

MINUTES
BUHL CITY COUNCIL MEETING
BUHL CITY HALL
09/19/2023

Tuesday, September 19, 2023

6:30 P.M.

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

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL:

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

Administrator: X Jeffries
Public Works Foreman: Pink
Attorney: X Lewicki
Engineer: X Jamnick

4. APPROVAL OF AGENDA/COUNCIL ADDITIONS TO AGENDA

None.

Motion by Kealy to approve the agenda as presented and amended.

Supported by Loeffler.

Discussion. Approve/Reject/Table.

Motion carried unanimously.

5. REPORTS FROM DEPARTMENT HEADS:

Administrator Jeffries:

Welcomed all in attendance and commented that it was good to see everyone in the audience; hoped that all could and would be accommodated at this session -

Reminded all that COVID-19 is on the rise and to be careful in your social and public interactions -

6. CITIZENS FORUM:

Tony Glavan, Melody Staffaroni, Scott Steinberg, Mark LaMourea

Tony Glavan, 414 Roberts St., addressed the City Council regarding the alley behind 414 Roberts St. (Alley F) [only the north-south portion of this alley; not the east-west portion] -

He Indicated the alley is way too high now – it was not that way before the city infrastructure project (CIP) – and getting a lot of water flowing down the (private residential) sidewalks -

Commented that there is a significant issue with regard to water running off the alley and into several yards, including 408, 410, 412, 414 Roberts St. – all are now receiving water from the alley, and were not prior to the CIP -

Mr. Glavan indicated that the alley has been raised approximately 8” – 10” over the years, and has video going back to at least 2018 (although he indicated that the issue has been around for decades) to validate that the issue is greater now than before work related to the CIP was undertaken -

Suggested that there may have been some miscommunication when the CIP was undertaken, as the (residents’) belief was that the alley would (finally) be lowered – instead it is claimed that the alley is higher now than before the CIP -

Conversations have taken place between Mr. Glavan and staff, the City Engineer, City Council members, and others -

Indicated that significant material needs to be removed from the alley, and suggested potential ways to correct the matter -

Requested that corrective work should be focused on the alley right-of-way, and not where the alley actually lies, as he indicated that the alley has moved over the years -

This item will be further discussed during the regular scheduled agenda.

Melody Staffaroni, 321 Culver Ave., questioned whether office staff is salary or paid by the hour, whether there is an annual budget for office staff only for overtime, and, if so, what is that (dollar) amount -

City Attorney Lewicki responded to a staff question that, during the Citizens Forum portion of the agenda (public comment), that no action can be taken by the City Council, and that any answers by the City Council to public questions is in fact an action (since these items are not included on the agenda, and the rest of the public would/did not know that these were being discussed) –

Asked hypothetically if the City has a (contingent) plan to handle where funds would be allocated from to cover realized overtime expenses in excess of budgeted amounts -

Asked whether or not any and all (staff) overtime needs to be pre-approved by the full City Council authorization prior to staff working it – followed up with several additional questions regarding overtime pre-approval -

Asked whether any office employee has worked any overtime in the last six months -

Indicated that the overall concern is that the City Council is going to overspend – and how that will be addressed -

Questioned whether a recent Buhl Economic Development Authority (BEDA) conversation/recommendation (a potential blight situation was discussed at that meeting) was forwarded for City Council consideration to authorize a letter to be sent by the City Attorney addressing conditions of concern on that commercial property in the city -

No City Council action with regard to this matter has been taken as of yet -

Commented on the city water tower situation – asked what the cost was to have a new inspection or review conducted – (this will be addressed under Agenda Item J. during this meeting) –

Commented that it was her understanding that, in the City of Buhl, an individual City Council member cannot make a decision on their own without bringing it to the entire City Council as a whole -

An unidentified individual asked where meetings regarding overtime were held, indicated that they need to be posted as a closed meeting, and indicated that you need come out of those meetings and tell the City Council as to what was talked about and transpired –

Commented that all committee meeting actions (including BEDA) need to be reported back to the City Council as a whole as to what was discussed in full -

Commented as to surprised that BEDA does not have to report back to the City Council as to what was exactly discussed and exactly what happened at (a) BEDA meeting -

An additional unidentified individual commented that in the past BEDA had reported back to the City Council regarding their actions –

Commented that, years ago, minutes of other city departments and boards/commissions were included in the agenda to the City Council –

infrastructure and roadway improvements, was deemed substantially complete June 17, 2022.

The one-year period to address warranty claims related to this project work expired on June 17, 2023.

A number of items were identified to be investigated for inclusion onto the “punch list” as potential warranty work.

Alley F, West of Memorial Drive between Pennsylvania Avenue and Whiteside Avenue, has been identified as one such area where corrective and/or restorative work should be considered, and which, to date, remains somewhat unresolved.

The City Council has requested an update from the City Engineer, JPJ Engineering, Inc., regarding this item and other punch list related items.

Mr. John Jamnick, P.E., of JPJ Engineering, Inc., was in attendance and addressed the City Council regarding these items.

Informational only.

City Engineer Jamnick (JPJ) related some historical information regarding Alley F, and commented that the intent of the restoration in the CIP project was to put the alley back to where it was.

JPJ also discussed the activities which have been conducted in spring and/or summer of 2024, and the results thereof –

Potential further and future actions were discussed, and JPJ indicated that a preliminary plan for this was created and presented to the city –

These plans have been presented to the project contractor (Casper Contracting) and are presently being reviewed, with activities scheduled beginning in the first week of October –

Mayor Carter asked resident Tony Glavan for his idea about a solution for this issue – Mr. Glavan discussed his thoughts on this –

Mr. Glavan asked whether he could receive any plans on this, and commented that a significant amount of material would have to be removed in order to arrive at a solution -

Glavan indicated that there are significant concerns regarding the possibility of water entering and impacting structures on the downhill side of the alley –

JPJ will (continue to) look at the matter with Mr. Glavan’s comments in mind – with a goal of finding a permanent solution –

Mayor Carter asked whether the alley is, in actuality, too high as compared to design plan – JPJ indicated that, as built, the alley is actually pretty close, if not lower by about 0.1’ –

Glavan indicated that the alley is, in his opinion, definitely higher than it was previously, and really needs to be substantially cut down –

Jeffries commented that there may be 2 separate issues here – one related to the CIP punch list corrective and restorative work, and another separate public works-related issue independent from the scope of the CIP, which would not be a CIP punch list matter, but rather items outside of that -

JPJ will continue to address this matter without delay –

Mayor Carter asked who would make the determination as to whether the matter is CIP related, or not – Jeffries responded that if CIP corrective and/or restoration work solves the issue, that would put the issue to rest, but if not, that that is when consideration of it being outside of the scope of the CIP would come into play –

JPJ indicated that the intent was to put the final (elevation) profile back to where the original (elevation) profile was, and not change any elevation profiles otherwise.

Glavan commented that there has to be a compromise in this matter –

B. Resolution 23-61 Authorizing the City of Buhl to Submit Information to the Minnesota Public Facilities Authority (MPFA) and to Enter into a Grant Agreement With the MPFA.

The City is the recipient of a capital appropriation from the 2023 State of Minnesota legislative session for certain infrastructure work related to its water treatment system.

The MN Public Facilities Authority (MPFA) has received a Capital Appropriation in the amount of \$2,000,000 for a grant to the City of Buhl.

This item is earmarked “For a grant to the city of Buhl to design, construct, furnish and equip a new water treatment system...and other improvements to infrastructure required for an upgrade of the city’s water system.”

The City of Buhl must submit an application to the MPFA and subsequently enter into a grant agreement.

The attached resolution authorizes the City of Buhl to submit information to the MPFA and to enter into a grant agreement with the MPFA.

Recommendation is for the City to adopt this resolution.

Motion by Loeffler to authorize the City to submit information to the Minnesota Public Facilities Authority (MPFA) and to enter into a grant agreement with the MPFA.

Supported by Kealy.

Discussion. Approve/Reject/Table.

General discussion ensued regarding where these funds would be spent; it was reaffirmed that this funding is allocated for water system improvements only.

Jeffries commented that the language contained in the (MPFA proposed) resolution language appears to possibly be a carryover of earlier language (2022 or earlier) and may not reflect modifications of or to the language realized in the 2023 legislative session.

Mayor Carter explained that a re-application to the State of Minnesota was necessary to be in a position to obtain this funding.

Carter also noted that an updated condition inspection of the existing water tower needs to be performed and results obtained in order to more fully understand the present system condition and make an informed decision regarding any action(s) regarding the future of this system.

Comments were received from the public regarding current and previous conversations and positions regarding the municipal water system.

Additional public conversation was entertained regarding potential business interests in the south industrial park.

Mayor Carter indicated it is his intention to have a public hearing regarding this initiative when sufficient information has been received and reviewed.

Question raised regarding how long the funds remain available to the City – the understanding of staff is that it is four (4) years.

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

Motion carried unanimously.

- C. Resolution 23-62 for the City to Accept an Anonymous Donation to the Recreation Department.

An anonymous donation of \$ 300.00 to the City's Recreation Board (Commission) has been received by the City, as a financial contribution to help offset costs related to recreation related activities and/or other needs.

Recommendation is for the City to accept this donation.

Motion by Loeffler to authorize the City to accept an anonymous donation to the City's Recreation Commission as a financial contribution to help offset costs related to recreation related activities and/or other needs in the amount of \$300.00, to execute Resolution 23-62 concerning the same, and to acknowledge this donation with appreciation.

Supported by Kealy.

Discussion. Approve/Reject/Table.

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

Motion carried unanimously.

D. Present Proposed 2024 Preliminary Budget.

City staff has been working on establishing a preliminary budget for fiscal year 2024 throughout the last several months.

Staff's construction of that proposed preliminary budget is now complete, and is presented here to the City Council for evaluation and review.

Staff recommends further evaluation and review by the City Council occur prior to September 29, 2023, when the Preliminary Tax Levy is due to be certified to the St. Louis County Auditor, and prior to December 31, 2023, when the final fiscal year 2024 budget is required to be approved and adopted.

Information only.

Administrator Jeffries extended public thanks to Finance Manager Dianna Thronson for her substantial efforts and contributions toward constructing this proposed budget which staff believes is accurate, workable, and realistic.

This preliminary budget for the General Fund follows the historic pattern of line item categories, and are presented in that fashion to allow a comparison to past budgeting efforts.

Mayor Carter commented that he has confidence in City staff, who have the expertise and experience to present these items in a defensible fashion.

Finance Manager Thronson indicated her comfortability with the realistic approach and construction of this preliminary budget.

Mayor Carter reminded all that this budget is preliminary and that it will need to be finalized before the end of the year.

Carter also noted that there is an anticipated increase in local governmental aid of approximately \$25,000, and cited appreciation and accolade toward Mn Representative Dave Lislegard for his ongoing efforts on behalf of the City of Buhl in securing these appropriations.

E. Resolution 23-63 Authorizing the City of Buhl to Adopt the Preliminary Tax Levy for Fiscal Year Payable 2024.

City staff has prepared the fiscal year 2024 proposed preliminary budget, which was presented earlier in this City Council meeting.

The City needs to adopt a preliminary tax levy and certify this to the St. Louis County Auditor on or prior to September 29, 2023.

After thoughtful and detailed analysis and evaluation, staff has identified a proposed levy amount of \$ 430,000 required to balance the proposed 2024 General Fund budget.

Final budget and tax levy amounts are due before the end of fiscal year 2023, which sunsets on December 31.

Recommendation is to adopt the Preliminary Tax Levy for fiscal year payable 2024 in the amount of \$430,000.

Motion by Kealy to adopt the Preliminary Tax Levy for fiscal year payable 2024 in the amount of \$430,000.

Supported by Loeffler.

Discussion. Approve/Reject/Table.

Administrator Jeffries reminded all that once the preliminary levy is certified to the St. Louis County Auditor, it cannot be increased; however, it could stay the same or be decreased. Additionally, Jeffries indicated that the amount is not substantially different than recent historical preliminary levy amounts.

Question and comment received from the public regarding whether the preliminary levy amount is sufficient to meet all the City's 2024 needs.

Question received from the public as to what this preliminary levy number would mean to each individual household in Buhl; as a percentage, the General Fund

budget increase is proposed at 13.3%, and the overall levy increase is proposed at 16.5%.

Conversation regarding that (existing City) debt is not levied in this proposed budget, rather the debt is covered under other revenue streams.

Comment received from the public that if the tax capacity of Buhl goes up, there would be more homes and properties sharing the debt and expense load, and there is a reasonable possibility that property taxes to individuals may go down – and that is why seeking additional housing is very important.

Additional comment received that commercial property taxation would almost certainly yield a bigger impact to the City than residential property taxation.

Additional conversation ensued regarding pursuing commercial development, residential development, or both.

Additional informational questions received from the public were addressed by staff and/or the City Council.

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

Motion carried unanimously.

F. Consideration for Appointing a Member to the Board of the Central Iron Range Sanitary Sewer District.

The City is a participating member of the Central Iron Range Sanitary Sewer District (CIRSSD).

As such, the City is currently entitled to representation on the Board of the CIRSSD with two (2) representative individuals.

A current board member term expires on December 31, 2023, and at such time a vacancy will be created which the City will be entitled, if not expected, to fill.

It has been the City Council's practice, for transparency, to notify the public with regard to vacancies or upcoming vacancies on commissions, boards, committees, and similar bodies, and to receive solicitations from interested parties and/or individuals prior to filling a vacancy.

The public is hereby notified of this vacancy.

Anyone interested in serving in this capacity for a three-year (3-year) term should contact City Hall before November 30, 2023, for potential consideration.

It should be noted that that the city has received an expression of interest in this vacancy by one (1) interested party at this time.

Recommendation is to fill this upcoming vacancy on the board of the CIRSSD prior to January 1, 2024.

Motion by Loeffler to fill an upcoming vacancy on the CIRSSD board prior to January 1, 2024, and to provide notice to the public regarding the same.

Supported by Kealy.

Discussion. Approve/Reject/Table.

Question arose regarding whose position this involves – it is presently understood that this is Commissioner Ryan Pervenanze’s position (Commissioner John Klarich also serves on this board).

Councilor Kealy believes there is now currently strong leadership for Buhl on this board, likes what is developing, believes there is better direction for/from Buhl, and that there will be strong budgeting from this board going forward.

Public comment received supporting Councilor Kealy’s remarks, and it was noted that there are experienced individuals currently serving on this board and that is a huge asset to the community.

Mayor Carter would like to see reports bringing back information to the City Council as may be appropriate.

Motion carried unanimously.

G. Request from Owner to Return Damian 2nd Addition Lot to City.

Jeffrey Hill had purchased and is the current owner and title holder of Lot 5, Block 2 of the new Damian 2nd Addition (PIN #115-00341-00080; address of 101 Monroe Drive).

Mr. Hill has informed the city that he and his family have encountered an opportunity to obtain another property in the City of Buhl which currently has a residential dwelling established on it.

Therefore, Mr. Hill and his family have decided to pursue and obtain this alternative piece of property and, as a result, no longer intend to construct a residential dwelling on their Damian 2nd Addition property.

Mr. Hill has requested to return this lot to the City, and has asked for a refund of his purchase price.

Past practice had been to allow owners to convey similar properties back to the City, with certain conditions.

Recommendation is to allow Jeffrey Hill to convey Lot 0005, Block 002, Damian 2nd Addition (to Buhl) back to the City, contingent upon covering all charges and/or fees related to effecting this property conveyance.

Motion by Kealy to allow Jeffrey Hill to convey Lot 0005, Block 002, Damian 2nd Addition, to the City of Buhl, contingent upon covering all charges and/or fees related to effecting this property conveyance.

Supported by Loeffler.

Discussion. Approve/Reject/Table.

Motion carried unanimously.

H. Invitation to Attend PathBlazers Snowmobile Club Inaugural Snowmobile/Land Owner/Club Supporter Appreciation Day.

The PathBlazers Snowmobile Club of Chisholm/Hibbing & Side Lake is a very active trail management and maintenance organization in this area.

The PathBlazers are very appreciative to the City for allowing them the permitted use to have a portion of their trail traverse through the City of Buhl, spurring positive winter economic impact activity for the community.

The PathBlazers have invited the City Council to attend and participate in their Inaugural Snowmobile Day/Land Owner and Club Supporter Appreciation Day.

This event will be held September 30, 2023, from noon until 4:00 p.m., at their Club Building located at 119 6th Street SE in the Chisholm Industrial Park.

Additional information regarding this event is attached to this memorandum.

Information only.

I. Damian 2nd Addition Construction Update.

The schedule for the 2023 final phases of construction work on the Damian 2nd Addition was discussed at the previous City Council meeting of September 5, 2023.

Project activities resumed on September 14, 2023, with scheduled milling of pavement on Roberts Street/Jefferson Street and Woodbridge Avenue

completed by September 15, 2023. No problems or issues were encountered during these construction activities.

Project construction activities will continue for the remainder of September, with projected completion of the remaining project activities anticipated by the end of October.

The City Engineer was available to discuss further specifics of these project construction activities.

Information only.

John Jamnick, of JPJ Engineering, Inc. (JPJ), indicated that the contractor(s) should be mobilizing to the site(s) later this week or early next week.

JPJ also indicated they are confident that the remaining work can be completed in 2023.

Safety issues with regard to signage or other protections were also discussed.

Comment received from the public with regard to whether weather conditions will impact this schedule and if the construction activities will be in fact completed in 2023.

Further public comment received regarding impact from snow removal and control and how this may effect the road condition(s) received.

JPJ indicated that there is some grading and clean-up work at the Damian 2nd Addition which are planned to be addressed at this same time.

JPJ also indicated that the paving portion of the project should not exceed three (3) working days –

Public comment regarding Klinx Way was also received – that work on this section of road was scheduled for August 2022 and has not yet been realized -

J. Water Tower Maintenance and Inspection Activities Update.

The City approved undertaking a comprehensive washout, condition assessment, and disinfection of the City's water tower storage and distribution system in May 2023.

Utility Service Co., Inc. (USC) was selected to perform these services.

USC was on-site on September 15, 2023 and completed all activities related to the scope of this initiative. No problems were encountered.

Minimal disruption to the water distribution system, including no period(s) of water service interruption, was experienced.

Physical paint samples were collected by USC, and will undergo chemical analysis.

A condition assessment report will be compiled and drafted, and is expected to be received in mid- to late October. Representatives of USC will present the report to city staff and discuss the findings with them at that time.

These findings will be utilized to further evaluate the city's water storage and distribution system infrastructure needs, options, and alternatives for the future.

Informational only.

To respond to a question from the public, Administrator Jeffries indicated that the washout, disinfection, and condition assessment work was quoted at \$2,000.00 and that no additional work activities were experienced.

Jeffries also noted that the washout and disinfection was recommended by the Minnesota Department of Health to be performed at this time, and that the condition assessment was requested since these other activities were being performed and personnel and equipment would be on site and available.

Further public comment was received with regard to work activities which had been performed or considered in the past, especially repainting (it was indicated that there is lead inside the tank in the surface coating(s)) –

Jeffries indicated that whether there is lead contained in any of the coatings, all that does is specify the manner of treatment and/or disposal of waste materials which may be generated from any activities surrounding the tower –

Additional public comment received regarding past testing of the municipal water supply well and how much life it may have in it – and whether there are or would be any impacts from commercial or industrial uses of that source water -

K. Update on Presentation of Buhl 2024 Strategic Initiatives Plan to Mn Senate Capital Investment Committee.

City staff and leadership introduced the “**Buhl BIIG '24 Project**” (Blueprint for Infrastructure Improvements and Gains”) at the September 5, 2023 City Council meeting.

The Mayor and the Administrator subsequently presented an overview and summary of this plan to the State of Minnesota Senate Capital Investment Committee on September 7, 2023 at the Minnesota North College campus in Virginia, MN.

The Committee had invited the City to present to it potential infrastructure related projects which the Committee will consider for funding support in future consideration as a portion of the 2024 state "bonding bill".

The presentation was very well received by Committee members, and follow-up questions and requests for information were forwarded to the Committee Chair.

The City has asked the Senate Capital Investment Committee for consideration of funding \$ 3,375,000 for the following project related activities in 2024.

1) Buhl Business Block Infrastructure Installation	\$ 1,100,000
2) Fire Station Safety Improvements and Expansion	\$ 750,000
3) EMS/Ambulance Facility Access/Egress Improvements	\$ 150,000
4) New Residential Neighborhood Infrastructure	\$ 1,375,000

Additional information regarding this request is anticipated before the end of the year, and staff will apprise the City Council of any relevant and pertinent information with regard to these initiatives.

Informational only.

Question received from the public regarding whether or not the current owner of the former Martin Hughes High School has been or should be approached to see if the City could acquire any property for potential development of additional municipal building(s).

Mayor Carter indicated that understanding the debt which would need to be absorbed for an alternative like this is crucial to evaluating such a consideration.

Administrator indicated that a similar presentation will be given to the MN House of Representatives Capital Investment Committee in Virginia, MN on September 27, 2023.

L. Schedule Working Session for 2024 Budget Initiatives.

The preliminary budget for fiscal year 2024 was introduced earlier today at this City Council meeting.

The City's also adopted a proposed tax levy for fiscal year 2024 earlier in this meeting.

The City must certify this proposed tax levy for fiscal year 2024 to the St. Louis County Auditor on September 29, 2023.

The final budget and tax levy is anticipated to be prepared and completed in December 2023.

Further evaluation and review is warranted in order to achieve a workable fiscal year 2024 budget that is acceptable to the City Council. Staff would like to schedule a dedicated working session for further 2024 budget evaluation and review with the City Council in the near future.

Staff proposed Thursday, September 28, 2023 at 6:30 p.m. for a dedicated fiscal year 2024 budget working session, in the City Council chambers in City Hall.

Further working session(s) will be scheduled at that time should additional evaluation and review of the fiscal year 2024 budget be necessary or desired.

Information only.

Staff was directed to schedule and post a Working Session for this date.

M. Request from Private Party to Construct Privacy Fence on Property Line Abutting City Property.

The City has received a building permit/land use permit application from a private party who desires to construct a 6-foot tall privacy fence on the property line of the east side of parcel #115-0010-00230, located at 211 Jones Avenue.

The property abutting the east boundary of this parcel is owned by the City of Buhl.

Section § 151.035 of Title XV (Land Usage) of the City of Buhl Code of Ordinances provides that:

(B) *Fences placed on property lines.*

- (1) All fences placed on property lines must have written approval of the adjoining property owners. And
- (2) If the adjoining property owner does not grant permission, the fence can be placed no closer than two feet from the property line.

The Zoning Administrator has not identified any issues which would be created by locating a privacy fence in the requested location.

Recommendation is to provide written approval for the construction of a 6-foot privacy fence on the east property line of parcel ID #115-0010-00230.

Motion by Loeffler to approve in writing the construction of a 6-foot privacy fence on the east property line of parcel ID #115-0010-00230.

Supported by Kealy.

Discussion. Approve/Reject/Table.

It was noted that the subject property is located to the immediate west of the Fire Hall.

Motion carried unanimously.

N. Other Business.

None.

O. Councilor's Comments.

Councilor Kealy –

Requested that a letter be sent to the property owner of the property located at Culver Ave. and Forest St. regarding removal of this damaged building.

Staff is directed to work with the City Attorney to draft and deliver said requested letter.

Discussion ensued regarding whether this is a blight matter or a matter which may be addressed under the (Mn) hazardous structure statute; City Attorney will review and advise -

Public question received as to whether or not there are asbestos materials involved with this structure or not –

Additional public discussion/question received regarding what is the status of activities at the former car wash –

Additional public discussion received regarding the general approach to addressing potentially blighted conditions on a general basis –

Public request received to direct the City Attorney to prepare a letter to address these activities –

Administrator noted that the activities on this site are allegedly being conducted by a party who, at the moment, is not the title holder nor owner of the subject property.

P. Mayor's Comments.

Noted that having the community in the room and participating in the content of the meeting is how the civic process is supposed to work and thanked all in attendance for their time, interest, and input -

9. ADJOURN:

Motion by Kealy to adjourn. Supported by Loeffler. Motion carried unanimously and the meeting was adjourned at 9:37 p.m.

Brandin Carter, Mayor

ATTEST:

Tony Jeffries, City Clerk