

CITY COUNCIL MEETING  
APRIL 15, 2024  
7:00 P.M., CITY HALL

Pursuant to due call and notice, the City Council of the City of Eagle Bend, MN met in regular session on Monday, April 15, 2024 at 7:00 P.M., in the City Hall. Mayor Scott Johnson called the meeting to order at 7:00 P.M. Council Members present were Jason Nelson, Jacquelyn Lorentz, Jessica Olson, and James Kimball; absent: none. Also present were, Clay Sandmeyer, James Gaida, Twila Pierce, Cory Berg and John Rachuy.

The Pledge of Allegiance was recited.

Following a brief review and discussion, (Action 24-04-52) Council Member Lorentz moved to approve the minutes of the March 25, 2024 Special City Council Meeting, April 1<sup>st</sup> 2024 Special council meeting and the April 11, 2024 Board of Review meeting as written, seconded by Council Member Nelson. Motion adopted unanimously.

Bills submitted for approval were reviewed. Following a question and answer period, (Action 24-04-53) Council Member Lorentz moved to approve the bills for payment as presented, seconded by Council Member Nelson. Motion adopted unanimously.

Liquor Store financial report for the month of March 2024 was presented to the City Council.

The Council was presented with a monthly report for March from the Todd County Sheriff's Office showing calls they handled during the month.

City Administrator asked Cory Berg to have a seat at the table with the city council than the City Administrator proceeded to call city attorney Joe Kruger. City Administrator introduced the city council and Cory Berg to Joe Kruger. The council and Cory Berg proceeded to have phone meeting with Joe Kruger regarding the land behind Eagle Bend Welding. Joe stated there is two options to go about this. The first option would be for the city make a motion to vacate North ST E and to sell the city's portion of the vacated street to Cory Berg but I wouldn't advise this option to the city unless there's an agreement in place prior to the street being vacated. The second option would be for Cory Berg to start a petition to have North ST E vacated. Cory asked why this street wasn't vacated during the street project. Joe Kruger replied that most of the time cities don't vacate a street because the city doesn't gain anything from it. That the street still shows on a plaque book and is still recorded as a street and in some cases the city has utilities that run underneath the street. Council member Olson asked Clay Sandmeyer if we had any city utilities that run underneath there or if would ever use that street for anything? Clay replied no, the city does not have any utilities that go under there and I couldn't think of use the city would have for it. Mayor Johnson asked Cory Berg and the city council if they had any questions for Joe Kruger, everyone replied no and the phone call with Joe Kruger was ended. Council member Lorentz stated if the city doesn't have a purpose for this street. We could have City Administrator work with Joe Kruger to start the paper to vacate the street and have a contract drafted up on what Cory Berg will for pay this process. The council decided to table this until City Administrator has a contract drafted up with Joe Kruger for the council and Cory Berg to review.

The Council was informed of the following donation that was made to the City of Eagle Bend: Browerville Sportsman Club in the amount of \$2,000.00 to the Eagle Bend Fire Department & Wykeham Township in the amount of \$250.00 for the use of the City Hall. (Action 24-04-54) Council Member Nelson presented Resolution #24-17-716 "A Resolution accepting a donations to the City" and moved for its adoption, seconded by Council Member Lorentz. Put to a vote, the following members voted in favor of this resolution; Lorentz, Nelson, Olson, and Kimball; against, none. Resolution #24-17-716 was duly adopted.

City Administrator presented a road easement contract to the city council. City Administrator informed the city Council that he had Joe Kruger draft this contract up the reason for this contract is that during the phase 5 project. There will be a time where 3<sup>rd</sup> Ave will be closed and accessible for the residents to access it. Bryan & Anna Drayna have a field road that the surrounding neighbors could use during the time 3<sup>rd</sup> Ave is being tore. City Administrator stated this contract was only for the surrounding neighbors, the city would take care of the field road and add class 5 dirt if needed. Council Lorentz asked City Administrator if Drayna's were aware of this contract. City Administrator replied yes, Bryan wanted something in writing and has a copy of this contract and has been in talks about the contract with City Administrator. After further questions, brief review and discussion, (Action 24-04-55) Council Member Olson moved to approve the field road easement contract with Drayna's, this motion was seconded by council member Nelson. Motion adopted unanimously.

Clay Sandmeyer & City Administrator informed the city council that Adam Buach's six month probation period will end on April 17 2024. Council member Lorentz asked Clay how he thought Adam was doing. Clay stated first off, Adam planned on being here tonight but got paged to a Fire but I feel he is doing great. Adam, has his gas license, is working on his water license. Clay stated Adam's on gas call now and is a quick learner and I don't have any issues or concerns about Adam. After further questions and discussion, (Action 24-04-56) council member Lorentz made a motion to take Adam off his six month probation period. This motion was seconded by council member Kimball. Motion adopted unanimously.

City Administrator stated to the council his twelve month review is up for discussion. Council member Lorentz asked City Administrator how he thought things were going. City Administrator replied well, to say this job is a learning curve is an understatement. City Administrator stated he is feeling more comfortable with not only the daily items but is feeling more comfortable and has a better understanding of the monthly reports and items. Council member Kimball asked when you would feel comfortably without having Kevin around. City Administrator replied never. Council member Kimball replied I like that answer because it's an honest answer. Council member Kimball stated every time I've asked for something he's provided it. (Action 24-04-57) Council member Kimball made a motion to take City Administrator off his probation. This motion was seconded by council member Lorentz. Motion adopted unanimously.

City Administrator presented three quotes to put in ventilation system for the fire hall & city maintenance shop. The three quotes were from Mission Mechanical, Erickson Plumbing & Heating and ESSER Plumbing & Heating. City Administrator stated he reached to four companies and two never got back to him. City Administrator also stated he didn't receive these the quotes from Erickson & ESSER until 4'oclock today and that Clay could vouch for that. Clay stated that City Administrator was calling these guys every day and they kept telling him they would get them these quotes but waited until the last minute. City Administrator & Clay also stated that Mission would still stand by their quote but their quote doesn't include a system for upstairs. Council member Kimball stated two of these quotes don't have electrical work included. City Administrator replied, the contracted stated in most cases small towns have a local electricians. City Administrator stated he asked the contractor for two quotes one to include electrical work and one to not include it but they didn't do that. Council member Olson stated we should really wait until we know what the electrical work will cost before we make a decision. Council member Kimball stated he agreed and these quotes might come back more similar if we do that. The council asked City Administrator to reach out to these companies and call electrical to find out how much electrical work would cost. The council decided to table this item for now.

City Administrator updated some information about the Lions Park/City Maintenance building. City Administrator stated he reached out to the league of MN cities about cities building structures and if there are any requirements. Because at last month's city council meeting Tim Notch brought up that a city might be required to have an architect to design the plans of the building. Council member Olson stated that an architect isn't required and Council member Kimball stated it says it is. The council decided to move on to the next item of old business.

John Rachuy presented his case on why he should be allowed to have a semi-trailer in town. Mr. Rachuy stated he asked to have this semi-trailer there to help with his storage as he just bought building on Central Ave N in hopes to start a garage sale business but with COVID and his wife's medical issues, that hasn't happened yet and doesn't have a timeline when the business will be opened. Mr. Rachuy stated he doesn't know where this complaint came from and wants to know who made the complaint and that he has the right to know who complained. Council member Kimball stated we don't have to relieve who complained about the trailer. Mr. Rachuy stated he is being targeted by the council because no one he has talked said they complained about the trailer. Clay then stated he filed the complaint about the semi-trailer. Mr. Rachuy stated he was told by Mayor John Candler and Kevin Hess that he could have the trailer there but if any one complained about it, the council would have to address the issue then. John then stated he doesn't understand why this is coming up now after the trailers been for five or more years and no one has complained about it. Clay then repeated that he complained about it being there so you can't say no has complained about it. Mr. Rachuy then said none of my neighbors complained about it. Mr. Rachuy also asked Clay if he would be willing to go to court over this. Mr. Sandmeyer then stated yes, write my name down, I'll go to court over this. Mr. Rachuy then stated he was told he could have this trailer there by Kevin but if anyone would complain about it the council would have to address it, City Administrator James Gaida then asked. John do you have anything in writing or something signed saying you're allowed to have this trailer there? John replied no just Kevin's word and the word John Candler was has past. John then stated he thinks the city has bigger problems with other properties in town than his trailer that is nicely organized and parked neatly behind his building. City Administrator asked John how is his trailer not considered a permit fixture if he has built stairs to it. John replied, that he was just being using it for storage while he was working on that building and he doesn't appreciate being assessed \$500.00 on his taxes for his trailer being there. Clay then stated doesn't that tell you something, if your being assessed on it that the County considers it a permit fixture. Council member Kimball asked John if we give you five months to move it would that be enough time. John replied no, I don't have a timeline how long it would take me to move it. Council member Kimball asked what about renting land outside of city limits or do you have a friend that would let store the trailer on their property outside of city limits. John replied it would be inconvenient for me to have access to the trailer. Council who member then stated John we are trying to work with you and give you time to move the trailer, so if you could give us a estimated time line of when you think you could have the trailer moved by. John replied, it would probably take two to five years for me to have the trailer moved. Clay then stated, you could have that trailer moved in a day. Mr. Rachuy then asked why this is coming up now, why is it such a big deal all the sudden. Council member Kimball stated because someone filed a complaint about the trailer being there and you yourself even said if someone would file a complaint about the trailer the council would have to do something about it and that's where we are at now. Mr. Rachuy then said who filed the complaint than, Clay repeated I did, I filed the complaint. Clay stated he was approached by several people complaining about the trailer being there. City Administrator then stated that County Sheriff Mike Allan has a copy of both the City Ordinance and the letter sent to John Rachuy. John Rachuy then asked Cory berg if he was ever sent a letter about having semi-trailers in his yard. Cory replied no, because I have two there right now. But the one is getting worked on and in the shop right now and once it's done it will be sent to Browerville. The other one is waiting to be worked on but once the shop is open it will moved there. Cory then stated he isn't using them for storage that they are being worked on and once they are finished they won't be in his yard anymore. John then asked Cory why he was allowed to have them and Cory replied because I'm not using them for storage like you John. John then asked where this was coming from that he feels he's being targeted. Council member Kimball stated a complaint was filed and we are dealing with it and we are trying to

working with you but you refuse to be realistic on the timeline it would take to move the trailer. John then replied I'm not here to ask for sympathy but I'm running my wife to doctor appointments three times a week and wouldn't have time to clean out that trailer. It would take me two to four years to have that trailer moved. Clay replied I could have that trailer moved in a day. Council member Olson stated we aren't getting anywhere. Council member Kimball stated John we are trying to work with you but you're not willing to work with us. Council member Olson stated let's just move on. John then stated the trailer is not going to be moved in 30 days even if he wanted to, Clay then replied that is fine John but I'm going to call the County Sheriff's office every 30 days that trailers not moved. John that stated he was given permission to have this trailer there and Kevin must not have been aware of the city ordinance or it wasn't put in place yet. Council member Lorentz said we will get the information, as to when that ordinance was put in place. John stated I also have the right to know who filed the complaint. Mayor Scott Johnson we are moving onto the next item of business. The council took no action and will address the status of the situation at next month's council meeting.

City Administrator brought up the Ferguson Bill that was from Jerry Lorentz's leaky water line this past winter. Council member Lorentz stated that she will abstain and won't comment on this. City Administrator stated the bill has been paid and he and Clay figured out Jerry's portion of the bill. City Administrator stated he had spoken with Jerry regarding his portion of the bill. Jerry asked if he has to pay the bill in full or can he make payments to the city. If he chooses payments how much interest would the city charge him? Council member Kimball stated I kind of felt sorry for the guy to had pipes bust last year and that in these types of situations the city should work with the citizen and not to make money off the situation. Council member Kimball then asked City Administrator what the average rate the city was making on CD's. City Administrator replied 4%, Council member stated that would be a fair rate to charge Jerry. (Action 24-04-58) Council member Kimball made a motion to have City Administrator reach out to Jerry Lorentz and tell Jerry if he wants to do payments he will get charged 4% interest by the city. This motion was seconded by council member Olson. The following members voted in favor of this motion Nelson, Olson, and Kimball; council member Lorentz abstained. Motion adopted unanimously.

City Administrator updated having a credit card fee for the Liquor Store. City Administrator stated, I'm just trying to pass the fee on to the user so the Liquor Store doesn't have to eat that cost each month. City Administrator presented a report of what the city paid in credit card fees for year 2023 and so far in 2024. City Administrator stated he isn't trying to make the city money off charging the fee but rather do what other establishments are doing and passing the fee onto the customer. Council member Olson stated it averages a little over \$700 a month in credit card fees. Council member Lorentz asked what the city would charge for a percentage, City Administrator replied I would to call the credit card terminal company and find out that figure. Council member Olson asked what the city made off the ATM and if that was enough to cover the cost of credit card fees. City Administrator replied I will get those figures to you. The council decided to table this for now.

City Administrator brought up having a THC/CBD ordinance put in place and the possibility of selling those products at the liquor store. City Administrator asked if this is something the council would like me to pursue? Council member Lorentz stated the city should definitely look into a city ordinance because local businesses are already selling it. City Administrator stated that the city has Tobacco and Liquor Licenses fees already. Council member Olson stated yes, look into the process of having an ordinance put in place and what it would take to start selling it at the Liquor Store because this is legal now and it's not going to go away. Council member Kimball stated yes, the city should charge a license fee but not this year. City Administrator stated he will start looking into this and hopefully have more information for next month's city council meeting.

Clay Sandmeyer wanted to let the city council know, that the Eagle Bend Fire Department decided to donate \$20,000 to city for the roof repair. The city council was very happy to hear this and told Clay to thank the Fire Department.

City Administrator informed council that Jay Eckel asked him what the city's plan was for the old roof tin. Jay stated the city might be able to sell and if so he would be interested in it. Clay and City Administrator stated that the old roof tin was in bad shape. The tin was rusted through in spots and wouldn't be worth anything. The council discussed it thought it would be fine to give the old roof tin away and to have the people interested contact the city hall.

There being no further business to come before the City Council, (Action 24-04-59) Council Member Lorentz moved to adjourn at 8:48 p.m., seconded by Council Member Nelson. Motion adopted unanimously.

James R. Gaida  
City Administrator

Scott Johnson  
Mayor