



MORTON

“The Oldest Story in North America”

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AGENDA

Wednesday, March 14, 2018

6:30 p.m.

Morton City Hall~220 W. Second Street

1. Call meeting to order
2. Recite the Pledge of Allegiance *“I pledge allegiance to the flag, of the United States of America, and to the Republic, for which it stands, one Nation, under God, indivisible, with liberty and justice for all.”*
3. Additions/Corrections to the Agenda
4. Citizen Issues
5. Presenters A. Public Hearing: Mobile Retail Establishments-6:30 p.m.
6. Treasurer’s Report A. Monthly Statement
B. Year-To-Date (Year End) Statement
C. Fund Balance Sheet
7. Business/Residential Development A. Bolten & Menk Survey Progress Update
B. Ongoing Water Issues and Concerns
C. City Hall Lease Renewal
8. Support to Kids/Community Pride A. July 4 Committee Meeting Update
B. Easter Egg Hunt
9. Providing Municipal Services A. Water/Sewer
B. Sanitation
C. Streets a. Seal Coating Schedule
b. Upcoming Street Repair Needs
D. Park & Recreation a. Lawn Mower Rotation Schedule
10. Public Safety A. Police a. Activity Report
B. Fire a. Fire Hall Project
11. Management
12. Approve Payment of Bills
13. Adjourn

FEBRUARY 21, 2018

Regular meeting called to order in open session (one week later than scheduled) with all members present. Others present: Ken Kuehl, Aaron Scheffler, Dan Haase, Mike Felske, Ryan Bromland, Paul Neudecker, Linda Kahmeyer, Loran Kaardal, Tim Nesburg, Tyler Serbus, Greg Deinken, Tony Mages, Tom Walker, Matt Robinson and Aaron Walton.

Meeting opened with the Pledge of Allegiance.

ADDITIONS TO THE AGENDA:

8E) Sale of Land to Cold Springs Granite Company

8F) Kelly Robinson building permit application

8G) School Demolition Update

CITIZEN ISSUES: None

PRESENTERS:

A) RIDE TO REMEMBER: Mike Felske and Ryan Bromeland present. The Ride to Remember (former KMS Ride) is scheduled for Saturday, August 11. The group that has taken over the ride is a Non Profit Combat Group and all funds generated from their efforts go to support Veterans and their families. The KMS Ride had between 300 and 500 riders. Mike presented an agenda of the activities being planned. They are proposing to start and finish the ride in Morton and are requesting council support for the activity. Motion by Prescott to support the plans for the Ride to Remember as presented. Second by Walker. Motion carried.

B) MVHLC-Loran Kaardahl present. Loran reviewed the discussions that have taken place with the Learning Center Board regarding the lease agreement with the city and the bank, ownership of the building and its possible transition and the status of the school building:

1. Lease: The MVHLC board approved reducing the monthly lease payment from \$650 per month to \$450 per month, effective 4/1/18.
2. The Lease with the city is an annual renewal; going from April 1-April 1.
3. The lease with the bank was recently renewed for five more years.
4. Long Term Plan for the building: The MVHLC board would be receptive to transitioning ownership from MVHLC to City of Morton once the TIF agreement term is completed (June 2019). Cost of that transition would be \$40,000. At the time the transition can take place, there will be existing loans on the building of approximately \$13,000 which MVHLC would pay off from the proceeds of the sale.
5. School Building: There is a joint effort being made for demolition of the building. Further updates as they become available.

With the lease expiring on April 1, council needs to renew the lease. Prescott asked that the decision to renew be tabled until the next meeting since a decision is not needed until April 1st and there may be other options for putting city offices in the fire hall building and eliminating the expense of leasing. The funds saved could be allocated to other expenses. Motion by Prescott to table the MVHLC lease until the March meeting. Second by Walker. Motion carried.

C) CITY ATTORNEY-FIRE HALL. Aaron Walton present. Aaron reviewed the information contained in the emails sent on January 18 and January 30 regarding the competitive bidding and financing requirements that cities must comply with when doing projects. He explained the statutes and definitions that apply to this project. Aaron also reviewed the content of a case dating back to 1957 which still applies. Also presented was a memo from the League of Cities regarding the different types of projects and the steps that need to be followed. In summary, because the total lease payments over the term exceed \$100,000 the project must be bid. To bid, specifications need to be prepared and advertising and bidding completed. The specifications and advertising needs to be done to allow all potential bidders the same opportunity to bid the same project. If other cities have completed projects without following this criteria, does not make it right. The importance of doing the project by following

the requirements was stressed; particularly in a case where the community is not in complete support of the project.

Review of the communities that have done lease to own projects and discussion on how the projects were completed. Prescott inquired that if these other cities did the projects somehow, were they penalized for not following the procedure or was there a loophole in the system that they worked through. He also suggested obtaining another opinion.

Walker stated that the residents spoke through the referendum which failed. Why are we not adhering to that information. There was a petition presented – twice. People do not want this project. Opposition stated that the reason the referendum failed is because of the way the question was presented on the ballot. The reason there were the number of signatures on the petitions was because of false or misleading information that was presented to people being asked to sign the petition.

It was suggested to do a survey or possibly host a town meeting to get information out. However, the key information that needs to be presented is the cost and the effect the cost would have on the budget and local taxes.

Walker suggested that a stand alone building be considered as an option. It would be more affordable and work resolve the safety issues that were identified and continue to be an issue. Opposition stated that this option is inconvenient and has been discussed in the past. Jacobson stated that the existing building no longer fits their needs and the council needs to do something. It was also pointed out again that in the event of a serious injury, the cost of this building will seem minimal compared to costs incurred with an injury.

Council suggested that the project and any progress that has been made be scratched and we start over following the requirements and doing things right if we are going to continue to pursue this project. Discussion on the \$60,000 that has then been wasted with no end result.

Motion by Prescott to authorize the city attorney to obtain input from other cities that have done similar projects to determine what the process they used was. Second by Jacobson. Walker and Henning opposed. Discussion. Walker and Henning are opposed to pursuing anything that may not be legal and on the up and up. Clarification and discussion on the motion which does not say anything about doing something that is not legal. Mayor Farmer votes in favor of the motion to explore what other communities did to complete their projects. Motion carried. Aaron will report back prior to the next meeting. Prescott indicated he would also be making some calls.

SECRETARY'S REPORT: Motion by Prescott and second by Walker to approve the Secretary's Report as presented. Motion carried.

TREASURER'S REPORT: Motion by Jacobson and second by Henning to approve the Treasurer's Reports as presented. Motion carried.

BUSINESS/RESIDENTIAL DEVELOPMENT:

A. Green Step Program: Resolution presented for becoming a Green Step Community. By passing the resolution, additional sources of grant funds are opened up. One project could be installation of car charging stations for electric cars. Prescott indicated there are six of them at Jackpot that have never been used. Nonetheless, there are other programs that the city could benefit from being a part of the Green Step projects. Motion by Jacobson and second by Henning to pass resolution 02-2018 becoming a Green Step Community. Motion carried.

B. River Basin Project Update: This is the project with Renville County Soil & Water installing a holding pond north of town to help hold back water coming through town during heavy rain falls and spring thaws. The project is still planning to move forward.

C. Mobile Salon: Some time ago the council requested that information be provided to regulate mobile retail establishments. The League of Cities now has a sample ordinance which the council had available for review. Our current ordinances do not address such type businesses. Motion

by Henning to schedule a public hearing for the March meeting to review and consider adoption of an ordinance relating to regulations for mobile retail establishments. Second by Jacobson. Motion carried.

D. Bolten & Menk Survey: The survey is completed. Maps are available for review at city hall. The next step will be to survey the residents affected by water (east part of town). Motion by Prescott and second by Henning to authorize proceeding with the surveys as recommended by the engineer. Motion carried.

E. Cold Springs Granite Co. Property Purchase: Motion by Walker and second by Prescott to accept the \$300 offer from Cold Springs Granite Company for the purchase of city owned property known as urban power lot 100'x100' in nw corner of Lot 1 and Lot A. Motion carried.

F. Permit Application-Kelly Robinson: Motion by Jacobson and second by Prescott to approve the permit application from Kelly Robinson for installation of handicap accessible entrance to her home. Motion carried.

G. School Demolition Update: Request has been made for consideration of state bonding funds to complete the demolition of the school. The request is known as Senate File #2486 and we are awaiting hearing date. Further updates as they become available. In the event funds are not received, another request will be made at a later date. If funds are not secured the property ownership goes back to MVHLC.

SUPPORT TO KIDS/COMMUNITY PRIDE:

A. July 4 Committee Update: Another meeting was held Tuesday night. Progress is underway

B. Center for Small Towns Program: Mailing lists are being updated and technology options will be made more user friendly. This project is being done through a grant with the U of M Morris Center for Small Towns and the Morton Area Community Foundation.

C. Easter Egg Hunt: The Fire department will be hosting the Easter Egg Hunt and will match all donations received up to \$250. Motion by Jacobson and second by Henning to utilize DAFY Funds to join in with matching all donations received up to \$250 for the Easter Egg Hunt. Motion carried.

PROVIDING MUNICIPAL SERVICES:

A. Wastewater License Renewal: Jason's wastewater license is due to be renewed and he is in need of hours. Registration cost is \$230 and lodging for 3 nights is 503.44. This will get him the hours needed for renewal. Upon renewal we will begin attendance at local area workshops to obtain necessary hours over a period of time and less cost. Motion by Walker and second by Henning to approve the training as identified above. Motion carried.

Streets: Prescott contacted Jason regarding department needs. There will be some street repairs needed in the Spring and lawn mower rotation should be looked at. The lawn mower rotation is due to be discussed as usual at the March meeting. Street repairs will be discussed when Spring has arrived and damage can be assessed.

PUBLIC SAFETY:

Police Activity Report: Available for council review. No issues presented.

Fire: Grant Services Agreement: RADC completed the FEMA application. The services agreement was presented to the council – no issues.

Grant Application: Application submitted to FEMA for turnout gear and SCBA tanks. Award announcement date unknown at this time.

Technical Rescue Team Meeting Update: This is the next step in the Shared Services Grant. Next meeting is scheduled for Thursday at 6:00 p.m.

Relief Association Donation: Motion by Jacobson and second by Henning to accept the \$8,000 donation to the Fire Truck and Building fund from the Relief Association Gambling Account. Motion carried.

MANAGEMENT:

Board of Equalization Meeting: 7:30 p.m. during the regular April meeting. Importance of those certified (Walker, Jacobson, Farmer) to be present so we can continue to hold this meeting here rather than having it moved to Olivia.

League of Cities City of Excellence Award: Nominations are now being accepted.

Pay Bills: Motion by Prescott and second by Walker to pay bills as presented. Motion carried.

Adjourn: There being no further business, meeting adjourned at 8:04 p.m.

Notice of Public Hearing

The Morton City Council will hold a public hearing at the Morton City Hall on WEDNESDAY, March 14, 2018, beginning at 6:30 p.m. to review and consider adoption of an ordinance relating to regulations for mobile retail establishments.

All residents are hereby notified of the hearing and encouraged to attend.

(Pub. Mar. 1 and 8)

CHAPTER 120 RETAIL BUSINESS ESTABLISHMENTS

AN ORDINANCE TO ADOPT REGULATIONS FOR MOBILE RETAIL ESTABLISHMENTS

TITLE XI BUSINESS REGULATIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MORTON:

120.01 DEFINITIONS

A. Mobile Retail Establishment. A retail establishment that sells non-food items and services to an end user consumer from a movable vehicle or trailer that routinely changes locations.

B. Operator. A person who operates a mobile retail establishment

C. Right of Way. A public roadway and property dedicated or reserved for public pedestrian or vehicular travel.

120.02 Applicability

This section does not apply to a mobile food establishment or to a mobile retail establishment that is located on private property for three hours or less between the hours of 6:00 a.m. and 6:00 p.m.

120.03 Time Limit

A mobile retail establishment may not remain at the same location for more than 180 consecutive days.

120.04 Required Approvals

A person may not operate a mobile retail establishment until the Morton City Council has approved the establishment. The City Council shall approve an establishment if all of the following is provided by the operator:

- a) The name and address of the mobile retail establishment owner
- b) Proof of motor vehicle or trailer registration
- c) A description of the items that the mobile retail establishment sells
- d) Proof of sales tax and use permit
- e) Proof of Licensing if applicable for personal services use
- f) An itinerary of the locations where the sales occur
- g) Proof that all federal, state and local approvals (ADA, health department, fire code, etc)
- h) A fee, if applicable as established by separate ordinance
- i) Any other information reasonably required by the City Council to enforce this policy

A site plan, site plan exemption, or temporary use permit is not required for the operation of a mobile food establishment.

120.05 Items and Services to be Sold. An operator may only sell non-food retail items or services. Mobile retail establishments may only sell items or services permitted under a general retail sales (convenience) use, pet services use, and personal services use. All sales items and supplies must be stored within the mobile unit.

120.06 Zoning. A mobile retail establishment is permitted in all commercial and industrial zoning districts.

a. Unless located in a central business district, a mobile retail establishment may not be located less than fifty (50) feet from a lot with a building that contains both a residential and commercial use.

b. A person may not operate a mobile retail establishment between the hours of 11:00 p.m. and 6:00 a.m.

- c. A mobile retail establishment may not be located less than twenty (20) feet from a general retail sales use, pet service use or personal service use.
- d. A drive-in service is not permitted.
- e. Exterior lighting must be hooded or shielded so that the light source is not directly visible to a residential use.
- f. A mobile retail establishment may not be located within the right-of-way unless the mobile retail establishment obtains and possesses the permission required by the City Council.
- g. A mobile retail establishment may not occupy or impede required parking for another use.

120.07 Noise. The noise level of mechanical equipment or outside sound equipment used in association with a mobile retail establishment may not exceed seventy (70) decibels when measured at the property line that is across the street from or abutting a residential use.

120.08 Signs. A mobile retail establishment is limited to signs attached to the exterior of the mobile retail establishment. The signs:

- a. Must be secured and mounted flat against the mobile retail establishment;
- b. May not project more than six (6) inches from the exterior of the mobile retail establishment;
- c. May not use a flashing light source; and
- d. May not use an LED message board.

120.09 Debris and Litter. During business hours a mobile retail establishment shall provide a trash receptacle for use by customers. The mobile retail establishment shall also keep the area around the mobile retail establishment clear of litter and debris at all times.

120.10 Utilities. A permanent water and/or wastewater connection is prohibited. Electrical services may be provided only by a temporary service or other connection provided by an electric utility or by an onboard generator.

120.11 Waste and Disposal. An operator must dispose of all waste generated by the mobile retail establishment in accordance with City Code regulations and meet the requirements of the MN Pollution Control Agency and MN Department of Health.

120.12 Mobility. An operator must demonstrate that the vehicle or trailer is readily movable if requested by the Morton City Council.

120.13 Operations. An operator may not place sale items, equipment, or supplies that are part of its operation outside of the permitted unit and must conduct all of its operational activities within the mobile retail establishment.

120.14 Revocation.

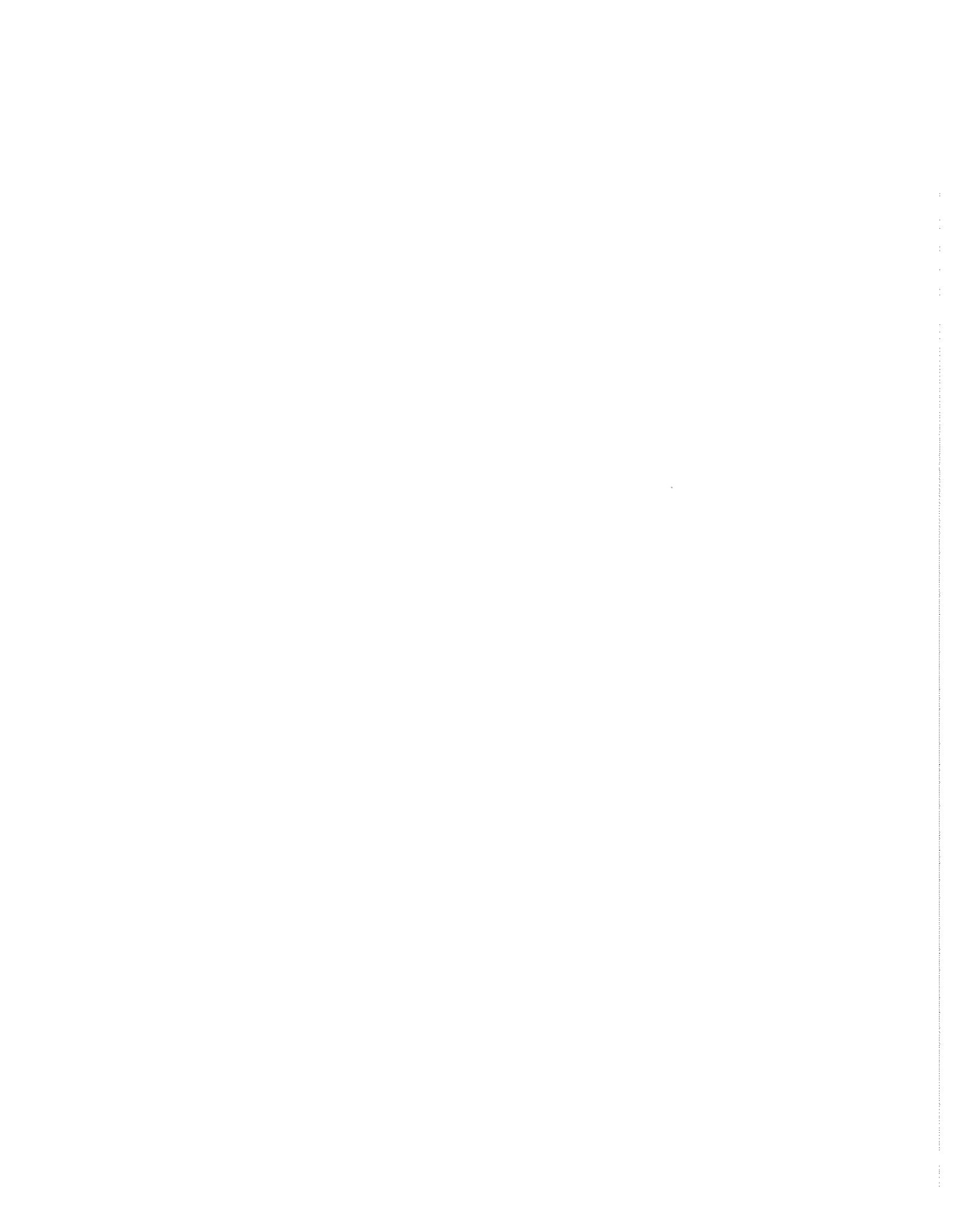
a. The Morton City Council may revoke an approved application granted under this section if an operator provides false information on an application or commits repeated violations of the applicable laws.

b. In determining whether to revoke an approved application, the City Council shall consider the frequency of any repeated violations, whether a violation was committed intentionally or knowingly and any other information relevant to the degree to which an operator has endangered the public health, safety or welfare.

- c. An operator may appeal the City Council's decision to revoke an approved application.
- d. An operator must file an appeal under this section with the City Administrator no later than the 20th day following the date of the City Council's decision.
- e. After notice and public hearing, the City Council shall either uphold or overturn the decision to revoke. City Council shall consider the criteria contained in this policy and their decision shall be final.

120.15 Compliance Required. An operator shall comply with all sections of this policy. A violation is considered a misdemeanor.

This ordinance is hereby approved this ____ day of _____, 20__ and shall be effective upon publication.



From: Jeff Marlowe [mailto:JeffMa@renvillecountymn.com]

Sent: Wednesday, March 16, 2016 11:59 AM

To: Shirley Dove <mortoncityhall@mchsi.com>

Subject: RE: Seal Coating

Hi Shirley,

MnDOT recommends seal coating every 7-years. We try to but due to funding we seal coat about every 10 – 12 years.

Thanks,
Jeff

Last time = 2013 all streets were done

From: Shirley Dove [mailto:mortoncityhall@mchsi.com]

Sent: Wednesday, March 16, 2016 6:25 AM

To: Jeff Marlowe <JeffMa@renvillecountymn.com>

Subject: Seal Coating

Jeff,

How often is it recommended that seal coating be done? Way back when it was suggested that it be done every seven years. Any recommendations are very much welcomed!

Seal Coating