

MINUTES
BUHL CITY COUNCIL MEETING
BUHL CITY HALL
05/16/2023

Tuesday, May 16, 2023

6:30 P.M.

1. CALL TO ORDER by Mayor Carter at 6:30 p.m.

2. ROLL CALL:

Councilors: X Hadrava X Kealy X Loeffler X Towner
Mayor: X Carter

Administrator: X Jeffries
Public Works Foreman: Pink
Attorney: X Kearney

3. APPROVAL OF AGENDA/COUNCIL ADDITIONS TO AGENDA

Motion by Kealy to approve the agenda as presented.
Supported by Loeffler.

Motion carried unanimously.

4. REPORTS FROM DEPARTMENT HEADS:

Foreman Pink: N/A

Administrator Jeffries:

Encouraged all to watch your recreational fires and insure they stay with you and don't go to your neighbors or public property; Please be attentive and sensitive to neighbors; Mentioned that staff recommends one single location for a Community Garden – the one site desired by the City – the Skating Rink(s) and Warming Shack; Encouraged Council to seriously consider this location; Suggested establishing a community fire pit and gathering area on the NE corner of Pennsylvania Ave. and Forest St.; Gave a big reminder of the June 17 deadline for CIP punch list items to be reported to the City; Highlighted the very favorable results included in the MN Department of Health Sanitary Survey report of the Buhl public water system, and that there were no deficiencies whatsoever detected in treatment, storage, or distribution facilities in the City.

5. CITIZENS FORUM: None.

6. CONSENT AGENDA

A. Minutes:

- i. Regular City Council Meeting – May 2, 2023

B. Claims:

i. Payroll #9	\$ 13,777.63
ii. A/P	\$ <u>85,807.29</u>
TOTAL	\$ <u>99,584.92</u>

**Motion by Hadrava to approve the consent agenda.
Supported by Towner.**

Motion carried unanimously.

7. BUSINESS:

A. Presentation from Iron Range Tourism Bureau (IRTB)

The Iron Range Tourism Bureau, of which the City is a member, is this area's Destination Marketing Organization (DMO).

The organization encompasses eleven (11) cities and townships across the Mesabi Iron Range in its service area, from Hibbing to Hoyt Lakes, and from Embarass to Fayal Township.

Beth Pierce, IRTB Executive Director, is here this evening to highlight some of the IRTB's current efforts and initiatives for the betterment of its service area.

Pierce highlighted the many programs the IRTB is involved in and their value to the community.

Informational only.

B. Approval of Final Plat of Damian 2nd Addition

The final plat of the Damian 2nd Addition has been prepared and received from JPJ Engineering.

This plat needs to be recorded to establish the ten (10) residential properties included in this addition and the common and public elements serving them.

Recording of the plat will then allow deeds to be created for individual properties which are currently under contract for sale, and to accommodate future property sales.

This plat has previously been reviewed and approved by the St. Louis County Surveyor.

Recommendation is to approve the attached final plat of City of Buhl Damian 2nd Addition.

Motion by Kealy to approve the final plat of Damian 2nd Addition, secure all required signatures, and submit it to St. Louis County for recording.

Supported by Loeffler.

Discussion. Approve/Reject/Table.

Motion carried unanimously.

- C. Resolution 23-23 for the City to Accept a Donation from the Buhl Curling Club Inc.

The Buhl Curling Club Inc. has offered a donation of \$1,000.00 to the City as a financial contribution to help offset costs related to the operation and maintenance of the Buhl Curling Club.

Recommendation is for the City to accept this donation.

Motion by Loeffler to authorize for the City to Accept a Donation from the Buhl Curling Club Inc. to offset operating costs related to the Buhl Curling Club in the amount of \$1,000.00, to execute Resolution 23-23 concerning the same, and to acknowledge this donation with appreciation.

Supported by Hadrava.

Discussion. Approve/Reject/Table.

Roll call vote: Hadrava – Aye; Kealy – Aye; Loeffler – Aye; Towner – Aye; Carter – Aye. Motion carried unanimously.

- D. Resolutions 23-24 and 23-25 for Final Disposition of Parcels No. 115-0010-00380, 115-0010-00390, and 115-0010-00400

The City had previously undertaken efforts to record a warranty deed to transfer certain property situated in the Plat of Buhl, namely PIN Nos. 115-0010-00380 (Lot 3, Block 2), 115-0010-00390 (Lot 4, Block 2), and 115-0010-00400 (Lots 5 and 6, Block 2) from the City of Buhl or Village of Buhl to a private business entity.

St. Louis County had informed the City of specific items that needed to be addressed or amended in order for these properties, and their accompanying

Warranty Deed, to be in form and content consistent for the St. Louis County Recorder and/or Auditor to accept in order to effect this transfer of property.

These amendments have now been made and an accompanying Warranty Deed prepared.

Recommendation is to approve the attached resolutions to effect the final disposition of this property transfer.

Discussion was to separate this item into separate motions.

Motion by Towner to approve Resolution 23-24 authorizing the City to convey property Parcel Nos. 115-0010-00380, 115-0010-00390, and 115-0010-00400 to a private business entity and to direct the Administrator to execute any other such required documentation which may be required to effect such conveyance. Supported by Kealy.

Discussion. Approve/Reject/Table.

Roll call vote: Hadrava – Aye; Kealy – Aye; Loeffler – Aye; Towner – Aye; Carter – Aye.

Motion carried unanimously.

Motion by Hadrava to approve Resolution 23-25 for the Administrator to certify the actions contained in Resolution 23-24 to effect the Final Disposition of Parcel Nos. 115-0010-00380, 115-0010-00390, and 115-0010-00400. Supported by Kealy.

Discussion. Approve/Reject.

Roll call vote: Hadrava – Aye; Kealy – Aye; Loeffler – Aye; Towner – Aye; Carter – Aye.

Motion carried unanimously.

- E. Resolution 23-26 for the City to Accept Donations from the Arrowhead Library System and the United Way of Northeastern MN for the Buhl Public Library

The City has received two (2) offers of donations related to operations at the Buhl Public Library.

The Arrowhead Library System has offered a donation of \$1,113.00 to the City as a financial contribution toward the library's Best Seller Plan and Crossover Reimbursement needs for 2023.

The United Way of Northeastern MN has offered a donation of \$750.00 to the City as a financial contribution toward the 2023 Library Summer Reading Program.

Recommendation is for the City to accept this donation.

Motion by Hadrava to authorize the City to accept donations from the Arrowhead Library System in the amount of \$1,1130.00 and the United Way of Northeastern MN in the amount of \$750.00, for 2023 Buhl Public Library program initiatives, to execute Resolution 23-26 concerning the same, and to acknowledge these donations with appreciation.

Supported by Loeffler.

Discussion. Approve/Reject/Table.

Roll call vote: Hadrava – Aye; Kealy – Aye; Loeffler – Aye; Towner – Aye; Carter – Aye.

Motion carried unanimously.

- F. Resolution 23-27 for the City to Accept Grant Funds from the Northern St. Louis County Trails Task Force in the Amount of \$6,600.00 for Water Amenities/Trail Restoration and Rehabilitation

The City had previously approved and authorized staff to prepare and apply for a grant from the Northern St. Louis County Trails Task Force for the restoration and rehabilitation of the fishing piers located on the west shore of Stubler Pit, the dock and boat launch located on the south shore of the Iron Chief Complex, and the associated trails and trail structures to these amenities.

The City has received notice that the Trails Task Force has approved this grant application and generously awarded this project a grant in the amount of \$6,600.00.

City of Buhl Resolution 23-27 has been prepared to accept these grant funds and to expend these funds for the purposes contained in the City's grant application.

Recommendation is to adopt City of Buhl Resolution 23-27.

Motion by Kealy to adopt City of Buhl Resolution 23-27 and to expend said proceeds in conformance with Northern St. Louis County Trails Task Force guidelines.

Supported by Hadrava.

Discussion. Approve/Reject/Table.

Some of the area has been taped off as a safety hazard; work should be completed this summer, if possible.

Roll call vote: Hadrava – Aye; Kealy – Aye; Loeffler – Aye; Towner – Aye; Carter – Aye.

Motion carried unanimously.

G. Approve Hiring of Summer Street Laborers

The City had previously publicly posted and published advertisement for 2023 Public Works Department Summer Street Labor, with a deadline for applications date of May 12, 2023.

Four (4) applications have been received for consideration of filling these positions.

An additional applicant has been identified as a potential Beach Attendant.

Recommendation is to approve the hiring of the interested applicants pending completion of pre-employment paperwork.

Motion by Towner to approve the hiring of Luis Benkusky, Ayden Cappel, Jakson Meffert, and Nathaniel Pederson for 2023 Summer Street Labor, and Jayden Loeffler for Beach Attendant, pending successful completion of pre-employment paperwork.

Supported by Hadrava.

Discussion. Approve/Reject/Table.

Complement of labor force – Street Labor 4-5; Beach Attendant – unlimited; there is no closing date for Beach Attendant.

Motion carried unanimously.

H. Request from Carefree Living to Utilize Buhl Seniors Center as a Staging Point in the Event of an Emergency

The City had previously passed a motion to allow Carefree Living Buhl to utilize the Buhl-Kinney Senior Center as a temporary staging facility in the event the Carefree Living Buhl facility is rendered unusable due to an emergency event, contingent upon executing an acceptable Memorandum of Understanding which has been approved by the City.

This Memorandum Of Understanding has been prepared and is distributed to the City Council for consideration.

Recommendation is to approve the Memorandum of Understanding with Carefree Living Buhl.

Motion by Towner to approve the Memorandum of Understanding with Carefree Living Buhl to utilize the Buhl-Kinney Senior Center as a temporary staging facility in the event the Carefree Living Buhl facility is rendered unusable due to an emergency event.

Supported by Kealy.

Discussion. Approve/Reject/Table.

Question regarding reimbursement of costs amount – should be similar with other similar understandings; no costs listed in the memorandum of understanding.

Question regarding whether or not the Senior Center has their own rental agreement when they rent it out; administration suggested that this is in effect a sub-let, and reminded Council that the City has ultimate control over however the property is operated.

Comment that any sub-let rentals should indicate that, in the event of an emergency, the emergency would prevail over a previously rented event.

Motion carried unanimously.

I. Draft Ordinance Relating to the Regulation of Lawful Gambling

Staff has recommended adopting an ordinance to cover these activities, and the City Council has chosen to move forward with establishing such an ordinance.

Staff was requested to prepare a final draft of a proposed ordinance, which has been provided to the City Council for consideration and/or approval.

Recommendation is to approve Ordinance Number 23-01.

Motion by Loeffler to approve City of Buhl Ordinance Number 23-01 – “An Ordinance Authorizing and Regulating the Conduct of Lawful Gambling Within the City of Buhl, Minnesota”, and to have publication of the same in the official newspaper of the City of Buhl.

Supported by Towner.

Discussion. Approve/Reject/Table.

Question and comment that this will not affect nor impact current charitable gambling operations ongoing in the city.

Question and comment that Knights of Columbus would not fall under that Section 5. Applicability section exemption of the ordinance.

Comment to try and attempt to lower local costs for bingo – can this be done? Lower local permit fee to \$0, possibly (it's the only way if prizes are paid out in money...)

Several councilors expressed the opinion that Knights of Columbus bingo and regular charitable gambling operations are not the same thing –

Administrator commented there does not seem to be a workable exception, other than lowering or eliminating the local permit fee.

City Attorney commented that sticking with a set local fee amount is the cleanest and easiest way to accomplish what is being discussed and considered.

Determination was to lower the local permit fee to \$10 (Section 9, Subd. 3).

Motion amended to revise local fee to \$10.

City Attorney recommends going out for publication if motion prevails.

Motion carried unanimously.

J. Update on Damian Addition Phase III Infrastructure Construction Schedule

Infrastructure construction activities related to the completion of the Damian 2nd Addition project will be kicking off in the near future.

Activities will include Franklin Street improvements, Burnett Drive improvements, and Jefferson Street improvements in the immediate vicinity of Damian 2nd Addition.

Work will include final roadbed grading, the installation of curb and gutter, as well as paving of the new streets.

Improvement work to correct the existing grade will occur on Jefferson Street.

Additional project work will include milling and overlaying of pavement on Woodbridge Avenue, and improvements work on Seville Avenue.

Construction activities are anticipated to commence on May 31, 2023, and continue through completion by June 30, 2023.

Administrator commented that the schedule was set with a buffer period in it in order to accommodate the All-Class reunion and 4th of July activities.

Discussion of potentially connecting the north end of Franklin Street with the existing south Burton Park parking lot access outlet in the future. Administrator suggested that it might be well-timed to do this with future park improvements.

Informational only.

K. Update on Julia Joyal vs. City of Buhl Conciliation Court Hearing

The St. Louis County Conciliation Court hearing involving Buhl resident Julia Joyal and the City, conducted on Wednesday, April 26, 2023, has been adjudicated.

An "Order on Claim and Counterclaim and Order for Judgement and Judgement" was received from St. Louis County Conciliation Court, which found in favor of the Plaintiff (Julia Joyal).

The Administrator has access to the court's findings.

Direction from the City Council is requested regarding this finding.

Staff recommendation is to appeal this decision, given the fact basis known at this time. No action needs to be taken at this meeting. City Attorney commented that the Judicial Officer assigned to the case is known to favor the underdog. This item has been turned over to the League of Minnesota Cities Insurance Trust.

Informational only.

L. Summary of Local Board of Appeal and Equalization Hearing May 15

The Local Board of Appeal and Equalization (LBAE) Hearing conducted on Tuesday, April 25, 2023, at the Buhl-Kinney Senior Center, was recessed to gather additional information and reconvened at 10:00 a.m. on Monday, May 15, 2023, at the Buhl-Kinney Senior Center.

Representatives of the City and the St. Louis County Assessor's office were in attendance.

The hearing was conducted to address valuation and equalization matters on real property in the City.

Comments and findings from this hearing will be presented by the Administrator at this City Council meeting.

Administrator commented that the County re-looked at several properties, and in several cases, the valuation was adjusted downward; no parties received upward adjustments. The LBAE accepted the recommendations of the County, and moved that those adjustments in valuation be accepted. This action is now closed until next year.

Mayor indicated that in no way is it just Buhl that went up in valuation; a hyper-inflated real estate market is driving these valuations.

Informational only.

M. Wellhead Protection Plan Update

The City maintains a Wellhead Protection Plan to protect its drinking water supply from contamination.

This plan is administered through the Minnesota Department of Health, in conformance with Minnesota Rules.

The City partners with the Minnesota Rural Water Association for the implementation of this plan.

The plan has now been reviewed, and updated and amended for 2023.

Of note in these review activities and actions is to look at considering:

- 1) Procuring a (new) water meter for municipal well #2;
- 2) Procuring an emergency generator for the water tower pumphouse; and
- 3) Planning for the electrical interface for the emergency generator equipment.

Staff will investigate the opportunities for funding sources and grants to help accomplish these objectives.

Of additional note is the availability of a large map of the DWSMA (Drinking Water Supply Management Area), which is now at City Hall and available for all to view.

Continued conversations with the County, MDH, MPCA, and residents will be ongoing.

Mayor commented on the status of other municipalities' drinking water system issues, and communicated that protecting this resource is of utmost importance.

Administrator commented that at the moment the City is in fine shape with regard to the elements of this plan and programs.

Mayor discussed the need to avoid spills; Administrator reminded all that the contact for this is the Minnesota Pollution Control Agency (MPCA).

Informational only.

N. Drinking Water Consumer Confidence Report Update

The City's 2022 Drinking Water Consumer Confidence Report has now been finalized and is available for public consumption.

Each year, all community water systems must distribute a drinking water report to their customers. This report is known as a Consumer Confidence Report (CCR), and must be distributed or available to all customers by July 1, 2023.

The 2022 CCR is available on the City website (www.cityofbuhlman.com) for all.

The CCR is attached for your information.

Administrator highlighted that the report did not find any problems or concerns with the water quality in the city and that the report in a nutshell was favorable.

Informational only.

O. Reminder of Annual Spring Clean-Up June 12 – 15, 2023

This is a reminder that the City has designated June 12-15, 2023 as the dates for the Annual Spring Clean Up/Sign Up Program.

Residents must contact City Hall and be placed on a list to have **ANY** items picked up. Items which have a pick-up charge **MUST** be paid for at City Hall by 4:00 p.m. June 9 or they **WILL NOT** be picked up.

The flyer describing the event was attached and distributed, and is posted at the City notice locations.

Informational only.

P. Invitation to Vendors from the South Range Flea Market

There is a new (regional) community event we have been asked to publicize – the “South Range Flea Market”.

This summer-long event will be held on Thursdays, from 8am to noon, June 15-September 14. In South Range, WI, just outside Superior, WI.

Stars & Seeds Farm, where this event will take place, has requested the City to “help put the word out to the public to come as well as letting your Vendor friends know about this local “flea market””.

Artists, Vintage, Antiques, Rocks, Handmade, Collectibles, Farm Vegetables, Licensed Food, and Musicians with Original Music are all welcome.

Informational flyers, which were attached, will be posted in the Post Office, Library, and Senior Center.

Informational only.

Discussion. Approve/Reject.

Q. Councilor’s Comments.

Councilor Hadrava – thanked all for helping clean up around the disc golf course; encouraged all to get outside and enjoy the weather.

Councilor Kealy – Reminded all that June 13 is the only Council meeting in June; June 17 is the final date to add items to the CIP punch list – let City staff know before then; Community garden – location may be at the assisted living facility; Reminded all that City Hall summer hours are 7:00-4:00 Monday-Thursday and 7:00-11:00 Friday; Commented on getting County involved in repainting City speed limit signs; Noted that there are a lot of complaints regarding the behavior of 4-wheelers and motorbikes; City Attorney suggested reaching out to the Chisholm Police department for enforcement initiative.

Councilor Loeffler – Reminded al of the Memorial Day Service on May 29, and the City-Wide Garage Sale in June 23-24; Noted that the Department of Public Transformation project kick-off trip is coming up next week.

Councilor Towner – thanked the Public Works crew for their assistance in the clean-up weekend; Mentioned a movie night is coming up very soon.

R. Mayor's Comments.

Thanked all for helping clean up the disc golf course; noted that the campground is being taken advantage of by people and that there is way too much litter and debris; encouraged all to clean up wherever and whenever they can – if we all do a little bit, it equals a lot! Encouraged that 4-wheelers and dirt bikers respect the laws and regulations so they don't get taken away!


8. ADJOURN:

Motion by Kealy to adjourn. Supported by Loeffler. Motion carried unanimously and the meeting was adjourned at 8:23 p.m.



Brandin Carter, Mayor

ATTEST:



Tony Jeffries, City Clerk