

City of Cleveland
Minutes
Regular Council Meeting
Monday, February 6, 2023 @ 5:30 p.m.
205 4th Street, Cleveland, MN 56017

The regular meeting was called to order at 5:30 p.m. by Mayor Don McCabe, Council Members present: Tonya Schummer, Anne Hiller, Mark Hintgen, and Sarah McCabe. City Staff present: City Clerk-Treasurer Charles Hodge, Police Chief Randy Tiegs, Public Works Director Casey Volk, Head Bartender Julie O'Malley, and City Attorney Jason Moran

Approval of Agenda – A motion was made by Schummer and second by Hintgen. Voting: Yes - All

A Motion was made by Hintgen second by Schummer by to approve the minutes and bills. Voting: Yes - All

Public Comment – Council welcomed Residents Vickie Miller and Nancy Gens. Vickie had questions regarding how it is determined on what goes in the minutes and what does not. Attorney Moran explained that minutes are not a transcript of the meeting and the minutes are only for recording official actions made by Council. Nancy Gens mentioned she would like to wait on her public comment until after Attorney Moran's Presentation.

Abatement Hearing for 315 2nd St. – Tiegs reported that the abatement hearing is for the property owner to present to Council on what they are going to do with the property (property owner did not show). Its Tiegs' understanding that the insurance company has paid out to the mortgage company so there is no longer a mortgage company involved and the remaining funds left went to the property owner. The property owner did receive the public nuisance violation notice due to him calling into City Hall and leaving a message for the City Clerk stating to get the Police off his case. Tiegs is looking for direction from the Council on how they would like to proceed. Chief Tiegs did indicate the likely cost effective way is to wait 30 days from the public nuisance violation notice and then do a formal complaint and then go to court. Schummer repeated back the information to the Chief to make sure that she was on the same page. Hiller asked when the public nuisance violation was sent out and the Chief indicated it was sent out on January 17th and proceeded to say that on February 17th he can do a report to Attorney Moran so he can do a formal complaint.

Attorney Moran explained that there are two routes that can be taken to get the property cleaned up. There is a "Civil" route which is basically a civil lawsuit against the property owner and then there is the "Criminal" route he continued explaining having a structure like this in town without question a violation of the City's criminal code specifically our nuisance property code. Moran continued to explained that if the property owner on notice to get it cleaned up and if not then the City can proceed under the "Criminal" process. Moran explained to Council that criminal process is much more cost effective and faster to a City than the civil process. Schummer made a motion to have Hodge look into quotes on knocking down the fire damaged home at 315 2nd St. Motion was second by S. McCabe. Voting: Yes - All

New Council Presentation by City Attorney Jason Moran – The City Attorney presentation for the new Council Members over the Open Meeting Law and Conflicts of Interest. Nancy Gens addressed various questions and concerns about the Open Meeting Law.

Police Report – The monthly report was presented and approved. Tiegs also included his year-end reports, which were the “Calls for Service Year” for 2022, and along with a 2021 comparison, the “Calls for Service Hourly” for 2022 was also included along with a 2021 comparison and the “Cleveland Police Department Yearly Stats” which ranged from 1998 – 2022. The Chief mentioned that 2021 was the year for the biggest citations, which had 501 citations, and 90% of those were from speeding on Hwy 99.

Public Works Report – Volk indicated the he had to replace the welder due to the cord melting when he was using it. He said that he went around finding a replacement electric cord, but no one carried the part due to the age of the welder. He also mentioned that when looked at they could not tell if there was something internal that was causing the issue, which Volk was told if the issue was found finding parts for this welder would be hard. He continued to say that the new welder was a multiprocessor and it was portable so he could haul it around town to weld around town more easily. The new welder cost \$2,500 that includes cart, tank, gas and all the attachments that he needs and he mentioned that we would be receiving a \$500 rebate that should be coming through the mail.

The one ton went in for repair due to the front differential was broken. Hintgen asked if there was any fluid left in it, Volt said no, and that it looked like the housing had been cracked for a while. The repair bill to fix the one ton was \$3,600.

Dwayne Ploog Electric updated the Community Center and the Police Department lights to LED’s. The lights needed updating due to ballasts going out and causing flickering.

Adam Wilmes (AW Dismantler) who is holding our old street sweepers and misc. scrap metal told Volk that prices are going up and he is going to turn them in for scrap and it could be about \$1,200, which is more than the minimum stated in the contract. Volk has been cleaning the shops and going through things to reduce clutter. Adam has offered to deliver a bin for metal and Adam will scrap it for the city and write a check for the portion of the proceeds to the City. Hodge mentioned that there should be a contract. A Motion was by S. McCabe and second by Hintgen to have a recycling bin with Adam at the same contract as in October 2022 to pay us whatever the rate would be. Voting: Yes – All

Liquor Report – O’Malley mentioned she and Randy had the Bartender Training and that went well. The Muni has a new Bartender and she doing very well and she will be going solo soon. O’Malley asked what the City would be willing to do for the Erik Koskinen Concert in August. Council tabled this topic until next Council Meeting and in the meantime, they asked Hodge to see if he can find what the sales and cost were in 2022.

Building Official Report – 1 window replacement

P&Z Report – No report

EDA Report – No report

Personnel Committee Report – Schummer indicated that they interviewed the new Muni bartender.

UNFINISHED BUSINESS

Hodge recapped the fees associated with residents using credit/debit card paying their utilities through the City's website, which was 2.95% or \$1.95 minimum whichever was greater. Hodge indicated that after the last meeting you had me go back look into E-checks and found out that the fee for the resident using this payment method would be \$1.95 flat rate. He continued to say if the City was to pay for the fees we would have to guarantee under contract how many residents would be participating and an amount per month or year to qualify. He indicated the Representative did not know what that amount would be a Specialist would be calling. Council decided to table this item until more information is given.

NEW BUSINESS

Curb Stop repair at 800 2nd St. – Volk brought in the damaged curb stop to show where the break was located. Mayor explained that usually when there is break between the curb stop and the house it is typically the homeowners' responsibility. Selly did the repairs and sent a bill to the City in amount of \$5,560. At the time when a previous homeowner owned the home there were no permits done to add on the garage or installing a driveway, which is located over the curb stop. Mayor questioned if the City would want to put something toward the cost because typically the City would replace the curb stop if it were broke and since it was going to start breaking on the other side. Mayor asked Hodge if the homeowner was contacted regarding the bill, he said yes, and they know the amount of the bill. Hodge continued to say that he invited the homeowner to the meeting and she called City Hall today to say they were not coming due to being sick and the homeowner also said let them know what Council decides to do. Volk told Council that this should not happen again due to Selly adding support under the curb stop. A Motion was made by Hintgen and seconded by Schummer to approve the City paying 20% of the bill. Voting: Yes – All

A Motion was made by Schummer and second by S. McCabe to approve Resolution 06-2023 accepting donations to the Cleveland Fire Department. Voting: Yes - All

A Motion was made by Schummer and second by Hintgen to set 2023 Board of Appeal and Equalization Hearing for April 10, 2023 at 5:30 p.m.

A Motion was made to adjourn at 6:55 by Hiller and second by Schummer. Voting: Yes – All

Don McCabe, Mayor

Charles Hodge, City Clerk/Treasurer