

CITY OF RUSHFORD VILLAGE MINUTES OF April 16, 2024
REGULAR COUNCIL MEETING
43038 State Hwy 30, Rushford Village, Minnesota 55971-5167

Pledge of Allegiance to the Flag

The April 16, 2024 Council Meeting was called to order by Mayor Dennis Overland at 7:00 p.m. in the Rushford Village Office. Council Members present: Mike Ebner, Travis Link, Robert Hart and Rick Ruberg: Public Works/Maintenance Supervisor Trenten Chiglo, Planning/Zoning Administrator Jon Pettit, City Attorney Joseph O’Koren and Treasurer Judy Graham, Clerk Mary Miner

AGENDA was approved as presented

Motion by Hart, 2nd by Ruberg, Carried.

MINUTES from the April 2, 2024 Regular Council Meeting were approved as presented

Motion by Ruberg, 2nd by Link, Carried.

CITIZENS/OTHERS PRESENT: Kevin & Amy Feller, Kirsten Zoellner-Fillmore County

• **Fellers:**

- Fellers where hoping the Animal Control Ordinance #1 update on the agenda has to do with their neighbors property seeing their chicken coop was inspected for rats when they do not have rats
- Pettit explained Planning and Zoning will be rewriting the Animal Control Ordinance but it will not be done fast, they will be taking their time and get the entire ordinance rewritten. The problem that existed with the dogs that brought this about has been alleviated so there is now time to do a complete revision not just the dogs running at large part of the ordinance.
- Pettit explained regarding the rat situation, Brand was asked to check the coops because the person complaining about rats thought they were coming from the chickens so Brand was asked to look at the coops to see if they were the problem, they were not, they had nothing to do with it. An exterminator has been contracted to take care of the rats at that residence
- Amy Feller stated they were told by Brand the tent city in their neighbor’s backyard was probably the reason for the start of the rat infestation. She believes it is against CRV ordinances to have a tent in the backyard for more than a week. She says this will be the second season with the tarp in the backyard with a bed and movie screen. There are also two make shift additions to the property that she does not believe permits have been issued for. Feller stated their property is connected to the property they are talking about and are wondering if these things will be looked at
- Pettit stated at this point this is not something they were going to be looking at and as Planning and Zoning Administrator it is not something he will be looking into
- Pettit stated if they have a complaint they need to bring it forward to the Council. Amy stated this complaint has been brought forward to multiple people but it had not been dealt and they are hoping because it has manifested into a rat infestation which is a public health situation it would be taken seriously and he should not be able to have that dwelling out there. Feller stated it is an eye sore and brings down the property value of the people live around it.
- Feller wonders why when the resident complained about the chickens being the cause of the rats it was taken seriously and addressed quickly, she would like to know why they have to wait for their concerns to be addressed
- O’Koren stated they should submit a complaint in writing to the City. The City would take it under advisement and do their due diligence, investigate it. A written complaint regarding this has not been submitted in the past.
- Fellers are concerned about a tent that is almost touching their fence. He has a fire in that tent and they are concerned if it caught fire it would burn their fence and could spread to their shed. They have tried to be neighborly but that has not worked.

FINANCIALS: Receipts as of April 15, 2024 \$4,316.77, Expenses as of April 15, 2024 \$23,444.03
Estimated April Receipts \$12,000.00/Estimated April Expenses \$38,000.00
CD’s renewing at current advertised rates

Motion made to approve the Financials as presented

Motion by Ruberg, 2nd by Ebner. Carried.

PLANNING/ZONING: Pettit: New Permits/Inquiries/Updates:

New Permits:

- #1644-Ben & Anna Bernard-New Home-Indian Chapel Rd
- #1645-Ben & Anna Bernard-New Shed-Indian Chapel Rd
- #1646-Featherstone Fruits & Vegetables Interim Use Permit 2024-2025-State Highway 30
- #1647-Michael Ebner-Place Concrete Garage & Garage Side Apron-Rush Creek Roe Rd
- #1648-Michael Ebner-Reinsulate House & Garage-Rush Creek Roe Rd
- #1649-Michael Ebner-Replace Garage Side Door & Storm Window-Rush Creek Roe Rd
- #1650-Robert Forsythe-Replace Loose Tin on Pole Shed-Ridgeview Rd
- #1651-Steve & Karen Culhane-Re-Roof House & Storage Shed-State Highway 30
- #1652-Bob Kingsley-Re-Roof-County Rd 27

Permit Status / Projects in Process / Inquiries:

• **Branden Johnson Shed Permit Application:**

- Pettit reported Branden Johnson made a zoning application for a 40'x60'shed but wanted to place it forward of the dwelling. This is not allowed per CRV ordinance.
- Permit was denied. Johnson will apply for a variance
- Johnson attended the April 16 Planning and Zoning meeting to explain why he wants to place the shed in the proposed location.
- Planning and Zoning looked everything over and directed Pettit to carry this forward to the Council with a favorable recommendation to approve the variance application
- Overland asked what reason for the variance. Pettit explained all the well and electric are on the west side of the house and the septic is on the east side. A lot of the backyard is in the flood plain. Putting the shed in the backyard would affect the neighbor's view. Pettit explained the ordinance talks about is curb appeal and uniformity. In a subdivision where houses are in a straight line putting a shed in front of it would block the neighbors view. This would not be the situation with this shed.
- Ruberg asked about the past issue with the lot next to this one. Pettit explained this person put a dwelling and shed on the property without a permit for which he was fined for each one. Because there is already a dwelling there cannot be a second one unless the two are connected. Pettit was informed the property has been sold and they intend to live in the dwelling that is already there. The small shed on the property is still in front of the dwelling so it remains non-compliant. Pettit does not know what the situation is with the septic on this property, Fillmore County takes care of that.
- A public hearing is needed and must take place within 60 days of the variance application being submitted. After the public hearing the Council will need to do a written practical difficulties analysis which includes uniqueness, reasonableness and essential character and from that will decide if the variance will be granted or not.

Motion made to set a variance Public Hearing for May 21, 2024 at 6:45 pm **Motion** by Hart, 2nd by Link, Carried.

- Pettit reported Ladewig's asked to be on the next Planning and Zoning agenda to provide an update on the Ladewig property
- **Featherstone Farms/Jack Hedin Interim Use Permit:**
 - Pettit reported he met with Jack Hedin for the annual Featherstone Interim Use permit renewal walk-through
 - There are no changes to the 2024-2025 Interim Use Permit
 - At this time there are no permanent employees living in the residence and will probably be fewer seasonal employees living there in the future
 - The "Peterson Farm" is owned by Hedin not the business. Pettit asked if the business was sold would the Interim Use Permit stay with Hedin as the property owner? Pettit feels the Interim Use Permit would stay with Hedin, O'Koren stated that would be correct

Motion made to approve 2024-2025 Featherstone Interim Use Permit as presented with no changes

Motion by Ebner, 2nd by Ruberg. Carried.

ROADS/WATER/SEWER:

- **Roads/Utilities Update:** Chiglo
 - Roads have been graded
 - South Rushford hydrant flushing is next week
 - Lift to put up insulation and tin was rented April 15th for one month. Will start with putting tin on west wall, then east wall, frame in overhead doors and then put tin on the ceiling.

- Lots of ditch work to be done this year. Some ditch work on Airport Rd has been done. Ruberg stated it is a big improvement
 - **Rock Bid Opening:** Ad was for 3,000 cubic yards
 - Rock bids were received from Bruening Rock April 12th and Milestone Materials April 16th
 - Bruening Rock 2024 price: Unit Price per yard was not included
 - ✓ C1 2 ¾" Road Rock Unit Price Per Ton F.O.B \$9.69, Unit Price Per Ton Del & Spread \$11.49
 - ✓ Ice Rock Unit Price Per Ton F.O.B \$11.75, Unit Price Per Ton Del & Spread \$20.03
 - Milestone Materials 2024 price:
 - ✓ Class 2 per ton delivered \$10.69, Class 2 per cubic yard delivered \$14.44
 - ✓ Class 5 per ton delivered \$10.69, Class 2 per cubic yard delivered \$14.44
 - It is not often more winter rock is needed to be brought in during the winter months.
 - Winter rock tends to be a little larger and does not have as many fines as the summer road rock
 - Ruberg suggested getting rock from both vendors, this would help keep everyone honest. Overland was not sure pricing would be the same if this was done
 - Overland asked Chiglo how Bruening Rock is to work with, Chiglo indicated they were really good and easy to work with. They are the only rock company he has worked with
 - The rock shed winter rock is part of the 3,000 cubic yards for the year
 - Link stated it would be about a \$.84 per ton cheaper which would be approximately a \$2,720.00 savings going with Milestone Materials
 - Hart stated CRV has been happy with Bruening Rock in the past, they've provided good service
 - Council had questions regarding both bids submitted:
 - Milestone Materials: Per Casey by phone during the CRV meeting
 - ✓ What is the difference between class 2 and class 5 rock-*Class 2 is ¾" or smaller and tends to have more fines, class 5 is 1" or smaller-same rock used for winter rock*
 - ✓ Does price include spreading it on CRV roads during the summer months-*Yes*
 - ✓ Is the cost the same for road and winter rock-*Yes if delivered before October 31st*
 - ✓ Are they able to provide winter rock after October 31st, if so what would the cost be-*Able to deliver but their drivers are off during the winter, the trucks are in St. Charles and the rock would have to come from the Highway 43 quarry and the cost would be \$14.69 per ton delivered to the rock shed, not able to spread rock on roads during winter months*
 - ✓ When would they be able to deliver rock-*Would be able to delivery rock pretty much any time CRV roads are ready*
- Additional questions/answers per Casey when contacted by Miner Wednesday, April 17th:
- ✓ Are load tickets provided to CRV with the amount of rock per load and what road that load was spread on-*Yes, driver would be instructed to write road on the ticket*
 - ✓ Would there be a cost increase if the contract was split between Bruening Rock and Milestone Materials-*Would not be a problem, cost would be the same*
 - ✓ Would the priced submitted now still be good on May 7, 2024-*Yes*
 - Bruening Rock: Per Mike when contacted by Miner Wednesday, April 17th-
 - ✓ Cost per yard for road and winter rock-*C1 2 ¾" Road Rock Unit Price Per Yard F.O.B. \$13.08/Unit Price Per Yard Del & Spread \$15.51-Ice Rock Unit Price Per Yard F.O.B. \$15.86/Unit Price Per Yard Del & Spread \$27.04 (F.O.B. means if CRV pick up the rock at the rock quarry)*
 - ✓ After what date is any delivery to the rock shed considered winter rock-*Once winter hits, usually when rock shed is emptied and more is needed during winter months. Shed would be filled at summer rock price in the fall*
 - ✓ What would the cost to have winter rock delivered to rock shed during winter months-*\$20.03*
 - ✓ Would there be a cost increase if the contract was split between Bruening Rock and Milestone Materials-*Not a problem, cost would be the same, this is done with other townships*
 - ✓ Would the priced submitted now still be good on May 7, 2024-*Yes*

Motion made to approve 3,000 cubic yard order to Bruening Rock Bid as presented

Motion by Hart

No second, Motion failed

- Ruberg asked if it could be tabled until the next meeting
- Link stated it is nice to know if CRV needs help in the winter Bruening Rock is able to help out but he is not sure if Milestone could do the same. Miner called Casey/Milestone to ask the question (answer above)
- Ebner stated the question is do we want to stay in our comfort zone or try something different

- Link stated it is a guessing game as to what is going to be needed in the winter as far as cost wise
- In past years it is about half the time more winter rock was needed
- Link stated his opinion is going by basic numbers

Motion made to approve the Milestone Materials bid as presented for 3,000 cubic yards based on the saving that CRV would have **Motion** by Link

- Ruberg questioned if the motion was for tons or cubic yards. The ad was for 3,000 cubic yards. Bruening Rock did not provide a bid for cubic yards. Chiglo tried to call Mike/Bruening Rock but was not able to reach him

Motion made to withdraw his original motion and table further discussion in order to get more information regarding bids **Motion** by Link, 2nd by Hart, Carried.

- **Gundersen After Hours Drug & Alcohol:**

- Gundersen Occ Health handles CRV DOT random drug and alcohol testing
- CRV received notice from Gundersen regarding a policy change effective June 1, 2024 for after-hours drug & alcohol testing services in the Emergency Center La Crosse will be enforced the exclusive use of Medtox Lab supplies and services and the Gundersen Medical Review Officer (MRO)
- This would be in effect only when normal Gundersen Clinics or Urgent Care facilities are closed
- CRV could go to other healthcare facilities after hours but if they want to use Gundersen the After-Hours Drug & Alcohol Service Agreement would need to be signed and returned by June 1, 2024
- If an employee would need to have both drug and alcohol testing done at the same time there would be only one \$95.00 charge

Motion made to accept the Gundersen After-Hours Drug & Alcohol Service Agreement as presented **Motion** by Hart, 2nd by Ebner, Carried.

OTHER:

- **Animal Ordinance #1 Update:**

- Planning and Zoning Board will be reviewing the Animal Control Ordinance. This was also discussed during the citizen portion of the meeting

- **Rebecca Charles-CEDA Monthly Report:**

- Minutes from the SRTS zoom meeting are included in the minutes
- Charles apologized for the confusion with MN DOT during the SRTS zoom meeting. Everyone is on the same page now, they now understand CRV and Rushford are two separate Cities.
- They will be looking at the South Rushford to Rushford connection for the project. As of this time the connection from Hillview is not an option because of cost and Rushford would not be expected to put money towards this
- After talking with talking with Chris Brown, SRF consultant, Charles does not think there will be a need for another zoom meeting as they have a good idea what is wanted after the last zoom meeting.
- Charles reported the next meeting will be an in person meeting around September. At this time they will provide a rough draft, options and have everything mapped out as to what will be needed for the project. If revisions are needed a final draft will be ready in October.
- Charles is back working on the Comp Plan

- **CEDA Annual Meeting:**

- No one from CRV will be attending- Charles will attend on behalf of CRV

- **SEMLM Spring Event:**

- Event will be Tuesday, April 30th in Zumbrota. Time is from 5-8:30 pm
- Anyone wanting to go must let Miner know next week

OTHER UPDATES / MEETINGS:

- April 30, 2024-Tuesday-SEMLM Spring Event-Zumbrota-5:00-8:30 pm
- May 4, 2024-Saturday-CRV Spring Clean-Up, 8:00 am to Noon-Maintenance Shed Area
- May 15, 2024-Wednesday-CEDA Annual Meeting-Blue Earth-10:00 am to 1 pm
- June 26-28, 2024-Wednesday thru Friday-LMC Annual Conference-Rochester MN

Next Meetings: Council: May 7 Road Tour 5:30 pm, Council Meeting 7:00 pm and May 21, 2024 @ 7:00 at CRV Hall Office
Zoning: May 21, 2024 @ 5:30 pm at CRV Hall Office

Motion made to Continue to May 7, 2024 at 5:30 pm for Spring Road Tour at 8:25 pm by Hart, 2nd by Ruberg. Carried