



**CITY OF BLUE EARTH MINUTES  
CITY COUNCIL MEETING  
Tuesday, September 6, 2022, at 5:00 P.M.**

**The Blue Earth City Council convened on Tuesday, September 6, 2022 at 5:00 p.m. at the Blue Earth City Council Chambers.**

**CALL TO ORDER**

Mayor Scholtes called the meeting to order at 5:00 P.M.

**ROLL CALL**

Councilmembers Huisman, Erichsrud, Cassem, Cole and Hanna Present.

Absent: Councilmember Ristau

Staff: City Engineer, Wes Brown; City Attorney, David Frundt; and City Administrator, Mary Kennedy.

**DETERMINATION OF A QUORUM**

Quorum present.

**PLEDGE OF ALLEGIANCE**

Mayor Scholtes led the Pledge of Allegiance.

**CHANGES TO AGENDA**

2.1 Kiwanis Proclamation

10.3 Bogan Watering Agreement

**MEETING OPEN TO THE PUBLIC**

Fiona Green, Faribault County Register; Chuck Hunt, Heidi Schutt, Jacque Drew, EJ Murphy and Brandon Sahr.

Library Board Chair Chuck Hunt introduced Heidi Schutt to the Council as the new Blue Earth Public Library and Fossil Center Director.

Scholtes addressed the Kiwanis Proclamation, proclaiming September 2022 as Blue Earth Kiwanis Club Month.

### **APPROVAL OF MINUTES**

Minutes from the Council Meeting of Monday, August 16, 2022, and Special Council Meeting of Monday, August 22, 2022.

***Motion by Huisman, second by Erichsrud to approve the Minutes from the Council Meeting of Monday, August 16, 2022, and the Special Council Meeting of Monday, August 22, 2022. The motion was passed unanimously.***

### **CONSENT AGENDA**

**Scholtes addressed the Consent Agenda.**

Travel Request from Josh Crofton Police Department LELS Conference.

Travel Request from Josh Crofton Police Department Background Investigation Training.

Event Permit for the Channel One Food Bank.

***Motion by Huisman, second by Hanna to approve the Consent Agenda. The motion was passed unanimously.***

### **CORRESPONDENCE**

Blue Earth Area Maroon & Gold Gala Committee  
Senior Center Newsletter

### **PUBLIC HEARING**

Nothing

### **REPORTS FROM STAFF City Attorney Frundt**

**Frundt addressed the following ordinances.**

Ordinance 22-16 Ordinance to Repeal Urban Chickens and Honeybees (*Second Reading*).

***Motion by Huisman, second by Hanna to approve the Ordinance 22-16 Ordinance to Repeal Urban Chickens and Honeybees.***

Huisman questioned the five families that already have chickens, inquiring if there had been any complaints in the last three years regarding the permitted chickens. Hanna indicated that she had received a complaint of free-range chickens. Huisman inquired what would it take to separate the ordinance of the chickens from the honeybees. Frundt advised that it would be the direction of the Council to rewrite the ordinance. Kennedy recommended changing the requirements and restrictions. Scholtes recommended that the chicken permit require a letter to the neighbors by city staff that would need to be signed by adjacent property owners to allow the chickens. Scholtes advised that the ordinance 22-16 would need to pass as written, and that by doing so would allow for the ordinance to be rewritten. Scholtes requested a roll call.

**Roll Call:**

<b>Councilmember Huisman</b>	<b>Nay</b>
<b>Councilmember Erichsrud</b>	<b>Aye</b>
<b>Councilmember Cassem</b>	<b>Aye</b>
<b>Councilmember Cole</b>	<b>Aye</b>
<b>Councilmember Hanna</b>	<b>Aye</b>
<b>Councilmember Ristau</b>	<b>Absent</b>
<b>Mayor Scholtes</b>	<b>Aye</b>

***The motion was passed 5 to 1 with Huisman voting Nay.***

Next, Scholtes recommended a motion to rewrite the keeping of urban chickens' ordinance. ***Motion by Huisman, second by Cole to rewrite the change of the Ordinance with the new definition to allow chickens with the required Chicken Permit and notice to be sent to neighbors by city staff.***

Scholtes requested the roll call.

**Roll Call:**

<b>Councilmember Huisman</b>	<b>Aye</b>
<b>Councilmember Erichsrud</b>	<b>Nay</b>
<b>Councilmember Cassem</b>	<b>Aye</b>
<b>Councilmember Cole</b>	<b>Aye</b>
<b>Councilmember Hanna</b>	<b>Nay</b>
<b>Councilmember Ristau</b>	<b>Absent</b>
<b>Mayor Scholtes</b>	<b>Aye</b>

***The motion was passed 5 to 2 with Councilmembers Erichsrud and Cole voting Nay.***

**Fruendt Ordinance to Update Bevcomm Inc. Franchise Agreement (First Reading).**

Fruendt advised that the ordinance would need a motion to continue to the second reading. ***Motion by Huisman, second by Hanna to continue with the Ordinance to Update Bevcomm Inc. Franchise Agreement.***

Scholtes requested the roll call.

**Roll Call:**

<b>Councilmember Huisman</b>	<b>Aye</b>
<b>Councilmember Erichsrud</b>	<b>Aye</b>
<b>Councilmember Cassem</b>	<b>Aye</b>
<b>Councilmember Cole</b>	<b>Aye</b>
<b>Councilmember Hanna</b>	<b>Aye</b>
<b>Councilmember Ristau</b>	<b>Absent</b>
<b>Mayor Scholtes</b>	<b>Abstain</b>

***The motion was passed with Scholtes abstaining.***

Huisman inquired on the 516 East 6<sup>th</sup> Street property. Frundt advised that the owner is from Texas and the authorities are working on trying to locate the property own to serve the papers.

### **City Engineer Wes Brown:**

#### **2022 Street Project Updates:**

##### **Brown gave 2022 Street Project updates.**

The concrete crew was in town this week pouring sidewalk on Gorman Street and 1st Street. They will resume this work as well as driveways next week. Holtmeier's grading crew is working on restoring Gorman Street from 2nd Street to 5th Street with weather depending, work hopefully will be completed in the next week or two. Underground crew is expecting to finish services along 4th Street by the end of next week. Crew will then move to 9th Street.

#### **Brown addressed the 2023 Street Improvement Plan and Street Map**

Hanna referred to concerns of people on fixed incomes struggling to pay for the assessments and cost of doing another project. Erichsrud alluded that there are concerns with the budget and where we are at with the increasing cost. Brown pointed out that the next project is a smaller project, recommending getting the preliminary work done and at that time present it to the Street Committee with the committee making recommendations of the project.

Brown brought forth Engineering Services Addendum 4.

***Motion by Cole, second by Cassem to approve Engineering Services Addendum 4. The motion was passed unanimously.***

Next, Brown addressed the Pavement Impact Memo. Brown suggested that the new pavements that are being constructed on reconstructed streets are designed to handle a considerable traffic of heavy commercial trucks. Brown advised that additional heavy garbage haulers per week will impact the pavement expectancy but are not detrimental. The streets that have not been reconstructed are not capable to handle any additional heavy traffic and are going to continue to worsen under heavy loads.

### **Senior Center Update**

#### **Building Permits Year to Date**

#### **REPORTS FROM BOARDS AND COMMISSIONS**

**Library Board Meeting 9.12.22**

**Economic Development Authority Meeting 9.7.22**

**Housing and Redevelopment Authority Meeting 9.12.22**

**Rural Entrepreneurial Venture Meeting 9.7.22**

**Street Improvement Subcommittee Minutes 6.29.22**

***Motion by Huisman, second by Cole to approve the reports from the Boards and Commissions. The motion was passed unanimously.***

## **OLD BUSINESS**

### **City Impound/Humane Society**

Kennedy addressed the impound building, reviewing dates of when the city-owned impound was not available to incoming animals due to the Humane Society quarantining animals with Canine Parvo. The impound was unavailable from November 5, 2021, through December 3, 2021, thus making it 28 days the city was unable to use the pound and then again, the Impound unavailable from July 15, 2022 - August 30, 2022, this again making it 46 days that the pound was not available for the city use of the pound. Kennedy indicated that she had followed up with an email with Johnson to clarify that law enforcement would be using the pound again and not alternative locations and asked the Humane Society to find an alternative plan for parvo-positive dogs so that the city doesn't continue to run into this type of situation again, where the pound is shut down for several weeks and staff has spent their time looking for other alternative locations. Kennedy reviewed her recommendations with the Council, with discussion of setting a timeline, further research for the level of need and financial impacts on the city.

***Motion by Cassem, second by Huisman directing the City Administrator to notify the Humane Society if the timeline of November 1, 2022, for the Humane Society to complete the contract with the city and with no long use of the current impound facility. The motion was passed unanimously.***

***Motion by Hanna, second by Huisman to terminate the Joint Powers agreement between the city and the Joint Powers as of December 31, 2022. The motion was passed unanimously.***

### **Senior Center Meal Cost**

Scholtes addressed the senior Center Meal Cost and would like to lower the new cost that had been set at the previous Council meeting back to the \$3.00 per meal, advising that the additional cost will cause a burden on the seniors. Scholtes recommended possible boards/clubs that might help cover the additional funds or possibly the city could allocate the funds through the Liquor Store fund.

***Motion by Cassem, second by Erichsrud to lower the Senior Center meals back to \$3.00 and take the additional fund cost for the Senior Center meals from the city budget. The motion was passed unanimously.***

### **Bogan Watering Agreement**

Kennedy addressed the Bogan watering agreement advising that there had not been a motion to approve the agreement.

***Motion by Hanna, second by Cole to approve the Bogan watering agreement, with the additional sewer cost. The motion was passed unanimously.***

## **NEW BUSINESS**

2023 Fee Schedule Draft

**TRANSFER OF FUNDS AND OTHER BUDGETORY MATTERS**

Investment Schedule

**PAYMENT OF CLAIMS AND APPROVAL OF CLAIMS AND APPROPRIATIONS**

*Motion by Huisman, second by Erichsrud to pay the bills. The motion passed unanimously.*

**CITY ADMINISTRATORS REPORT**

Payroll Summary

**NEXT WORKSESSION ITEMS**

Budget

**Closed Session**

*Motion by Huisman, second by Cole to go into Closed Session Pursuant Real Estate Transaction at 6:21 pm. The motion was approved unanimously.*

*Motion by Huisman, second by Cassem to open the Closed Session 6:24pm. The motion was approved unanimously.*

*Motion by Hanna, second by Erichsrud to sell city owned property Parcel #21.0180090 to G & S Excavating for \$3000.00. The motion was approved unanimously.*

**ADJOURN**

*Motion by Huisman, second by Cole to adjourn the meeting. The motion was approved unanimously. Mayor Scholtes adjourned the City Council Meeting at 6:26 P.M.*