

MAYER CITY COUNCIL MEETING MINUTES – MARCH 12, 2018

Call Regular meeting to order at 6:30 p.m. by Mayor Dodge

PRESENT: Mayor Dodge, Council Members Butterfield, Boder, McNeilly, and Stieve-McPadden

ABSENT: None

STAFF: City Administrator McCallum and Deputy Clerk Gildemeister

ALSO PRESENT: Don Wachholz, Ivan Raconteur

The meeting was opened with the Pledge of Allegiance.

APPROVE AGENDA

A MOTION was made by Council Member Stieve-McPadden to approve the agenda with two additions; Discussion on City Code and Discussion on City Attorney meet and greet; and the removal of Waste Water CIP. The motion was seconded by Council Member McNeilly. Motion Carried 5/0

PUBLIC COMMENT

Don Wachholz, 400 Ash Ave S, stated he was concerned that the residents of Mayer should be notified about upcoming parking ordinance changes. He stated that these changes could affect a large population of residents and would like to see the City take extra measures to inform its residents.

APPROVE CONSENT AGENDA

A MOTION was made by Council Member Butterfield with a second by Council Member McNeilly to approve the Consent Agenda with corrections to February 26, 2018 Regular Council Meeting Minutes and corrections to March 6, 2018 City Council/Planning Commission Joint Meeting Minutes. Motion Carried 5/0.

1. Approve Minutes of the February 26, 2018 Regular Council Meeting.
2. Approve Minutes of the February 26, 2018 Council Workshop Meeting.
3. Approve Minutes of the February 27, 2018 EDA Meeting.
4. Approve Minutes of the March 6, 2018 City Council/Planning Commission Joint Meeting.
5. Approve Claims March 2018. Check Numbers: 21368-21369, 21373-21376, 21401-21409, 21427-21428, 21430-21444

Mayor Dodge stated that moving forward he would like to structure the Consent Agenda section of Agenda to list only "Draft" minutes that have been previously approved by Commissions and Committees and that other "Draft" minutes listed that haven't been approved yet be placed under For Your Information section of Agenda.

CITY ADMINISTRATOR

1. **Approve Rate Study with Abdo, Eick, and Meyers LLP** – Council reviewed a proposal from Abdo, Eick, and Meyers LLP for a Utility Rate Study. The rate study will include the evaluation of Wastewater, Water and Storm Sewer operational and infrastructure expenditures-both current and projected to determine the impact of future rate adjustments on the users of the system. The goal of the evaluation will be to evaluate the current rate structure based on existing debt and future projects that are outlined in the City's Capital Improvement Plan and by providing the City with a summary of rates over the past 10 years and examining a potential savings by eliminating the \$300,000 levy. The Utility Rate Study cost to the City is \$8,000.00. A MOTION to approve Rate Study with Abdo, Eick, and Meyers LLP for the amount of \$8000.00 was made by Council Member McNeilly and seconded by Council Member Butterfield. Motion carried 5/0.

2. **Discussion on Audit Update** – City Administrator shared revised practices and procedures instituted to address audit concerns recommended in the final 2017 Audit. Mayor Dodge requested City Administrator track progress and schedule quarterly meetings with Staff.

3. **Approve Text Amendment to amend Title XV: Land Usage, Chapter 152: Zoning, Section 152.058 General Commerce District, and Section 152.060 Commercial/Industrial District. - Ordinance 218**
 On March 6, 2018 Planning Commission/Council met in a joint session to further review amendments to the C-1 General commerce district and C/I Commercial/Industrial district to allow for more uses. At that meeting the main discussion centered on the currently allowed sexually oriented businesses as an accessory use in the C-1 and C/I district and as a conditional use in the C/I district. There was additional discussion on having a minimum distance to sexually oriented business from schools, religious institutions, public parks, or residentially zoned areas. A consensus agreement to remove sexually oriented businesses as an accessory use in the C-1 district was made and the possibility of amending Chapter 114 in the future; the chapter that regulates sexually oriented businesses.
 A MOTION to approve Ordinance 218 was made by Mayor Dodge and seconded by Council Member Boder. Motion carried 4/1 *Council Member Butterfield a nay because she wanted further review from the attorney.*

4. **Discussion on Meet & Greet RFP for City Attorney** – Council Member Stieve-McPadden asked the Council why Melchert Hubert Sjodin PLLP was not included on the list for the Meet & Greet for City Attorney. Mayor Dodge clarified that the previous motion (February 26, 2018) was only for Kennedy & Graven Chartered and Ratwik Roszak & Maloney P.A. Some Council Members stated that Melchert Hubert Sjodin PLLP did not provide a relevant proposal sending the impression that they did not take the City Attorney appointment seriously.

Discussion on Code Enforcement of Sidewalk Shoveling –Council Member Butterfield addressed the Council with concerns about code enforcement of sidewalk shoveling by and referenced Chapter 94 of the City Code

94.01 CLEARING AND CLEANING SIDEWALKS

(A) *Clearing of sidewalks.* The owner and the occupant or other person in control of any property adjacent to a public sidewalk shall use diligence to keep the walks safe for pedestrians and clear of all snow, ice, dirt and rubbish. No person shall allow snow, ice, dirt or rubbish to remain on the sidewalk longer than 24 hours after its deposit thereon or after the snow has ceased to fall.

(B) *Cleaning by city.* Whenever any sidewalk has not been cleared as required by this section, the Street Commissioner may give written notice to the owner, occupant or other person in control of the property demanding that the sidewalk be cleaned within 24 hours or a lesser time as the Commissioner may determine is necessary for protection of the public health and safety. No notice shall be required respecting the clearing of snow from a sidewalk. If the sidewalk is not cleared within the time required, the Street Commissioner may have the sidewalk cleared and the owner of the property shall be responsible for all costs and expenses of clearing the sidewalk. If the owner fails to make payment within ten days of billing, the cost shall be taxed against the property provided by law.

The cost to the property owner for the clearing of sidewalks by City Staff is \$60.00 per hour.

A MOTION to start enforcement of City Code 94.01(b) at a rate of \$60.00 per hour was made by Council Member Butterfield and seconded by Council Member Boder. After further discussion on who will perform the duties of code enforcement and better methods to inform and educate the residents, Council Member Boder withdrew his motion. Motion failed 1/4. *Mayor Dodge, Council Members Boder, McNeilly, and Stieve-McPadden a nay.*

Mayor Dodge proposed further discussion on Code Enforcement should be added to a future Work Session.

COUNCIL REPORTS

- Council Member Butterfield reported that she spoke to MNdot about the status of the installation of the 30 mph speed limit sign on Hwy 25. MNdot stated that the work order was in and installation will take place in the next 30 days.

CLOSED SESSION 7:22 p.m.

Council went into closed session for the City Administrator Review.

A MOTION to close Closed Session and resume Regular Council Meeting at 8:45 p.m. was made by Council Member Stieve-McPadden and seconded by Council Member Butterfield. Motion carried 5/0.

Mayor Dodge gave a summary of the City Administrators Performance Review stating that Margaret McCallum overall is doing an outstanding job and the City appreciates all her hard work.

ADJOURN

There being no further business, a MOTION was made by Council Member McNeilly and seconded by Council Member Stieve-McPadden to adjourn the meeting at 8:50 p.m. Motion Carried 5/0

Mike Dodge, Mayor

Attest: _____
Janell Gildemeister, Deputy City Clerk