

MAYER CITY COUNCIL MEETING MINUTES – MAY 11, 2020

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

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

ABSENT: Council Member Boder

STAFF: City Administrator McCallum, City Engineer Martini, Deputy Clerk Gildemeister, and City Attorney Sullivan via conference call.

ALSO PRESENT: Don Wachholz, Angela McLaughlin, Todd Meyhoff, Andy Maetzold

The meeting was opened with the Pledge of Allegiance.

APPROVE AGENDA

A MOTION was made by Council Member McNeilly with a second by Council Member Butterfield to approve the agenda with one addition, discussion on reopening local businesses. Motion Carried 4/0

PUBLIC COMMENT

None

APPROVE CONSENT AGENDA

A MOTION was made by Council Member Stieve-McPadden with a second by Council Member McNeilly to approve the Consent Agenda as presented. Motion Carried 4/0.

1. Approve the Minutes of the April 27, 2020 Regular Council Meeting.
2. Approve the Minutes of the April 27, 2020 Council Workshop Meeting.
3. Approve Claims for the Month of June 2020. Check numbers 22975 to 22996. E-check numbers 5646 to 5664. Bank assigned check number 50137.
4. Acknowledge Building Permit Report for first quarter 2020.

CITY ADMINISTRATOR

1. **Approve Resolution 5-11-20-18 MnDOT 2020 Highway 25 Reconstruction Cooperative Agreement** – City Administrator presented the 2020 MnDOT Highway 25 Reconstruction Cooperative Agreement to Council bringing attention to changes in cost estimates to the City of Mayer. MnDOT has been planning for Highway 25 project within and between Watertown and Mayer for years. Within Mayer, MnDOT will construct a sidewalk from 5th Street to 7th Street at the round a bout and upgrade downtown sidewalks to meet current American with Disability Standards (ADA). City Council planned to install a crosswalk at 4th Street and Highway 25 in cooperation with this project. City Engineer Martini stated that the unexpected costs are related to moving light poles to meet current ADA requirements and relocation of some utilities in the City Right of Way (ROW). These costs amount to approximately \$49,851.55. Council discussed the City's shared costs associated with utility adjustments and the 4th Street Pedestrian Crosswalk Flasher System construction. MnDOT is asking the City to work cooperatively and provide payment to MnDOT for the City's share of costs. A MOTION to Approve Resolution 5-11-20-18 MnDOT 2020 Highway 25 Reconstruction Cooperative Agreement No. 1036535 with the State of Minnesota, Department of Transportation with the installation of the 4th Street crosswalk was made by Council Member Stieve-McPadden and seconded by Council Member McNeilly. Motion carried 4/0.
Council directed Staff to provide detailed costs at a future Council Meeting.
2. **Discussion on Miscellaneous Garbage Services-Waste Management Contract** – City Administrator asked for direction regarding services provided in the Garbage Services Proposal by Waste Management. Council discussed whether to provide a one day fall Leaf Clean Up Day or a spring Curbside Clean Up Day.

Council agreed that the curbside clean up service was more important to have than a fall leaf day clean up since the City has a compost site. A MOTION to include a one day spring Curbside Clean Up Day was made by Council Member McNeilly and seconded by Council Member Butterfield. Motion Carried 4/0.

3. **Approve Resolution 5-11-20-19 Liquor License Reimbursement** – A MOTION to Approve Resolution 5-18-20-19 Prorated Liquor License Reimbursement was made by Council Member Butterfield and seconded by Council Member Stieve-McPadden. Motion Carried 4/0.
4. **Discussion on 5th Street Lot Development Request** – City Administrator informed Council that the owners of a vacant parcel, at the end of 5th Street, are looking to sell the lot and are requesting the City pay to have the north half of the street extension paved, along with costs associated with gaining the necessary easements/right of way from Mayer Lutheran High School. City Engineer clarified the scope of work and identified potential issues. At the March meeting, Council approved that the City would pay to clean up documentation and processing of right of way, but the developer would have to pay to extend the road for access to the lot. City Engineer Martini stated that 5th Street is included in the 2021 Street Improvement Plan. Mr. Martini presented another option for Council to consider. He suggested the property owner build a twelve foot driveway off the property until the City completes the curb and gutter street improvements in 2021. The City could assess the property down the road.
A MOTION to Approve the City of Mayer pay ½ costs to pave and extend north half of 5th Street to the vacant parcel was presented. No Motions were made. Motion failed.
Council directed Staff to contact the City Attorney and the City Planner.

5. **Discussion on Reopening Local Businesses** – Council Member Butterfield stated that Winsted and Watertown have plans to pass a resolution and open their businesses. She asked Council to discuss what the City of Mayer plans to do. City Attorney Sullivan stepped in to advise Council of some legal implications for going against the Governors orders. Mr. Sullivan informed Council that the League urges cities to exercise restraint against adoption of resolutions or other actions that may expose the city and its officials to civil and/or criminal liability. A city does not have authority to change a state law or be less restrictive than state law. Council will want to consider all implications, including potential liability for damages and civil penalties, for decisions made regarding non-enforcement of executive orders. Minnesota Attorney General has communicated that he will enforce executive orders. Mr. Sullivan advised against passing a resolution.

Mayor Dodge asked if there are was an alternative type of resolution that would reduce or eliminate the above risks. City Attorney Sullivan recommended sending a letter to the Governor on behalf of its businesses and organizations, acknowledging the City’s support for local businesses while strongly encouraging the governor to lift or further relax restrictions. Mayor Dodge directed Staff to draft a letter to the Governor and schedule a Special Meeting to discuss further.

COUNCIL REPORTS

- Council Member McNeilly stated the Park Board had a virtual meeting and it went well.

ADJOURN

There being no further business, a MOTION was made by Council Member Boder and seconded by Council Member Stieve-McPadden to adjourn the meeting at 6:55 p.m. Motion Carried 5/0

Mike Dodge, Mayor

Attest: _____
Janell Gildemeister, Deputy Clerk MCMC

DRAFT