

CITY OF RUSHFORD VILLAGE MINUTES OF June 18, 2024
REGULAR COUNCIL MEETING
43038 State Hwy 30, Rushford Village, Minnesota 55971-5167

Pledge of Allegiance to the Flag

The June 18, 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 June 4, 2024 Regular Council Meeting Minutes were approved as presented

Motion by Ebner, 2nd by Link, Carried.

CITIZENS/OTHERS PRESENT: Bill Sherry-Engelson & Associates, Kirsten Zoellner-Fillmore County Journal

- **Bill Sherry-Engelson & Associates: 2023 Audit Report**

- Thanked Graham and Miner for having everything ready for the audit
- Clean Opinion, Audit is done in accordance with Governmental Entity Standards as well as Generally Excepted Auditing Standards, Financial Statements are presented in accordance with generally accepted accounting principles, there's no exceptions to it
- Cash and Investments are down about \$100,000.00 from 2022. This was because in 2023 Debt was paid off and was down about \$100,000.00. Everything else balanced out after looking at purchases and depreciation.
- Revenues: General property taxes were about \$20,000.00 higher than 2022, Intergovernmental aids were about \$40,000.00 higher than 2022 mainly due to State Public Safety Aid received.
- Expenditures: Capital outlay for streets and roads was down \$130,000.00 from 2022 because of the Freightliner purchase in 2022, in 2023 the main expenditure was for the maintenance shed remodel. This was the biggest spending difference from year to year was \$130,000.00 less, some of the money did get refunded back into doing general maintenance and road work which was about \$60,000.00 higher than 2022
- Utilities: Water and Sewer revenue overall is relatively comparable to 2022. Water and Sewer Expenses overall are up about \$20,000.00 from 2022. In 2023 Sewer lost about \$11,000.00 and may be something to look at and consider a rate increase because it has been a number of years sewer has been losing money or not making very much and CRV should be providing some replacement core for things that may come up in the future. Sherry suggested a rate increase before it is actually desperately needed
- Long term general obligation debt was paid down about \$94,000.00 in 2023, leaving \$623,000.00 outstanding at the end of the 2023
- Long term Water and Sewer debt was paid down about \$23,000.00, leaving about \$203,000.00 outstanding at the end of the 2023
- PERA pension liability is about \$103,000.00

Motion made to accept the audit report

Motion by Hart, 2nd by Ruberg, Carried.

FINANCIALS: Receipts as of June 15, 2024 \$316,223.63 (\$312,730.76 June Tax Settlement),
Expenses as of June 15, 2024 \$23,834.78
Estimated June Receipts \$338,000.00/Estimated June Expenses \$42,000.00
CD's renewing at current advertised rates

Motion made to approve the Financials as presented

Motion by Link, 2nd by Hart. Carried.

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

New Permits:

- #1667-Greg & Kim Norstad-Replace Old Siding-State Highway 30
- #1668-LeRoy & Phyllis Nielsen-Reroof Old Shed-Goodrich St

Permit Status / Projects in Process / Inquiries:

- Branden Johnson Shed Permit Application
 - Pettit reported Branden Johnson submitted a 45'x60' shed permit application which was denied because Johnson wants to place the shed in front of the dwelling and have 18-foot sidewalls

- Johnson submitted two variance applications, one for placing the shed in front of the dwelling and one for 18-foot sidewalls
- Pettit brought forth a favorable recommendation from Planning and Zoning to move forward with the two Branden Johnson variance requests
- O’Koren stated as long as the findings for practical difficulties is met there shouldn’t be an issue. Everyone has to be evaluated under the same standard which is the practical difficulties, if you meet it you qualify for the variance and if you don’t meet it you don’t qualify for the variance.
- Overland stated he tried explain there has to be a justification for a variance. O’Koren stated reasonableness, uniqueness and essential character are the three factors for practical difficulties, economic considerations cannot be the only criteria

Motion made to set the Branden Johnson shed variances public hearing for Tuesday, July 16, 2024 at 6:30 pm

Motion by Ruberg, 2nd by Link, Carried.

ROADS/WATER/SEWER:

- **Roads/Utilities Update:** Chiglo reported
 - All road rock has been delivered
 - Has not been able to spray road ditches because of rain and wind
- **Maintenance Shed Update:**
 - Estimate received from Baker Construction in the amount of \$7,100.00 which includes labor to install liner steel on the walls and ceiling, blow ceiling insulation, install new walk door, remove two exterior sliding doors when needed
 - Chiglo asked if framing in for the new overhead doors is included, Ebner stated this is included
 - Council feel it is time to get this portion of the remodel done, once done it will be decided when the electrical and overhead doors will be done
 - \$20,000.00 was budgeted in 2024 for the maintenance shed remodel, this has been spent
 - Link stated getting the insulation done before winter should be done and if needed there could be a pause before the electric is done if there is not money in the budget to get it done
 - Ebner stated there are a few places money is being saved, at some point the Council needs to bite the bullet and get the shed done. Heating the shed could possibly wait but electric and the overhead doors need to get done. The cost of materials go up the longer it takes to get done

Motion made to accept the Baker Construction Estimate in the amount of \$7,100.00

Motion by Ebner, 2nd by Link, Carried.

- Ebner will contact Baker and meet with Trenten to get things figured out
- **Hans Anderson Road Inquiry Update-O’Koren Memo:**
 - O’Koren stated it is unfortunate a resolution was not recorded which creates collateral issues down the road if nothing is done about it
 - Option 2-Revisit the vacation proceedings from the beginning is basically redoing everything by having a public hearing to vacate the road would be the cleanest and best way to get everything done properly
 - The chain of title, because the legal description continues to show up, is evidence it was never recorded and it is still there so technically CRV does have an interest in the road. CRV cannot just vacate a road because we don’t use it anymore. Option 2 would offer protection to the City that the road is no longer is the Cities. The legal description is clear this was a CRV road established by the CRV Council prior to 1942. The legal description should be enough so there would not be a need for a survey. Normally the property reverts to the neighboring landowners but if the legal description has been used and recorded as recently as 2012 the Recorder should accept that as sufficient recording if CRV decides to move forward with this.
 - To initiate the vacation a 4/5 vote of the Council is needed, once that is done then a public hearing date would be set. All public hearing notice criteria would need to be followed
 - O’Koren explained the Council could use Option 3, pass a resolution memorializing the former vacation proceeding. The issue is we do not know what the process was in 1976 and we do not know if everything was done properly because records are too tenuous to rely on. The resolution would have a lot of things that would not be able to be verified. If a resolution from when the road was vacated/closed would have been found that could have been recorded

Motion made to pursue Option 2

Motion by Hart, 2nd by Ruberg, Carried.

- Overland stated the motion shows a unanimous decision

- O’Koren stated a Public Hearing will need to be set: Notice will need to be published, posted at the CRV Hall, letters sent to all neighboring landowners which will include a larger radius than usually needed to ensure everyone who might have an interest in the proceeding is notified

Motion made to set the public hearing date as Tuesday, August 6, 2024 at 6:30 pm

Motion by Link, 2nd by Hart. Carried.

OTHER:

- **MN Dept of Health-Drinking Water Ambient Monitoring Program:**

- This is a voluntary, random well sampling program
- MN Department of health will collect and test the water at the CRV Community Center for PFAS, nitrate, arsenic, manganese, lead, bacteria and other general chemistry parameters
- There is not cost to CRV and CRV will receive a copy of the results
- Graham stated the community center is rented to others and the water should be tested

Motion made to accept the offer to participate in the MN Dept of Health-Drinking Water Ambient Monitoring Program

Motion by Link, 2nd by Ebner. Carried.

- **Citizen Complaint-Long Grass-Whitmore St:**

- CRV received a complaint regarding long grass and animals that may be living under the residence on Whitmore Street
- At the time the complaint was received the grass had been mowed by CRV. The complainant stated after the grass had been mowed skunks started coming into his yard at night.
- Complainant was told CRV will monitor the length of the grass and send compliance letter when needed and Robert Brand, CRV animal control officer, will contact him regarding the skunk situation
- Brand reported to CRV he has been in contact with the complainant

OTHER UPDATES / MEETINGS:

- June 19, 2024-Wednesday-Juneteenth-Office Closed
- June 26-28, 2024-Wednesday thru Friday-LMC Annual Conference-Rochester MN
 - SEMLM will be at the Conference. Brenda asked for pictures from Cities for a slide presentation. Miner sent Brenda pictures of the CRV community center/office and playground
- CRV Filing Dates July 30 thru August 13, 2024/Seats to be filled: (1) Mayor 2-year term & (2) 4-year Council term

Next Meetings: Council: July 2, 2024 and July 16, 2024 Branden Johnson Public Hearing 6:30 pm and Regular Council Meeting @ 7:00 pm at CRV Hall Office

Zoning: July 16, 2024 @ 5:30 pm at CRV Hall Office

Motion made to Adjourn Regular Council Meeting at 7:31 pm by Hart, 2nd by Ruberg. Carried