

# City of Brownsdale

Garden Spot of Mower County

Mayor – Jeff Foster Council Members – Debra Schuette, Jessica Klingfus, Rick Smith, Raughn Oakland

City Clerk/Treasurer – Adria Vargas

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## **City Council Meeting**

**July 10<sup>th</sup>, 2023**

Present: Mayor Jeff Foster; Council Members: Debra Schuette, Rick Smith, Jessica Klingfus, Raughn Oakland

City Employees: City Clerk: Adria Vargas, Police Chief: Jon Smerud, City Maintenance: Wayne Baldner

Public in attendance: Jan Ball, Loren Swanson, Don Peterson (Mower County Independent), Tanya Rumsey, Mary Mortiz, Deb Smith, Ashley Hartson, John Burchfield (LCCTelecom), Matt Kundert (Whip Wireless and Unwired Consulting), Steve Hovey (Hoversten Law Office) Valerie Sheedy (Mower County Asst Director Environmental Services)

Mayor Jeff Foster called the meeting to order at 7:00 P.M.; everyone stood for the Pledge of Allegiance.

June 5<sup>th</sup>, 2023, regular Meeting Minutes stood approved as written.

All votes are made by roll call vote.

### **Public Comment:**

**Council Member Schuette made a motion to allow the attorney to attend this evening's meeting. Council Member Klingfus seconded the motion. 5 Yeas, 0Nays. Carried.**

### **New Business:**

John Burchfield of (LCCTelecom/ Vertical Bridge) stated that T Mobile is looking for a 195 ft Cellphone tower west of Brownsdale in the RedRock township area of Ron Akkerman property. They are asking the council to allow a 12 ft gravel road to Railway Street. We are not asking for water, sewer or paving to be done would only like a gravel roadway extending from city ROW out to the site.

Steve Hovey (Hoversten Law Office/ City Attorney) stated that the Council needs to consider the original plat map that Railway Street was platted to run the entire distance of Vista Village. The western 446 feet has been sold to Ron Akkerman but is still within city limits, east of 446 feet Railway ends 50 feet short of Akkerman property. Akkerman or anyone for that matter can't interfere with the City's right to extend ROW or obligate the city to do so, or the Cities rights to dismiss rights by vacating, another thing is who's going to pay for the roadway, how far and distance of and who will maintain it.

Jan Ball commented about the DNR Indigo Prairie if there had been any indications from them as to how far they needed to be away from that area? That is protected land managed by the State.

John Burchfield commented that the gravel would be ran 30ft from the tree line Approx. ,600 feet along long, along the edge of the property line so as to not run through the whole parcel up the middle.

John Burchfield commented that the County has stated 20 feet, but they are going to be 30 feet away from that area. He stated that Valerie Sheedy Assit. Director Mower County Environmental Services will be preparing documents for this.

Steve Hovey stated that in the 1976 Resolution that was passed out at the meeting that an arraignment for redoing to plat and ROW, utilities should be within the confines of this plat agreement if not it infers with plat rights. What you do or don't do, the City still holds rights to the plat. If they are looking only for 50feet, if approved should be subject to agreement and conditions. (Construction, types of materials, specs, certain approved standards, signage, set aside monies for future maintenance and upgrades)

Matt Kundert (Whip Wireless, Unwired Consulting) commented there is a permitted tower on the Northside of town, other options like this should be explored, maybe vacated at this point, the city does have a moratorium in place for the tower and all of its components, I think that the whole conversation should be tabled at this point to address the issues.

Mayor Foster stated that cell service in town is poor.

Matt Kundert replied but you will have a tower on the northside that it already permitted and approved State of Minnesota. Matt commented to John Burchfield I have reached out several times to no avail. Where John Burchfield replied, not to me. Matt Kundert stated that he had contacted Kimley Horn.

John Burchfield asked about anchor points, Kundert replied, you didn't do your due diligence and even pull my permits.

Steve Hovey replied that these are two separate issues the extension of the 50 ft of roadway and the cellphone tower, because the tower is to be located in the township.

Matt Kundert replied but you need to understand the driveway in question is a component. He also questioned if anyone besides himself had spoken to the owner of Vista Village. He is unaware of any of this, except for our discussions. The Clerk stated that she would speak to Matt Sveen. The Mayor commented that this is a dedicated ROW and that any extension is in the City's right.

Steve Hovey stated the road is already platted and the city needs to decide to extend or construct to the East Boundary. Agreements, conditions and specs, costs etc. are what will need to be decided upon between the parties.

John Burchfield stated that any costs arising from the roadway they would agree to pay and is also in agreement with a landowner's agreement.

Council Member Oakland asked who would maintain the roadway as far as snow removal and any other maintenance/care. He also agreed there should be some kind of signage.

Matt Kundert stated this whole thing contradicts certain maintenance as what it states in previous Vista Village Furtura documents.

Steve Hovey stated that this does not prevent subsequent agreements.

Matt Kundert stated he does not believe that to be true.

John Burchfield asked Steve Hovey as far as snow removal can the city dedicate or give permission to anyone to clear snow?

Steve Hovey stated the City can designate snow removal to be done.

Mayor Foster asked the Council for their thoughts on this matter. It was then decided to table to discussion to allow for the Council to discuss its thoughts and work alongside the City Attorney to draft an agreement.

**Council Member Klingfus made a motion to allow Mayor Foster and Clerk to meet with the City Attorney to discuss agreement conditions and draft an agreement. Council Member Schuette seconded the motion. 5Yeas, 0Nays. Carried.**

The City Council discussed the Library budget. They were supplied with an email with the recommendations from the board, asking for \$45,000 for the 2024 budget with no increase. Council Member Schuette asked about the surplus funds, County portion and what the \$45,000 would be used for. Librarian Smith stated that the \$45,000 is mainly wages and PERA, materials and activities and budgeted from County funds and the surplus as the board deems. Mayor Foster stated that in the email it states the possibility for a \$1.00 raise for library staff, he asked if the board was going to follow the Council's lead in raises as to stay in compliance with pay equity. Ashley stated that yes, the recommendations from the Council would be considered. **Council Member Schuette made a motion to dedicate \$45,000 to the Library for the 2024 budget. Council Member Oakland seconded the motion. 4Yeas, 1 Abstain (Smith)**

The Council publicly recognized and thanks Husemoller Excavating for volunteering his time, his crews time, machinery, and dirt for the finish work at the Firehall, and the removal of a fire hydrant at the new city shop area.

Ashley Hartson asked that the Council reconsider the 1x3 lighted Library sign to be affixed under the overhang of the library door. Ashley stated that the board would like to hold off on the larger sign until the Library Board finds other options. The Council discussed the signage and followed with a motion. Mayor Foster commented to the Council that the board needs approval to add or attach something to the building, not to purchase materials. **Council Member Schuette made a motion to allow the library at their cost to affix a lighted sign under the overhang above the library door, Council Member Oakland seconded the motion. 5 Yeas, 0Nays. Carried.**

The Council discussed the renewal of the city website. They asked that the Clerk Vargas do some comparative shopping for other options and bring those to an upcoming meeting.

Mayor Foster asked that the Council review policies by September meeting.

Mayor Foster stated that amendments in the age for purchase of Tobacco Products be changed to support Minnesota Statutes, reflecting the age for purchase be 21 years of age. Officer Smerud stated that the Council will also need to look to adopt an ordinance for Cannabis here in the near future.

Mayor Foster addressed the issues over the last two weeks with the bar licensure. He stated that in the future they will need to start sooner, Mayor Foster stated they were closed for two days for inability to secure the license permission from the State. Mayor Foster stated that the Clerk came to work during her PTO to help work through the issues, so they weren't closed longer and losing more revenue. Tanya stated that the insurance renewal is the hold up, with underwriting, dates and LLC names etc., she stated that the state has few workers processing renewals and more emails than they have time to answer. She stated that she believes now that they have added continuous until canceled on the liquor liability this shouldn't be an issue for the next coming years renewal.

Frontier Lounge asked the Council for permission to block the roadway from Pleasant Street SW to Hwy 56 and California St. S. to County Rd. 2 right before the construction area. On July 21<sup>st</sup> from 3:00pm – 9:30pm for a car show and street dance. **Council Member Schuette made a motion allowing the road to be blocked off Pleasant Street SW to Hwy 56 and California St S. to County Rd. 2 right before the construction area. On July 21<sup>st</sup> from 3:00pm – 9:30pm for a car show and street dance. Council Member Smith seconded the motion. 5Yeas, 0Nays. Carried**

Council Member Klingfus Asked Valerie Sheedy from Mower County for a template for permit requests, road access agreements or anything that the city might be able to use in these instances.

### **Old Business:**

The Clerk did the second reading of the Weed Ordinance amendment subsection A. Mayor Foster stated that this is effective immediately.

Mayor Foster decided to table the decision on renewing the contract for Maguire Iron for the cleaning as a new contract has not been received by the City. Wayne will continue to check in with them periodically to make sure this is done.

The council discussed the city welcome signs after a very brief mention the Mayor tabled the discussion for the upcoming meeting due to needing further bids for installation and concrete work.

**Public Works Report:** Wayne and the Council discussed the exterior of City Hall. Wayne stated that in previous years he had power washed and wire brushed the north rear area and painted the building. He states that he thinks that it should be media blasted and repainted. The Council instructed Wayne to get bids to bring to the next meeting.

Wayne stated that the building materials will begin to arrive Wednesday and the remaining on Friday of this week.

The Council asked that Wayne bring bids for new front Library and Clerks office doors, handles and door frames to the next meeting.

**City Police Officer's Report:** available at the City Clerk's office upon request.

Officer Smerud discussed the need for a noise ordinance after a complaint a few weekends ago. He stated that the Clerk had an ordinance for them to review for additions or subtractions. The Council reviewed and asked that the addition of a noise permit for City festivals or public activities be worded into the ordinance and to call a public hearing for the August meeting for its review.

The Council discussed National Night Out. Which will be held at Gerbig Park on August 1<sup>st</sup>. **Council Member Klingfus made a motion to purchase two bikes (1 girl and 1 boy) and two helmets not to exceed \$400.00. Council Member Smith seconded the motion. 5Yeas, 0Nays.**

**Bills were presented and signed.**

**Council Member Klingfus made a motion to adjourn the meeting at 8:45pm, Council Member Schuette seconded the motion. 5Yeas, 0Nays. Carried.**