

Tyler City Council Meeting Minutes
6 p.m. Monday, April 1st, 2024
Tyler Fire Hall - 101 E. Lincoln St, Tyler MN

Members present: Joan Jagt, Cricket Raschke, Scott Dressen, Keith Lindeman, Karen Meyers,

Members absent: None

Others present: Terry East - City Administrator (virtually), Shelly Finzen – Recorder, Mark Wilmes – Tyler Tribute, AJ Anderson – Police Chief, Judd Guida – Utilities Supervisor, Glen Petersen – Legal Counsel, Josh Keifer – Tyler Fire Department, Bob Bushman – Lincoln County Sheriff, Members of the Tyler Community: Polly Dressen, Carroll Friedrichs, Diane Borresen, Cindy Dunham, Sharon Kolle, Deanna Knudsen, B.C., William Clark, Dale Schak, John Bornhoft, Duane Blake, Cheryl Vos, Tina Wilkison, Scott Wilkison and David Marlett

A. Call to Order

The meeting was called to order by Mayor Joan Jagt at 6 p.m.

B. Pledge of Allegiance

The mayor led the council and visitors in the Pledge of Allegiance

C. Approve Agenda

The agenda was modified as follows:

Letter “a.” under “H. Agenda Topics” was moved to between “F. Approval of March Minutes” and “G. Council/Staff Updates.”

Under “H. Agenda Topics,” “j. Chicken Ordinance” and “k. Resolution 2024-24” were added.

Under “G. Council/Staff Updates,” “e. TRED” and “f. Library” were added.

The agenda was approved as modified.

M: Raschke S: Meyers Action: Pass

D. Declare Conflict of Interest

There were no Conflicts of Interest declared.

E. Public Comments: *Members of the community are allowed 3 minutes each to address the council*

Polly Dressen asked if the City Council meeting agendas could be posted on Facebook and in the newspaper before the meetings. Jagt explained that the agendas are not completed in time to be put into the newspaper, but posting on Facebook might be an option.

F. Approval of March Minutes

An amendment to the minutes, to remove the sentence beginning, “On Tuesday, March 5...” from the minutes was made because it took place after the meeting.

Karen Meyers requested that the spelling of her name be corrected throughout the Minutes.

A motion to approve the minutes as amended was made.

M: Raschke S: Lindeman Action: Pass

G. Council/Staff Updates

a. Police

Sheriff Bob Bushman spoke to the council about the Violent Crimes Task Force. According to Bushman, Lincoln, Pipestone, and Murray Counties are all members of a task force that addresses violent crimes within the counties. Each county contributes \$25,000 annually towards operating costs and the rest of the funding comes from Department of Public Safety grants. Although the funding is important to the task force, they believe that the information input from each member is even more important. The task force is asking the different local police departments in each county to also join the task force, free of charge, to increase the amount of information and public safety resources that can be shared. It also expands the network of available information beyond the counties.

A motion was made for the Tyler Police Department to join the task force.

M: Dressen S: Lindeman Action: Pass

Police Chief AJ Anderson presented his monthly report. According to his report, the probation period for officer 4161 ended on 3/22/24. Anderson recommended that the officer be passed.

Anderson said that a National Night Out event planning committee has been established for Tyler. The National Night Out event will be on Tuesday, August 6. It will be a large-scale community event to celebrate Public Safety. Anderson asked for a budget of up to \$1,000 for planning the event.

A motion was made approving up to \$1,000 to plan for the National Night Out.

M: Meyers S: Rashcke Action: Pass

Anderson and Bushman stated that they expect the State of Minnesota to pass a statute which will require dash cams in all police vehicles. Anderson is in the process of researching the cost of two sets of dash cams from Axon. He estimates the cost at a total of \$9,000 for both sets, which includes installation and cloud storage. Anderson estimates that the cams will last 8-10 years. The topic was tabled.

During the months of February and March, the Tyler Police Department answered the following calls:

30 traffic calls, 5 domestic calls, 3 threats of violence, 2 verbal arguments, 1 injury crash, 3 crashes, 1 VOR, 3 disorderly conducts, 1 suspicious activity, 3 warrants, 5 animal complaints, 4 gas drive-off calls, 4 vulnerable adult calls, 4 welfare checks, 4 reports of theft, 4 child protection calls, 1 gas leak, 1 HRO, 2 driving complaints, 2 calls on property damage, 3 civil calls, 1 trespassing call and 3 medical calls.

b. Utilities

Utilities Manager Judd Guida presented the April Utility Report. Guida reported that they are continuing work on the GIS mapping project. Guida said that this will allow the City to collect

a lot of information that is not yet “written down anywhere,” and keep it in one place. He expects it to be at least a 2-year project.

Guida reported that the Maintenance Department ordered 18 more snowflake decorations that will be used beginning in the 2024-25 Winter. Guida said that the decorations were paid for with funding from City of Tyler, Tyler Lions Club, and Sharon Kolle. The total cost was \$6,019.

Guida reported that the seal coating for the year is out for bids. The plan is for the northeastern corner of town to be seal coated. Guida said that he estimates that 10” of snow fell during the last snowfall and the City plowed the entire city three times plus had additional clean up.

Guida said that the smaller mower and the Gator that were ordered on their regular replacement rotation schedule and will be delivered on April 2. He would like to purchase a pull-behind mower for the Parks department, but this will be discussed later in the meeting.

Guida said that the main project for the Electric Department to focus on in 2024 will be to move part of the line along County Road 113 underground for the sewer project. Guida reported that the Electric Department purchased 20 used transformers from the City of Princeton. The “new” transformers are much newer than the ones the City is currently using. Guida said that the City paid approximately 1/10 of the cost of the same transformers new, \$5812 compared to \$50,375. He said that these are only 10-12 years old, compared to the City’s 40+ year old transformers currently in use.

Guida reported that there was another water main break near the old school location. He said that it is the third break in the same line. The line was capped to prevent future issues. Guida reported that Water and Sewer Manager Dean Beck earned a Good Service Award from the MPCA.

c. City Administrator

Terry East was ill and attended the meeting virtually. His report was written and included in the packets.

d. Fire Department

Josh Keifer presented a report for the Tyler Fire Department (TFD). Keife stated that the department has not had any fire calls so far in 2024.

Keifer reported that Lincoln County designated some funding for public safety in the county and purchased hand-held radios. TFD will receive 15 of the new hand-help radios. They will allow the department to communicate freely with other public safety departments in Lincoln County and around the region. Keifer said that if the department had to purchase the radios themselves, it would have cost more than \$48,000.

Keifer said that as a result of the upgraded hand-held radios, the department will need to also upgrade the radios in the trucks. They plan to budget \$5,000 per year for the next five years to

raise half the funds and Lincoln County plans to cover the other half of the cost, which is estimated to be about \$48,200.

Keifer stated that the department is searching for grants to purchase a new tanker truck. The current truck is a 1991 cement truck that has been refitted with a milk truck tank. It is a 13-speed manual transmission, which is difficult to drive. They have been in contact with a grant writer and are working with her to get FEMA grant funding.

Keifer stated that Minnesota updated their requirements for turnout gear. The gear must be 10 years or newer. In order for the department to come into compliance, it will cost around \$80,000. They applied for a grant to cover the costs of new turnout gear and they will budget for three new sets a year for the next five years.

e. TRED

Council/TRED liaisons Karen Meyers and Keith Lindeman presented an update on behalf of the TRED board. According to their report, the surveying of the Shed Project is completed and the Plat has been filed with the county. The new street has been named South Wilson Street. The drainage ditch will go in on the west side of the project area. The next step will be to rezone the subdivision.

f. Library

Library Director Shelly Finzen presented an update on Tyler Public Library. According to Finzen, two of her advisory board members stepped down and she would like the council to approve Dana Haney and Chelsea Baguley being appointed to the library board.

A motion was made to appoint Dana Haney and Chelsea Baguley to the Tyler Public Library advisory board.

M: Raschke S: Meyers Action: Pass

Finzen reported that she purchased a translation device. It will stay in the library, but the City Office and community members who need translation services can come to the library to use it. The cost of the device is being covered by a grant from the Prairielands Multitype.

Finzen reported that she received the first donation towards the new building, in the amount of \$1,000.

H. Agenda Topics

a. Avera Option to Purchase 2024-16

Speaking on behalf of the Tyler Community Members, John Bornhoft commented on the Community's desire to retain a hospital within the Tyler Community. Bornhoft emphasized that keeping a medical facility within City Limits is a high priority for the majority of the citizens and is a good investment into the future of the town. It not only supports the Tyler community, but also supports the communities surrounding Tyler.

Mayor Jagt responded to the comments, explaining that the discussion is between the City of Tyler and Avera. She offered some background information about the discussion and then emphasized that the

council frequently asked Avera Administration for an explanation of what exactly would be built on the property, and Avera would not give an answer and changed their description from building a hospital/clinic/nursing home to building a “health care center” with no plans as to what would be built. Jagt further emphasized that the City Council does not have control over what is actually built and they will not be to blame if it is not what the community members expect.

Discussion turned to Resolution 2024-16, Avera Option to Purchase. The option to purchase will be a 5-year option for Avera to purchase approximately 21 acres of land for \$1 to build a health care center. Until Avera purchases the land or until the 5-year option is over, the City of Tyler will continue to rent the land to the highest bidder. If Avera purchases the land, in exchange, they will demolish the structures on the current land and give that land to the City of Tyler.

Scott Dressen asked when the timeline began once the land was purchased by Avera. Glen Petersen responded that the timeline would be determined at the time of purchase.

Raschke clarified that the option to purchase expires in 5 years, in 2029. Petersen confirmed that and said that if Avera does not purchase within the 5 years, the City of Tyler can open negotiations with anyone they want to.

A motion to adopt Resolution 2024-16 Avera Option to Purchase was made.

M: Raschke S: Lindeman Action: Pass

b. Move Electric Due Dates to 5th-10th 2024-17

A resolution to move the utility due date from the 5th of the month to the 10th of the month was introduced, RESOLUTION 2024-17. Moving the due date will allow some of the City residents to make their payment on time without penalty or having to sacrifice paying other bills.

A motion to adopt RESOLUTION 2024-17 was made.

M: Meyers S: Dressen Action: Pass

c. Community Garden and Farmers Market 2024-18

Discussion turned to the Community Garden. There are 13 people who signed up as interested in the garden. The proposed location is west of Avera Hospital in the Thompson’s Addition. Resolution 2024-18, A RESOLUTION APPROVING A COMMUNITY GARDEN AND FARMERS MARKET, was read to the council. Carroll Friedrichs was asked for input into the discussion, as he will be the one managing the community garden. He said that he needs access to water and he needs a tiller.

During discussion, Guida was asked if that location has water access and the answer is no. The cost of getting water to that location would be high. Raschke recommended a water truck for the first couple of years. Lindeman asked if there was another location to consider for the garden. Friedrichs replied that he would recommend considering the north end of the Pool Park.

Friedrichs spoke to the council concerning the research he had completed. He recommended that the City charge a small fee for use of the garden plots to cover the cost of tilling and water. He also recommended that the City have a contract for people who use the garden to sign. It was recommended to

fence the area to prevent vandalism. Friedrichs said that it could be locked at night and that responsibility would fall on the manager.

Guida commented that he did not want people to be driving over the grass to the garden, regardless of which location is chosen.

Jagt said that the proposed resolution doesn't fit with the new plans being discussed for the garden. It is already April, and she is concerned that further delay will prevent the success of the project. After more discussion, the council determined that the City cannot move forward with the project at this time. The topic was tabled until the May meeting.

d. Life Guards and Firefighters ESST 48 hours min (See Handout) 2024-19

Resolution 2024-19: A RESOLUTION APPROVING ESST FOR FIREFIGHTERS AND LIFEGUARDS was discussed. The resolution proposed that 48 hours of ESST be frontloaded to any firefighter or lifeguard who clocks more than 80 hours of employment in a year. Jagt commented that this would also apply to seasonal help as well.

During discussion, the state mandate's requirements were clarified, that an employee who works at least 80 hours in a fiscal year earns 1 hour of ESST for every 30 hours worked. However, the council is unclear as to how this would apply to firefighters, who are volunteers and only get paid for the hours they are in training or at a fire. "How does a firefighter call in sick," Lindeman asked.

Because the council did not feel they could make a decision without input from East, the topic was tabled to the May meeting.

e. Close the payroll account 2024-20

Jagt informed the council that there is a payroll account that is no longer being used. The City wants to close the account because it is no longer needed.

A motion was made to approve RESOLUTION 2024-20: A RESOLUTION APPROVING CLOSURE OF THE PAYROLL ACCOUNT AT FIRST INDEPENDEND BANK.

M: Dressen S: Raschke Action: Pass

f. City takes over mowing Runway 2024-21

There is an agreement between City of Tyler and Tyler Golf Club regarding mowing of the golf club grounds. In the past, the City provided the equipment and the golf club management used the equipment to mow the grounds and the airport runway. Per Petersen, who reviewed the contract, the Golf Club runs the golf course and they also take care of the airport, and the City reimburses the Golf Club for any money that is reimbursed by the FAA.

Peterson said that the problem arose when East submitted the bills from the Golf Club to the FAA and the FAA requested the specific number of gallons used by the Golf Club to mow the airport runway. When the Golf Club was notified of the request by the FAA, they refused to provide the gallons used.

Petersen said the conversation between the East and the Golf Club continued, but he stayed out of it. The final decision was that the golf club decided that they now want to be paid \$100/hour to mow the airport runway.

Peterson would recommend that the council request that a member of the Golf Club board come and talk to the council at a meeting so that everyone can be on the same page.

Through Teams chat, East commented that if the City mows the airport property, the City can keep all the FAA reimbursement funding, which is a benefit to the City.

Petersen commented that if the City takes over the work, they need to have the equipment to do the work. He was under the impression that the Golf Club uses the pull-behind mower for the airport runway. Jagt clarified that, no, the Golf Club was using the fairway mower to mow the airport runway, "which is how the [fairway] mower got so many hours on it and the [fairway] mower isn't worth anything anymore."

Guida proposed purchasing a new pull-behind mower. Jagt commented that the City now needs to mow the old school location beginning this summer. The new mower could be used for mowing both locations.

Raschke asked for clarification on the details of the contract with the Golf Club. According to the contract, the Golf Club will mow the airport property and the City of Tyler will give them \$10,000 for projects on the golf course property. The Golf Club would run the golf course and keep the profits from the operation of the golf course. The Golf Club would mow the airport and the City would reimburse them whatever was received from the FAA for the mowing.

Dressen pointed out that part of the reason behind the original agreement was that the Golf Club could use the City-owned mower to mow their fairway. However, as Petersen pointed out, the Golf Club purchased their own mower. Guida commented that the City received a bill from the Golf Club for \$6,000 for mowing in 2023, which is listed in the bills for April.

Jagt said that she feels the situation is a result of an accident that happened at the Tyler Airport in 2023. She feels that following that accident, the FAA and FAE are keeping a closer eye on how things are being done and are requiring more paperwork for funds reimbursement.

Meyers asked how many hours it would take to maintain the airport lawn and Guida said that it probably takes them about 5 hours a week, but it would take the City 10 hours a week with the equipment they currently own. The proposed pull behind mower would reduce that number.

Jagt recommended tabling the resolution until City representatives can have a discussion with the Golf Club Board.

Discussion turned to the pull-behind mower. Guida said that he received quotes from three different companies, with the low quote coming in at \$17,000 from Kibble Equipment. Although the City has not budgeted for the purchase now, they could make it work by paying \$5,000 now and the balance after Jan. 1. Kibble accepted that arrangement, according to Guida.

Jagt requested to table the purchase of the mower until the May meeting.

g. Repay TRED to use funds for Daycare 2024-22

Jagt provided background on the funds that TRED is requesting. According to Jagt, the City borrowed the funds from TRED to purchase the property where the new school sits. The agreement was that the City would repay the funds when TRED had a project moving forward and needed help with funding. Jagt commented that the original discussion was to build duplexes on City property, but there isn't an actual project moving forward. She was unaware of any discussion about using the \$100,000 for a daycare.

Meyers said that she was told by TRED members that the City was going to pay the funds back for housing on the Old School property and now that the City plans to build the new City Hall complex on that property, TRED wants the funds back now.

Jagt and Dressen both commented that she was misinformed. The Old School property was never part of the original discussion or agreement, according to both Jagt and Dressen. The only thing that had been discussed before was installing some sort of an art feature or park where the location of City Hall is now being planned.

Meyers and Lindeman said that the discussion about the daycare is nebulous and Anderson confirmed that there has been discussion, but the originally proposed plans are not moving forward, so nothing is set in stone yet.

When asked why this topic was brought forward, East commented through Chat that TRED asked for the funds back.

No motion was brought forward.

h. Electric Sign 2024-23

When the Electric Sign was originally proposed, East had applied for a grant for \$15,000. He received \$2,000. There is potentially \$5,000 from a Heartland Power grant. The final cost to the City would be \$19,422.90.

No motion was brought forward.

i. Tiede Update

Petersen said that he sent a final proposal to Mr. Tiede concerning the pasture land owned by Tiede that the City will need to run the new sewer lines through. Petersen noted that Tiede has been difficult to communicate with, as Tiede does not respond to correspondence in a timely manner, so Petersen initiated the condemnation process in case Tiede was not willing to work with the City; however, he would much rather come to an amicable agreement between the two parties.

Petersen said that he did receive a response from Tiede on the final proposal just before the meeting and Tiede said he thought it looked good, but wanted to run it by his attorney before signing it. Petersen said that if he did not have follow through within a week, he would need to move forward with the 90 days' notice of the condemnation process in order for the sewer project to stay on schedule.

A motion to approve the Tiede easement was made.

M: Meyers S: Raschke Action: Pass

j. Chicken Ordinance

At the March meeting, community members requested that chickens be allowed inside the City of Tyler City Limits. Meyers said that she would work with the community members to develop an ordinance allowing chickens.

Scott and Tina Wilkison proposed an ordinance for chicken ownership to the council. During the discussion, the council recommended a few modifications to limit it to a maximum of six laying hens that cannot fly. Chicken owners must secure a permit from the city and have a manure management plan available for City personnel to review. No roosters or meat birds will be allowed, no ducks, turkeys or other types of fowl will be permitted. Chickens must be kept in a fenced in area. Manure may not be placed in the City compost and must be double bagged if placed in the garbage.

A motion was made to adopt the ordinance with the addition of "Owners must have a place for manure management and will provide it to City personnel upon request," and "Hens must not be able to fly."

M: Raschke S: Lindeman Action: Pass

k. Rezoning ordinance 2024-24

Petersen asked the council to approve RESOLUTION 2024-24, a resolution to schedule a public hearing for the rezoning of the Shed Development on Highway 14. Petersen proposed to rezone the property from Residential R2 to Commercial and Industrial C/I. The public hearing will take place on May 6 at 6 p.m. during the next City Council meeting.

A motion to approve RESOLUTION 2024-24 was made.

M: Raschke S: Meyers Action: Pass

I. Financial Reports

The council discussed the bills that were submitted to be paid. They would like to wait to pay the Golf Club bill for mowing services until they have a chance to talk to the Golf Club Board.

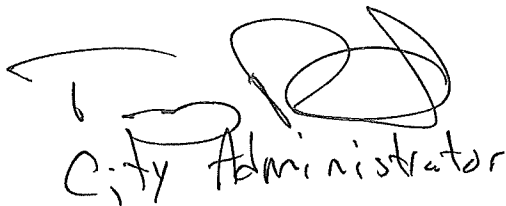
A motion to pay all bills except the Golf Club mowing bill was made.

M: Raschke S: Dressen Action: Pass

J. Adjourn

A motion to adjourn the meeting was made at 8:58 p.m.

M: Meyers S: Raschke Action: Pass


City Administrator


James M. Jay, Mayor