

**Tyler City Council – Regular Meeting  
Monday, September 9, 2019  
Tyler Fire Hall**

**A. Mayor Jagt called the meeting to order at 7:02 PM.**

Members Present: Joan Jagt, Tim Sanderson, Scott Dressen, Kenneth Jensen, and Cricket Raschke.  
Absent: None. Staff Present: Stephanie LaBrune, Vince Robinson, Glen Petersen, Dave Haroldson, and John Spindler

**B. Pledge of Allegiance**

**C. Approval of Agenda**

**Motion/Second/Pass (M/S/P)** Jensen/Dressen to approve the agenda with the renumbering of Item G 4-14, and the addition of items G3b – Bank Signature Authorizations, and G14 New School Storm Water Drainage Issues.

**D. Approval of Minutes**

August 5, 2019 Regular Council Meeting Minutes –

**M/S/P** Dressen/Sanderson to approve the minutes as presented.

August 12, 2019 Special Council Meeting Minutes –

**M/S/P** Sanderson/Jensen to approve the minutes as presented.

August 15, 2019 Special Council Meeting Minutes –

**M/S/P** Dressen/Jensen to approve the minutes as presented.

**E. Public Hearings**

at 7:05 Mayor Jagt opened the public hearings for the SCDP Update and Public Comment, and the Rezoning Request (ordinance 2019-02) for Parcel # 20-0652-000.

1. SCDP Hearing

Vince Robinson from Development Services, Inc. (DSI) provided information to the public about the Small Cities Development Program (SCDP) owner-occupied rehab grant that is currently open for applicants in the City of Tyler. He explained how the program works and that DSI is accepting applications from eligible homeowners. There were no questions or comments from the public on about the SCDP.

2. Ordinance 2019-02 Hearing

Glen Petersen introduced to the public proposed Ordinance No. 2019-02, calling for the change in zoning for Parcel # 20-0652-000 (lot south of the Kronborg) from R1 (Residential) to B1 (General Business). An adjacent landowner, Shane Christensen, was at the public hearing to express concerns about the proposed use of the lot as a parking area for the Kronborg. He cited the potential for excessive garbage, noise, security of his property, and risk to the children that live at his house as potential problems with the City authorizing such a use of that lot.

After hearing all public comments, at 7:25 Mayor Jagt called for a motion to close the Public Hearing.

**M/S/P** Sanderson/Jensen to close the Public Hearing.

**G. New Items**

1. Ordinance 2019-02 - This is the proposed Ordinance that was open for input at the Public Hearing. After hearing the testimony provided at the Public Hearing, the Council decided to table any action on the Ordinance and directed Petersen to invite the owners of the parcel to attend the next Council meeting to further explain their intended use of the lot and how they could address some of the concerns raised by the adjoining landowner. Item tabled.

2. Ordinance 2019-03 - This ordinance calls for the rezoning of the land at the west edge of town known as the DeZeeuw property from A1 (Agricultural) to R1 (Residential). The Orderly Annexation of this property has recently been approved by the State of Minnesota and the default zoning designation for annexed property is R1. Petersen assured the Council that a school is a permitted use within a R1 zone, so there would be no problem with the school moving forward with construction on their property as a result of this zoning designation.

**M/S/P Raschke/Dressen** to approve Ordinance 2019-03 and Summary of Ordinance 2019-03.

3. Tyler Legion Post – Legion Commander Duane Blake and Legion member Larry Wyttenback were at the meeting to thank the Council for their support of the Legion and for their contributions towards paying for utilities at the Legion a removing snow from the Legion parking lot. They provided information about the expanded uses of the Legion over the past five years and updated the Council on some of the recent improvements they have made to the building. The Council expressed appreciation for the members coming to the Council meeting and for the continued community service that the Legion continues to provide to the community.

4. Presentation of City Audit – Blake Klinsing from Muelebroeck, Taubert & Co., PLLP was at the Council meeting to present the draft audit report. Klinsing went through the audit materials with the Council and answered questions about the report.

**M/S/P Raschke/Dressen** to accept the 2018 City of Tyler Financial Audit.

5. Approval of City Administrator Employment Contract - The personnel committee presented an employment contract between the City and Stephanie LaBrune and requested that Stephanie LaBrune replace Robert Wolfington as the new Deputy Registrar for the City of Tyler.

**M/S/P Sanderson/Jensen** to approve the Employment Contract and Deputy Registrar appointment.

a. City Bank Account Signature Authority – With the change in Administrators, the City must authorize new representatives to sign for banking transactions associated with the various accounts that the City holds.

**M/S/P Sanderson/Raschke** to remove Robert Wolfington as an account signer on the City bank accounts and to add Stephanie LaBrune as a signer on those same accounts.

6. Police Officer Labor Agreement – The Personnel Committee presented a proposed labor agreement between the City and Police Officer AJ Anderson. This Agreement has been approved by the Union and by Officer Anderson.

**M/S/P Raschke/Jensen** to approve the Labor Agreement.

7. Quotes for New Computers for the City Hall Offices – Mayor Jagt presented two quotes that staff provided her for four new computers to replace outdated computers at City Hall. After discussing the quotes and hearing from the Police Chief about his computer needs it was decided to table the decision on purchasing computers until the October Council meeting. LaBrune was asked to work with the City Hall staff and the Police Department to come to the October meeting with further explanation of the specifications of computers being purchased and the technical support that the vendors are offering to provide as a part of the purchase. Item tabled.

8. Resolution 2019-17: MN Department of Transportation Airport Maintenance and Operation Grant – The grant identified in this Resolution would provide the City with up to \$5,564 (maximum of \$11,128 over the term of the Grant) in the form of reimbursement for up to 75% of eligible costs associated with the operation and maintenance of the municipal airport. The term of the Grant is from July 1, 2019 through June 30, 2021.

**M/S/P Dressen/Jensen** to approve Resolution 2019-17 and enter into the Grant Agreement with the MN Department of Transportation.

9. Acknowledgement of League of MN Cities Legislators of Distinction Award for State Senator Bill Weber – Mayor Jagt read the letter from the League identifying Senator Weber as a Legislator of Distinction for his work in promoting the betterment of rural Minnesota.

10. Library Discussion – Mayor Jagt brought the question to the Council about the potential for the City Library to be combined with the RTR School Library when the new school is constructed. She made it clear that she is not currently advocating for such a change, but pointed out that this is the time to explore the pros and cons of such a move. She requested that Raschke and the rest of the Library Board visit with the staff at the Pipestone Library and with other stakeholders about their experiences with similar combined city/school libraries. Raschke indicated she would take the issue to the Library Board.

11. Rate Increase for Water Testing – The Council was informed that effective January 1, 2020 Lincoln-Pipestone Rural Water would be increasing the fee it charges the city for testing the water from \$0.53 per 1,000 gallons to \$0.81 per \$1,000 gallons. This is a surcharge fee and is not tied to the actual cost to the City to purchase the water. It has been the policy of the City to pass along to the consumers all water cost increases.

**M/S/P Jensen/Raschke** to raise the water testing fee for City water purchasers from \$0.53 per 1,000 gallons to \$0.81 per 1,000 gallons effective January 1, 2020. LaBrune was asked to have the City staff include notification of the increase in the City water bills for the next couple of months to be sure the public is informed of the increase prior to the effective date.

12. Discussion of Utility Fees – Mayor Jagt indicated that she has been approached by property owners that would like to have the City shut off their water service and then not bill the property owner for the minimum water and sewer fees. Jagt was seeking clarification from the Council about their interpretation of the City utility ordinances concerning minimum fees and whether or not they wanted to offer exemptions for property owners that are not utilizing the utilities. The consensus of the Council was that the minimum fees were put in place to allow the City to recoup the costs of installing and maintaining the City utility infrastructure and the minimum fees should be charged regardless of whether or not the property owner was opting to use the utilities.

13. Set Preliminary Levy – Mayor Jagt informed the Council that it is a requirement of State Statute that every City declare a maximum tax levy increase by the end of September of each year. She further explained that this declared increase is only a placeholder that cannot be exceeded during the budgeting process, but it could be reduced to any lower amount the Council later agrees to. The Council discussed some of the upcoming expenses associated with the aging City equipment and infrastructure, and some of the proposed City improvements for the next few years.

**M/S/P Sanderson/Raschke** to set the preliminary levy increase at 15%. This amount will be further refined over the next couple of months as the City staff and Council work through the budget process.

14. New School Storm Water Drainage Issues – The City's civil engineer, Bill Helget from Bolton and Menk, was at the Council meeting and informed the Council that the RTR School received a letter from the MN Dept. of Natural Resources (DNR) indicating that the proposed storm water retention and

drainage plan for the new school site is not acceptable to the DNR. The proposed drainage plan was to have the storm water collected in a retention pond on the west edge of the school property and then slowly drained into the open pond to the north of Highway 14. The DNR indicated that this would provide too much additional water into a pond that is already causing water issues within the City and they did not want any additional water running into the pond. The result of this is that the school either needs to move its proposed storm water retention pond to a new location and discharge the water in a different direction, or it will need to expend unbudgeted funds to expand the retention pond and reduce the proposed flow from the pond to the initial drainage location. The school engineer met with Helget and City utility and administrative staff to discuss the issue and look for alternative drainage options. After exploring alternatives it was decided that the best option would be for the school to relocate its retention pond to the northeast corner of its property and to request the City to allow the school to discharge the retention pond into a new pipe that would be installed along County Highway 8 within the utility easement on the property the City owns to the north of the school property. Helget also informed the Council that this would be a good opportunity for the City to work with the school and pay for an increase in the size of the pipe the school would be installing so that the pipe could accommodate additional water if in the future the City decides to modify its storm water drainage system in that part of town.

**M/S/P Dressen/Raschke** to allow the RTR School to install a storm water drainage pipe within its utility easement along the east edge of the property the City owns to the north of the school property, and to authorize up to \$25,000 for the cost to increase the size of the pipe to a size that is recommended by Bolton and Menk to accommodate future City storm water drainage needs.

## **H. Old Items**

1. Resolution 2019-18 Property Tax Abatement for Tyler Dental Clinic – When the new owners of Tyler Dental Clinic expressed an interest in reopening the dental clinic they had requested that the City provide a partial property tax abatement on the building to help them offset a small part of the costs they would incur in getting the dental clinic reequipped and ready to open. In July 2, 2018 the Council held a duly called Public Hearing about this issue. After the Public Hearing the Council should have been presented with a Resolution authorizing the Abatement, but that Resolution was not presented. Now the dental clinic owners have requested that the Council consider the Resolution.

**M/S/P Dressen/Raschke** to approve Resolution 2019-18 authorizing that 90% of the City's portion of the property taxes collected from the owners of the dental clinic property be rebated back to the owners for a period of 5 years beginning with taxes payable in 2019 and with a total amount of Abatement not to exceed \$5,000 over that 5 year period.

2. Discussion of Purchased of a New Garbage Truck – City maintenance worker Dave Haroldson discussed some of the maintenance issues the City has been experiencing with its current garbage truck. The truck is a 2001 model and at the time it was purchased it was assumed to have a useful life of 15 years, or through 2016. It is now showing signs of wearing out and if the City is going to continue to provide garbage service the truck will need to be replaced in the near future. He further informed the Council that he and the previous Administrator, Robert Wolfington, had been looking into models and options for new trucks, but that no decisions had been made to order a new truck. The models they have been exploring would have a single operator and the truck would be equipped with a mechanical arm that would empty individual containers automatically. This would reduce the number of maintenance staff that would be needed to provide the garbage services, but would require that the City purchase specified garbage containers for all residents. The other pressing issue with ordering a new truck is that it takes a lead time of over one year to get delivery of a new garbage truck. Council person Dressen indicated that he would like to see a comparison between the cost of the City providing garbage service compared to the

cost of hiring an outside company to provide the services. LaBrune was asked to explore this issue and bring additional information to a future Council meeting.

## **I. Reports**

1. Police Report – Police Chief John Spindler provided a report on recent activities. He also discussed the need for the City to update the police officers’ laptop computers. He indicated that effective January 1, 2020 the operating system on the current computers would no longer be supported by Microsoft, and that it would no longer be considered a secure operating system. He provided information on quotes he received for new computers. LaBrune was asked to compile information on this request and to include it with revised quotes for the City Hall computers. Item tabled.

Mayor Jagt asked for clarification of the ordinance associated with vehicles parked on City streets after a snow emergency is declared. Spindler and the Council agreed that the current ordinance provides for a 12 hour grace period after a snow emergency is declared for owners of vehicles to remove their vehicles from City streets. Discussion continued about who declares a snow emergency and when that decision is made. It was clarified that the City Administrator is responsible for declaring a snow emergency and in that person’s absence the Mayor is responsible.

2. Attorney’s Report – Glen Petersen presented for approval to issue the Stiner Abatement Order. This Order provides remedy to the City for multiple nuisance violations on land owned by Joseph Steiner. It allows the City to take action to remedy the violations and to assess to the property all costs incurred by the City for said remedy(ies).

**M/S/P** Raschke/Jensen authorizing Petersen to proceed with the issuance of the Joseph Stiner Abatement order.

3. Administrator Report – Mayor Jagt provided this report. Bill Helget has requested that MNDOT send an engineer to Tyler to look at the state of the roads that were seal-coated last summer. It is felt that the contractor did a substandard job and that the City needs to determine if action should be taken during the warranty period.

Jagt reported that the temporary road to the new school site has been completed and that it came in at under half of the \$25,000 that the Council had authorized for its construction.

She also informed the Council and public that the groundbreaking ceremony for the new school is scheduled for October 9 at 2:00 PM.

4. Utilities Report – Mayor Jagt informed the Council that Council Person Raschke has been drafting a letter to include with utility billings that outlines some of the expectations of residents in regards to things like sump pump discharge water, parking regulations, garbage service days and requests for how garbage is to be presented at the curb, and other issues that new and existing residents should be aware of. The Council thought it was a great idea and thanked Raschke for her work on drafting the letter.

Mayor Jagt also indicated that she had discussed the annual closure of the City’s burn site and that maintenance staff had expressed that after the site is closed for the year no one should be allowed to dump there. It was explained that it takes an extensive amount of time each spring for City staff to clean up all the waste that has been dumped there over the winter by the small number of businesses that have keys to the site. This year when the site is closed for the season the locks will be changed and no one will be allowed to dump there until the site reopens next spring.

5. Parks and Recreation – Mayor Jagt indicated that both the Pool and the Summer Rec. managers would be at the October Council meeting to provide reports about 2019 activities.

6. TRED/Economic Development – No report provided.

**J. Financial Report**

Year-to-Date Revenue and Expenditure Reports - dated September 4, 2019 were reviewed by the Council.  
**M/S/P** Jensen/Sanderson to accept the Financial Reports as presented.

Claims – The Council reviewed the Claims that had come in since the last Council meeting.  
**M/S/P** Raschke/Dressen to approve the claims as presented.

**K. Adjourn**

With there being no further items before the Council, at 10:30 PM Mayor Jagt called for a motion to adjourn the meeting.

**M/S/P** Jensen/Sanderson to adjourn.

All motions were passed unanimously unless otherwise indicated.

Minutes submitted by Vince Robinson, Contracted Staff.