the City Council meeting to order at 6:00 p.m. September 14, 2020 with the Pledge of Allegiance. Council present: Mayor David Olson, Cheryl Sanden, Cody Mathers, Emily Krage, and Tony Schultz. Staff present: Brett Hurley, Michelle Quinn, Randy Thesing, Suzie Peterson

Public Comment: None

Mike Murphy/Land Issue: Mike Murphy provided an overview of the existing land issues with James Chapel. The City is currently going through the process of quiet title to clear the title and ensure a good legal description for the wastewater treatment plant. It was noted James Chapel, owns land to the south of the WWTP and Green Acres Properties to the east and Farmers Win Coop to the west. In addition to the land housing the WWTP, the City wishes to include access which is an extension of Sheridan Street. To do so, Mr. Murphy recommended granting an easement to Farmers Win Coop to utilize the access road. It is possible others utilize the access road also.

There is clouded title for a small parcel of property located west of State 76 involving James Chapel. This is land that is intended to be sold to the International Owl Center once the title has been cleared. The clouded title is the result of a gap in legal descriptions. The City had a verbal contract with Mr. Chapel to provide a legal description for the parcel of land lying south of the wastewater treatment plan in exchange for Mr. Chapel signing a quit claim deed for the property located west of State 76.

Prior to execution of the verbal contract Mr. Chapel indicated he wished to have the City correct another area of concern. This is a bin site property owned by his father Vernon Richard Chapel. The cost for a survey to develop a legal for the property has been estimated by Andy Lutchens, Licensed Surveyor at approximately \$2,300. Mr. Murphy provided information related to the bin site dating back some time which shows it was the City's intent to clear the bin site property issues long ago.

Randy Thesing noted the bin site property borders the levee. He stated the City should retain 15 feet from the toe of the dike. This provides for compliance with the current standards the Army Corp of Engineer's has established for this type of project. The standard when the dike was constructed was 10 feet.

Quinn stated the City had a verbal contract with Mr. Chapel which he now finds unsatisfactory and questioned whether there was a way to ensure if council takes action to negotiate an amicable resolution to all of the land issues that the City will be assured that once requests are met, Mr. Chapel will provide the agreed upon signatures in exchange. Essentially, is there a way to protect the City from any change in conditions. Mr. Murphy stated that was possible.

Quinn indicated council had approved a not to exceed dollar amount and the legal which was drafted as part of the verbal agreement came in under budget so funds were available to cover the cost of the survey in the event council authorized it. When it was questioned who would bear the cost to prepare any required legal documents to clear title on the bin site, Mr. Murphy stated he would bear that expense.

The other option the City discussed would require additional legal action which could prove more costly in the long run and could be contested.

Discussion was held. It was the consensus of the Council to proceed with having an agreement drafted to ensure conditions were defined and would be adhered to whereby Mr. Chapel would sign the necessary document to clear title on land west of State 76 in exchange for a legal description for the land located south of the wastewater treatment plant and authorize the use of previously allocated funds to proceed with the survey which will create a legal to clear title on the bin site property owned by Mr. Vernon Richard Chapel reserving a 15 foot area from the toe of the dike to ensure the City remains compliant with ACOE requirements related to the dike structure and with the understanding that Mr. Murphy will bear the cost for necessary legal documents related to the bin site and to accept the recommendation to provide an access agreement to Farmers Win Coop for the extension of Sheridan Street. This will provide an amicable resolution to several outstanding land issues in the most cost-effective manner.

Lincoln Street Project Zenke Inc. Payment #4: Matt provided an overview of work completed to date which is attributable to the current pay estimate for Zenke Inc. This work includes Athletic road blacktopping in addition to work completed on Lincoln Street. Motion by Sanden, seconded by Schultz to approve the payment to Zenke, Inc. in the amount of \$295,479.96. Motion carried unanimously.

Water Treatment Plant Wapasha Construction Co. Payment #18: The contract amount for the project was 2,686,927.58. Certified to date is \$2,686,927.58. Motion by Schultz, seconded by Krage to adopt Resolution No. 2020-18 and approve final payment #18 to Wapasha Construction Co. in the amount of \$53,738.55. Motion carried unanimously.

RESOLUTION NO. 2020-18

WHEREAS, The Water Treatment Plant Project has in all things been completed, and the City Council being fully advised in the premises,

THEREFORE, BE IT RESOLVED, that we do hereby accept the completed project for and in behalf of the City of Houston and authorize final payment as specified herein.

Lincoln Street Tree Planting: Matt Mohs has analyzed the project budget for Lincoln Street. He is confident there are funds available to cover the cost to plant approximately 10 trees. The landscape architects have prepared a proposal for species and location of trees. They took into consideration remaining tree stock and developed their recommendation to best restore the cityscape. A variety of tree species have been suggested to mitigate the loss of multiple trees resulting from a disease and to match tree species to soil types to ensure success. Schultz questioned whether tree board goals and specifications were considered. Mr. Mohs reported the tree board information was the starting point and taking into consideration the city scape and benefit to the community. Sanden expressed support for the recommendation as did Mayor Olson. Mr. Mohs indicated with council approval the next step would be to engage the residents in discussion and consider their opinions to further hone the plan. He reiterated the tree selection was intentional being mindful of location, spacing, and soil types to ensure living success of the trees. The tree planting could be performed as a change order to the contract with Zenke Inc. however the contractor may not favor this option. Another option would be to engage the services of a local nursery for this work which is likely the most beneficial option. It was the consensus of council to proceed with discussing the recommendation with residents to further hone the plan.

Community Center Renovation Bonding: Motion by Mathers, seconded by Sanden to adopt Resolution No. 2020-19. Motion carried unanimously.

RESOLUTION NO. 2020-19

SETTING DATE FOR A PUBLIC HEARING ON THE APPROVAL OF A TAX ABATEMENT FOR FINANCING
COMMUNITY CENTER IMPROVEMENTS

WHEREAS:

1. The City of Houston has determined it necessary and feasible to assist the City with costs associated with improving a Community Center; and
2. The City Council intends to abate its share of property taxes on the parcels to finance eligible project costs, under the authority of Minnesota Statutes 469.1812 to 469.1815 (“the Act”); and
3. Prior to approving an abatement resolution and the use of tax abatement the City must hold a public hearing.

THEREFORE, BE IT RESOLVED, by the City Council as follows:

1. Public Hearing. The City Council shall hold a public hearing on the use of tax abatement to assist the City with eligible costs associated with improving a Community Center, at 6:30 p.m. on Tuesday, October 13, 2020 at the City Hall in Houston. Staff is directed to publish notice of this hearing as required by the Act.

Community Center Renovation Contracts: Motion by Schultz, seconded by Sanden to approve Community Center renovation agreements with 7 Rivers Mechanical, Brickl Bros., and Paxton Electric and authorize the Mayor’s signature.

One-Way: Motion by Sanden, seconded by Schultz to adopt Resolution No. 2020-20. Motion carried unanimously.

RESOLUTION NO. 2020-20

ESTABLISHING ONE-WAY TRAFFIC ON A PORTION OF ELM STREET

WHEREAS, Elm Street is currently a two-way street, and

WHEREAS, Elm Street boulevards are narrow and insufficient to allow for the installation of ADA compliant sidewalk, and

WHEREAS, Elm Street, between the school buildings, is frequently utilized by pedestrian traffic made up of Houston School District students and faculty, Hurricane Watch participants and community members, and

WHEREAS, the City Council desires to provide for safe passage of pedestrian traffic.

THEREFORE, BE IT RESOLVED, by the City Council of the City of Houston designates the portion of Elm Street which lies between Sherman Street and Jackson Street to be one-way traffic running east, and

BE IT FURTHER RESOLVED, a pedestrian lane will be installed on the south side of Elm Street between Sherman Street and the junction of the north south alley located between Lincoln and Jackson Streets, and

FURTHERMORE, parking will continue to be allowed along the north side of Elm Street.

CARES Business Relief Grant Program: Council received a listing of 7 businesses who qualify for the City's Business Relief Grants. Motion by Krage, seconded by Schultz to approve CARES Business Relief Grants in the amount of \$1,000 to the following: Baristas Coffee House LLC, Houston Dental, Houston American Legion, International Owl Center, Loken's Saw Mill Inn & Suites, Inc., River Valley Convenience Store, and Snow's Beauty Salon. Motion carried unanimously.

CARES Funding Update: Information was provided to council to show what CARES funds have been spent, allocated and proposed. Motion by Krage, seconded by Sanden to affirm the CARES Act Funding Expenses as presented, authorize funding for the purchase of a power lyft cot for the Houston Ambulance, authorize the use of funds to cover the cost of COVID related staff time and authorize the clerk/administrator and finance director to reallocate unused CARES Act Funds for the purchase of proposed ambulance items in the event allocated funds remain unspent as the deadline for use draws near. The cot will ensure continuity of service and provide for ambulance staff safety when transporting patients since crew staffing has been reduced in response to COVID. It was noted council would continue to receive fund use updates from staff for affirmation.

Ordinance Amending the Schedule of Fees and Charges: Quinn reported several fees and charges have been amended over time however, the ordinance has not been updated to reflect the changes. As a matter of housekeeping, ordinance 236 was presented for consideration. This does not change how the City has been charging residents. It does eliminate the option for a "winter rate" for water and sewer charges as was strongly recommended by Auditors. Motion by Sanden, seconded by Schultz to adopt Ordinance #236 amending the schedule of fees and charges and establishing the New Community Center Rental rate at \$300. Motion carried unanimously.

Council Wages: Discussion was held regarding a possible change and/or increase to the per diems paid to council members for regular and special meetings. The last time the council pay structure was amended was 2006. Some suggestions included authorizing a per diem for special meetings in an amount of \$30, a pay structure whereby the first council meeting each month would be set at a given rate with subsequent special meetings at a reduced rate, suggested was 50% of established rate and one per diem per day only. Some members expressed concern with increasing council per diems. It was noted a change to the pay structure may result in attracting council member candidates in the future. Any change made to the pay structure would not be effective until January 2021.

Preliminary Budget & Levy: Discussion was held. The preliminary levy reflects an increase of 5%. This amount is attributable to additional debt service needs. Motion by Sanden, seconded by Schultz to adopt Resolution 2020-21. Motion carried unanimously.

RESOLUTION 2020-21
ADOPTING PRELIMINARY 2021 BUDGET
AND PRELIMINARY TAX LEVY, COLLECTABLE IN 2021

Be It Resolved by the city council of the City of Houston, County of Houston, Minnesota, adopts the Preliminary 2021 Budget and that the following sums of money be levied for the current year, collectable in 2021, upon the taxable property in the City of Houston, for the following purposes:

GENERAL FUND	186,745
LIBRARY FUND	38,000
FIRE FUND	8,500
PARK/REC FUND	8,100
NATURE CENTER FUND	48,000
2011A SHERMAN STREET BOND	37,200
2016A ELLSWORTH STREET BOND	73,830
2017A STREET & UTILITY IMPROVEMENT BOND	55,625
2020 MIENERGY LOAN	30,000
2020B LINCOLN STREET RECONSTRUCTION BOND	33,600
2020C COMMUNITY CENTER RENOVATION BOND	<u>18,000</u>
TOTAL LEVY	\$537,600

Dynamic Braking within City Limits: City Code already prohibits dynamic braking within the city limits. Signs may be posted at city entrances subject to MN DOT District 6 and Houston County Highway Department regulations and/permitting. Schultz questioned Chief Hurley on enforcement. Chief Hurley suspects signage would provide public education which may be lacking currently and effectively reduce the use of the devices. To date, the Police Department has not enforced the ordinance. Motion by Schultz, seconded by Sanden to authorize the placement of signs at city entrances. Quinn to find out and pursue proper permitting for approved signage.

EMT Training: Motion by Sanden, seconded by Krage to approve Resolution No. 2020-22 and approve agreement and commitment to serve with Robert Walker Sr and Robert Walker Jr. and authorize appropriate signatures on said agreements. Motion carried unanimously.

RESOLUTION NO. 2020-22

WHEREAS, the City of Houston relies on volunteers to staff the City ambulance and serve as Emergency Medical Technicians (“EMTs”)

WHEREAS, the City of Houston may agree to reimburse a volunteer for the costs associate with the 130-hour training, or similar training required to become a certified EMT (“EMT Training”) after: (1) a volunteer’s successful completion of the EMT Training; and (2) execution of a one-year written commitment of service agreement between volunteer and the City of Houston to serve as an EMT for the City of Houston (“Commitment”)

WHEREAS, in the event of a financial hardship, a volunteer may petition the City council and request that the City pay the costs associated with completing the EMT Training. The City may, at its sole and absolute discretion, agree to pay the EMT Training costs to the provider of said EMT Training on behalf of the volunteer after: (1) execution of the Commitment between the volunteer and the City of Houston; and (2) a complete review of volunteer's circumstances and request for financial hardship waiver.

NOW THEREFORE, this Resolution was duly moved and unanimously by all City Council members of the City of Houston.

National Pregnancy and Infant Loss Remembrance: Motion by Mathers, seconded by Schultz to adopt Resolution No. 2020-23 recognizing National Pregnancy and Infant Loss Remembrance Day. Motion carried unanimously.

**RESOLUTION NO. 2020-23
RECOGNIZING NATIONAL PREGNANCY AND INFANT LOSS REMEMBRANCE DAY**

WHEREAS, Infants Remembered In Silence, Inc. (IRIS) and many other nonprofit organizations work with thousands of parents all over Minnesota and across the United States who have experienced the death of a child during pregnancy through early childhood; and

WHEREAS, Many of these parents live in, deliver in, have a child die in, or bury a child in our community; and

WHEREAS, Infants Remembered In Silence (IRIS) a 501(c)(3) nonprofit organization was founded 1987, 33 years ago, to offer support for parents whose child/children died from miscarriage, ectopic pregnancy, molar pregnancy, stillbirth, neo-natal death, birth defects, sudden unexplained death of a child (SUDC), sudden infant death syndrome (SIDS), illness, accidents, and all other types of infants and early childhood death; and

WHEREAS, Bereaved parents around the world remember their children annually on October 15 with candle lighting at 7 pm. Some will remember their child/children in their homes while others will remember them in small gatherings around the state, across the nation and around the world; and this would unify these parents in tribute to their children; and.

WHEREAS, In 1988, President Ronald Reagan proclaimed October as National Pregnancy and Infant Loss Awareness month; and

WHEREAS, In honor of the thousands of children that die each year in Minnesota, Infants Remembered In Silence, Inc. (IRIS) respectfully requests that October 15th, 2020 be recognized as Pregnancy and Infant Loss Remembrance Day.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Houston declares October 15th, 2020 be recognized as Pregnancy and Infant Loss Remembrance Day.

Minutes & Bills: Motion by Krage, seconded by Mathers to approve the minutes of the August 10, 2020 regular meeting, the August 24th special meeting and bills. Motion carried unanimously.

Fire Department Matching Grant: Motion by Sanden, seconded by Schultz to approve the State of Minnesota Grant Contract for Wildland Personal Protective Equipment in the amount of \$2,500 and authorize the signatures of the Clerk/Administrator and Fire Chief.

Department Reports:

Public Works: Temporary Summer Help will be finishing up soon. Water Mains are scheduled to be flushed during the week of September 28th thru October 2nd. Notice of flushing will appear in the *Banner*. Thesing noted he is scheduled out for a few weeks in October. The department continues to learn about the WTP scales and placards still need posting. He reported the new truck cost \$55 in registration, \$109 for wiring the beacon light and lettering. The truck is experiencing a torque converter issue which is under warranty and scheduled for repair.

Finance: Peterson reported on a one-time credit for the month of October from the City's Health Insurance vendor, Blue Cross, Blue Shield.

Chief Hurley: Reported on continued work on the one-way. In addition, work continues on the Emergency Operations Plan which he hopes to complete early in 2021. It was noted Chief Hurley is scheduled out of the office during the first week of October. When asked, he reported no fireworks complaints have been received and the gates at the Elementary School have been open as requested during non-school hours.

Clerk/Administrator: See update which is on file. It was the consensus of council to allow the library to post its story stroll along the new sidewalk installed on Lincoln Street in the park.

Adjourn: Motion by Schultz, seconded by Sanden to adjourn the meeting at 7:26 p.m. Motion carried unanimously.