



**CITY OF BLUE EARTH MINUTES
CITY COUNCIL MEETING
Monday, April 17, 2023, at 5:00 P.M.**

The Blue Earth City Council convened on Monday, April 17, 2023 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

Present: Councilmembers Huisman, Hanna, Walter, McNerney, Ristau, Drew, and Honorary Councilmember Davis.

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

DETERMINATION OF A QUORUM

Quorum present

PLEDGE OF ALLEGIANCE

Mayor Scholtes led the Pledge of Allegiance

CHANGES TO AGENDA

4.4 Sunny's Ice Cream Truck.

10.3 Retirement Letter Nick Bless Blue Earth Fire Department

9.2 Resolution 23-28 Annex Certain Lands into the City of Blue Earth – move ahead in Agenda

MEETING OPEN TO THE PUBLIC

Fiona Green, Faribault County Register; Josh Kafka, KBEW Radio; Heidi Schutt, Blue Earth Library and Fossil Discovery Center; Officer Tharen Haugh, Blue Earth Police Department; John & Diane Gieser, Daryl Murray, Corey Survis, Brandon West, and Elisabeth Hernandez.

No Discussion

APPROVAL OF MINUTES

Minutes from the Work Session and Council Meeting Minutes of April 3, 2023.

Motion by Huisman, second by Walter to approve the Minutes from Work Session and Council Meeting of Monday, April 3, 2023. The motion was passed unanimously.

CONSENT AGENDA

Wes Bell Travel Request.

No Discussion

Kiwanis Club Event Request.

No Discussion

Sunny's Ice cream Truck.

Scholtes reviewed the Solicitor Permit request with the Council with the licensing requirement with the Minnesota Department of Agriculture.

Approve Resignation of John Lindsey from Airport Advisory Commission

No Discussion

Appoint Levi Hendrickson to Airport Advisory Commission

No Discussion

Motion by Drew, second by Walters to approve the Consent Agenda. The motion was passed unanimously.

CORRESPONDENCE

Nothing

REPORTS FROM BOARDS AND COMMISSIONS

Library Board Minutes 3.13.23

Economic Development Authority Minutes 3.9.23

Housing and Redevelopment Authority Minutes 3.13.23 & 3.20.23

Rural Entrepreneurial Venture Subcommittee Minutes 3.9.23

Senior Center Minutes 2.14.23

Planning Commission 9.28.22

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

PUBLIC HEARING

Potentially Dangerous Dog (5:05pm)

Scholtes addresses the Public Hearing. Kennedy reviewed current and past occurrences with the potentially dangerous dog at 306 East 4th Street. Kennedy reviewed the Police Report and provided background on the Potentially Dangerous Dog designation for the dog, Bo. Additionally, Kennedy shared that after designating the dog Potentially Dangerous, upon further research it was concluded that the animal had been declared Potentially Dangerous following an incident in 2020. The City Code and State Statute identify that a Potentially Dangerous Dog designation should advance to a Dangerous Dog designation after a second violation. Kennedy recommended to the Council designating the dog Bo the dog Bo Dangerous. Kennedy next, reviewed the labeling of a dangerous and what registration requirements exist.

West spoke on behalf of his dog Bo, he believes the designation is unfair asking the Council to remove the Potentially Dangerous Dog designation. Huisman questioned if West had met the

requirements from 2020 for the Potentially Dangerous Dog designation, with staff confirming that requirements were met except for the microchipping. When confronted with why this requirement had not been met, West implied that the Fairmont Vet Center had lost the file and was unable to confirm the chip number. The Humane Society scanned the dog for the chip three times with no reading, that suggesting that the dog in fact had not been chipped. The Council also heard from John Gieser the bite victim. Gieser added that he just wants to feel safe.

Huisman recommended labeling the dog as a Dangerous Dog.

At this time West is ordered to put the dog back in quarantine at the dog pound and comply with the Dangerous Dog requirements. The Council directed Kennedy to put the requirements together in a letter for West.

Motion by Huisman, second by Walter to approve the designation of Brandon West's dog as a Dangerous Dog and for West to uphold all the Dangerous Dog requirements.

The City Council ordered the dog to be taken back to the impound until, and West would have 14 days to comply with the statutes. West questioned the dog's medications and how they would be administered. Scholtes indicated that the Humane Society would be responsible for the administration of the medication.

The motion was passed unanimously.

REPORTS FROM STAFF

City Engineer Brown

Project Updates

Brown advised that Nielson Concrete will be in town next Tuesday April 18th to perform the concrete related warranty items on the south Sailor Street project.

Scholtes question the signage left behind on 2022 Street project with signs being left on the new sod. Brown indicated that he would check on it with the contractor.

Resolution 23-08 Annex Certain Lands into The City of Blue Earth

Scholtes address Resolution 23-08 Annex Certain Lands into The City of Blue Earth, inquiring about any questions from the Council and residents. There was no further discussion.

Motion by, second by to approve. The motion was passed unanimously.

Meeting was paused for Elisabeth Ramirez for continued discussion of Dangerous Dog 5:41pm.

Scholtes indicated that West had just left the building with Officer Haugh, explaining the situation to Ramirez.

City Attorney Frundt

103 Bluestem Purchase Agreement

Motion by Huisman, second by Ristau to approve the 103 Bluestem Purchase Agreement for \$223,000.000. The motion was passed unanimously.

Ordinance to Convey a Tract of Real Property (1st Reading)

Motion by Ristau, second by Walter to approve the first reading and calling for the hearing on Monday, May 1st for the Ordinance to Convey a Tract of Real Property. The motion was passed unanimously.

517 E 6th Street Update

Frundt indicated that some progress had been made to the property. Huisman implied that they still have a lot to do with an already full dumpster. Kennedy advised that the city would be sending another dumpster to the property.

602 E 7th Street Property

Frundt indicated that there had been no changes to the property. Huisman recommended that criminal action be taken, that there has been no progress taken after Bruce Stensland indicated that he would have the shed doors in place. Frundt advised that criminal action at this time could be warranted.

Huisman recommended starting the criminal action process.

Motion by Huisman, second by Hanna to approve continuation of the criminal action process. The motion passed unanimously.

Project 3 Sisters

Frundt indicated that he sent the vacant building invoices to Project 3 Sister's Attorney Sarah Wilson for the delinquent vacant building registration. Frundt has not received anything in return.

Kennedy mentioned that the roof photos had been taken and that she would obtain those photos and share them with the Council.

Liquor Store Sales Report

Scholtes addressed the decrease in sales at the liquor store. Kennedy reminded the Council that in the last few months that there had been changes to employee salaries with the wage increase with the 21% pay adjustments, family insurance policy, increase to freight, work comp increases exc. and that it will take time to recover from the increases that were seen.

Senior Center

No discussion

Monthly Library Report

No discussion

OLD BUSINESS

City Liability Coverage Waiver

No discussion

Motion by Huisman, second by Hanna to approve not waiving City Liability Coverage. The motion passed unanimously.

Resolution 23-08 Annex Certain Lands into the City of Blue Earth.

No discussion

Motion by Huisman, second by Hanna to approve Resolution 23-08 Annex Certain Lands into the City of Blue Earth. The motion passed unanimously.

Advantage Aviation Services LLC Lease

Hanna and Drew indicated that they are pleased that another business is being added to the community.

Motion by Huisman, second by Hanna to approve the Advantage Aviation Services LLC Lease . The motion passed unanimously.

NEW BUSINESS

City Hall Access Control Estimates

Next, Kennedy addressed the City Hall Access Control Estimates. Kennedy reviewed types of features that were included in the cost estimates.

- Cloud Based Access
- Stand Alone Access
- Emergency Lockdown

Kennedy recommended cloud-based access. Scholtes inquired about the alarm buttons located within the building. Kennedy reviewed the procedure for response of the system where it could take up to 2 to 3 minutes before the alarm company will respond, with the response not being adequate in an emergency. Scholtes indicated that he would discuss this with Bevcomm and contact the provider of the service.

Motion by Hanna, second by McNerney to approve the cloud-based access locks through Strikers and continue to work on panic buttons to tie into new system. The motion passed unanimously.

Conditional Use Permit

Frundt addressed the Conditional Use Permit and recommendation from the Planning Commission. Steve Kittelson and Lisa Lindberg Conditional Use Permit suggesting that he had recommended to them that applying for the Conditional Use Permit would be sufficient need of the properties. Frundt reviewed the Kittelson and Lindberg property with the Council, indicating that the adjoining properties of Steve Kittelson and Maria Lindberg property which has a Life Estate and someday will be owned by Lisa Lindberg. The Conditional Use Permit is for the installation of solar panels on the Kittelson and Lindberg Property.

Motion by Huisman, second by Hanna to approve Conditional Use Permit. The motion passed unanimously.

Firefighter Nick Bless Retirement Letter

Ristau Thanked Nick Bless for his years of service to the Blue Earth Fire Department. Last day of Service April 15, 2023 with 34 years of service.

Motion by Huisman, second by Hanna to accept the Nick Bless Retirement letter from the Blue Earth Fire Department. The motion passed unanimously.

TRANSFER OF FUNDS AND OTHER BUDGETORY MATTERS

Investment Schedule

1st Quarter 2023 Donations for Council Approval

Motion by Huisman, second by Walter to approve 1st Quarter 2023 Donations. The motion passed unanimously.

PAYMENT OF CLAIMS AND APPROVAL OF CLAIMS AND APPROPRIATIONS

Consideration of Payment of the Bills

No discussion

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

CITY ADMINISTRATORS REPORT

Payroll Summary

No discussion

Administrator Report

Kennedy reminded the Council that she would be out of the office from April 24th through the 28th.

Huisman indicated that he would be going to other cities such as Truman to see their tennis courts with how they were constructed and invited others to join.

NEXT WORKSESSION ITEMS

Work Session May 1, 2023: Blue Earth Light and Water Audit Report

ADJOURN

Motion by Huisman, second by Hanna to adjourn at 6 :50 pm. The motion was approved unanimously.