

Minutes of the regular meeting of the City Council of Dilworth, Clay County, Minnesota, held March 8, 2021, at 6:00 o'clock p.m., at City Hall.

Pursuant to the Emergency Declaration signed by Mayor Olson on March 18, 2020 and Resolution 20-12, this meeting was closed to the public due to COVID-19. Councilmembers met at City Hall in the Council Chambers. Members of the public and attendees participated via Zoom (telephonically and/or virtually) in accordance with Minnesota Statutes 13D.021.

PRESENT: Mayor Olson, Councilmembers Nash, Aasness, and Peterson

OTHERS: City Administrator Peyton Mastera, Finance Officer Sherri Farwell, Maintenance Supervisor Jeff Berg, City Engineer Dan Hanson, Police Chief Ty Sharpe, David Steichen, Lori Van Beek, Office Elias Hoversten, Tammy Schatz, Taaren Haak, Jim Englund, Brett Waldera, Jason McCoy, and Administrative Assistant Jessica Malvin.

1. CALL TO ORDER

Mayor Olson called the meeting to order at 6:00 p.m. and everyone took part in the Pledge of Allegiance.

2. ROLL CALL

3. AGENDA APPROVAL

MOTION: by Nash, seconded by Peterson, to approve the March 8, 2021. Motion carried by all members present voting aye.

4. CONSENT AGENDA APPROVAL

MOTION: by Aasness, seconded by Nash, to approve all items on the consent agenda and additional addendum items. Motion carried by all members present voting aye.

CONSENT AGENDA ITEMS

MOTION: by Aasness, seconded by Nash, to approve minutes from the February 22, 2021 City Council meeting.

MOTION: by Aasness, seconded by Nash, to receive and file the Lawful Gambling Monthly Tax Return statement of the Dilworth Lion's Club for January 2021.

MOTION: by Aasness, seconded by Nash, to approve 2021 Dilworth Fire Chief salary of \$3,200.

MOTION: by Aasness, seconded by Nash, to approve 2021 Dilworth Assistant Fire Chief salary of \$2,000.

- MOTION: by Aasness, seconded by Nash, to approve 2021 Dilworth Fire Captains' salary of \$1,200.
- MOTION: by Aasness, seconded by Nash, to approve 2021 Dilworth Fire Lieutenants' salary of \$1,000.
- MOTION: by Aasness, seconded by Nash, to approve 2021 Dilworth Fire Secretary/Office Manager salary of \$1,000.
- MOTION: by Aasness, seconded by Nash, to approve 2021 Dilworth Firefighters' salary of \$14.65/hour.
- MOTION: by Aasness, seconded by Nash, to receive and file February Incident Analysis Report.
- MOTION: by Aasness, seconded by Nash, to approve Mechanical/Heating License application of Dean's Heating & Air Conditioning, to expire March 7, 2022.
- MOTION: by Aasness, seconded by Nash, to approve Mechanical/Heating License application of Peterson Mechanical, Inc., to expire March 7, 2022.
- MOTION: by Aasness, seconded by Nash, to approve Amusement Machines License application for Mills Lounge, to expire March 7, 2022.
- MOTION: by Aasness, seconded by Nash, to approve Amusement Machine License application for HiHo Tavern, to expire March 7, 2022.
- MOTION: by Aasness, seconded by Nash, to approve Mechanical/Heating License application for G&T Plumbing & Heating, Inc., to expire March 7, 2022.
- MOTION: by Aasness, seconded by Nash, to approve Tobacco License application for Trax Liquors, to expire March 7, 2022.
- MOTION: by Aasness, seconded by Nash, to approve Mechanical/Heating License application of Custom HVAC Inc, - Bears Home Solutions/Benjamin Franklin Plumbing, to expire March 7, 2022.
- MOTION: by Aasness, seconded by Nash, to approve Amusement Machines License application for Red Hen Taphouse – Blue Ribbon Taps, LLC, to expire March 7, 2022.

END OF CONSENT AGENDA

5. CITIZEN'S CONCERNS

None received.

6. RECOGNIZE, FINANCE OFFICER SHERRI FARWELL ON 20 YEARS OF SERVICE

7. RECOGNIZE, POLICE OFFICER ELIAS HOVERSTEN ON 5 YEARS OF SERVICE

8. PUBLIC HEARING, PROPOSED TRANSIT SERVICE CHANGES TO MATBUS ROUTES 6 (DILWORTH) AND ROUTE 9 (MOORHEAD) (LORI VAN BEEK WITH MATBUS PRESENTING)

Opened at 6:10 p.m.

The current Route 6 goes through the EasTen shopping center in Moorhead. The property owners of EasTen are no longer allowing MATBUS to drive through their property, so the Moorhead portion of the route will be eliminated.

In looking at the current route, traffic flow, and demand, it was determined it would be best to “reverse” the main elements of the route which go through Dilworth. And with the elimination of the EasTen segment, it provides for Route 6 to remain approximately 30-minutes and allows them to capture the new commercial and residential areas on the east end of town.

Closed at 6:20 p.m.

9. RESOLUTION 21-11, APPROVING CHANGES TO MATBUS ROUTE 6

MOTION: by Aasness, seconded by Peterson, to approve Resolution 21-11, Approving Changes to MATBUS Route 6. Motion carried by all members present voting aye.

10. DISCUSSION, “TOBACCO, NOT WHAT IT USED TO BE” (JASON MCCOY WITH CLAY COUNTY PUBLIC HEALTH PRESENTING)

Jason McCoy presented on the changing tobacco/vaping culture and how that impact is being felt locally, specifically in the school districts.

11. DISCUSSION, AMENDMENTS TO CHAPTER 112 (TOBACCO & E-CIGARETTES) OF THE DILWORTH CODE OF ORDINANCES (JASON MCCOY WITH CLAY COUNTY PUBLIC HEALTH PRESENTING)

The Public Health Law Center has provided extensive recommendations on updated changes to the ordinance. Most of the amended ordinance is routine, so that language is reflective of today’s policies; however, some of the amendments may require discussion on part of the City Council:

- Prohibition of flavored tobacco in any capacity.
- Cigars must be sold in at least packs of five and cost a minimum of \$15.00. (Does not prohibit the sale of single cigars of at least \$4.00.)
- Prohibition of couponing.
- No delivery of tobacco products as a way to circumvent minors from purchasing.

A public hearing to review these text amendments will be held on March 22nd. Per state law, a 30-day notice is required in the newspaper and notice was mailed to all tobacco license holders in Dilworth (five total: Casey's (x2), Walmart, PetroServe, and Trax) of the public hearing. Many of these changes are most likely to be passed at the State level in the near future.

No formal action was taken.

12. DISCUSSION/CONSIDERATION, ESTABLISHMENT OF A COMMUNITY SERVICE OFFICER POSITION WITH THE DILWORTH POLICE DEPARTMENT

Trying to find a stable part-time police officer is a challenge, the pool continues to shrink as the requirements to be a part-time officer (eg. training, education) are the same as a full time officer. Currently the part time officer generally serves in the main backup capacity (15/20 hours a week) with a second part-timer filling in the gaps.

A part-time Community Service Officer position is being requested that would handle many of the daily tasks around the PD that does not require a post-license. This is an ideal job for someone looking to get into the law enforcement field that may not yet have the requisite education or skills.

Suggested starting wage for this position would be \$16 - \$17/hour. With the current gap in part timers as well as the current vacancy in place, the Chief does not see it being a problem being able to fund this position under the current budget. Depending upon the success of the program and how it evolves, more money may be placed in the budget at a later time.

MOTION: by Nash, seconded by Peterson, to establish a Community Services Officer position with the City of Dilworth. Motion carried by Mayor Olson, Councilmember Nash, and Councilmember Peterson voting aye. Councilmember Aasness voting nay.

13. ORDINANCE 21-02, TEXT AMENDMENTS TO CHAPTER 3 RULES & DEFINITIONS, CHAPTER 19 CENTRAL BUSINESS DISTRICT (C3), CHAPTER 20 LIGHT INDUSTRIAL DISTRICT (I1), CHAPTER 21 HEAVY INDUSTRIAL DISTRICT, AND CHAPTER 26 SIGNAGE OF THE DILWORTH ZONING ORDINANCE

On March 3, 2021 a public hearing was held and the Planning Commission has forwarded a recommendation to the City Council to approve the following text amendments:

- Establishment of a new billboard sign section. These signs are to be between 100 and 300 square feet, must be at least 5,000 feet from another billboard, and at least 250 feet from an off-premise sign.
- Amending the off-premise sign section. These signs cannot be over 99 square feet and must be at least 250 feet from one another.
- Electronic messaging regulations to both the new billboard section and amended off-premise section.
- Allowance for billboard and off-premise signs in the C3 zoning district.
- Subdivision entrance signs.
- Lowering the political campaign sign size requirements to 16 square feet.

- On-site construction signs.
- Update the portable sign section. Of note, allowing 28 days-worth of a portable sign to be utilized off site.
- Requirement that billboard and off-premise signs must receive a conditional use permit.
- Update to Chapter 3 Rules and Definitions to add in the types of signs and “substantial completion” definition.

MOTION: by Nash, seconded by Aasness, to approve Ordinance 21-02, Text Amendments to Chapter 3 Rules & Definitions, Chapter 19 Central Business District (C3), Chapter 20 Light Industrial District (I1), Chapter 21 Heavy Industrial District, and Chapter 26 Signage of the Dilworth Zoning Ordinance as presented. Motion carried by all members present voting aye.

14. CONSIDERATION, ORDINANCE 21-02 SUMMARY FOR PUBLICATION

MOTION: by Nash, seconded by Aasness, to approve Ordinance 21-02 Summary for Publication, as presented. Motion carried by all members present voting aye.

15. UPDATE, COMPOST DROP-OFF SITE RATES AND SCHEDULE

In January the City of Dilworth was made aware of a new compost tipping fee of \$10/yard from the City of Moorhead, beginning May 1, 2021. Our contract with Fuchs requires them to provide this service to us but there has never been an associated tipping fee. This would result in an approximate charge of \$45,000 to Fuchs.

The City of Moorhead is needing to recoup approximately \$70,000 for its yard waste operations due to no longer having an agreement with Clay County. It was determined the \$10/yard tipping fee could be substantially decreased to \$5.26/yard. The County has stated they can come up with a \$2.50/yard reimbursement, but the \$2.76/yard difference would have to be made up by the rural cities.

Currently the compost roll-offs sit outside and begin filling in April, and hauled away as necessary by Fuchs. This increase will cost us up to \$15,000. Staff is considering restricting the roll-offs to the peak times on each end of the yard waste season, but having them removed – not available for public drop-off – during non-peak times. This discussion will continue next meeting.

16. UPDATE, COVID-19

Federal COVID-19 Relief – Bill passed. Once Dilworth allotment is finalized (projection at \$500K), staff will convene and discuss how funds can be used. Guidelines per Federal Guidelines: Respond to or mitigate the public health emergency with respect to COVID-19 or its negative economic impacts; Cover cost incurred as a result of such emergency; Replace revenue that was lost, delayed, or decreased (as determined based on revenue projections for the metropolitan city, non-entitlement unit of local government, or county as of Jan. 27, 2020) as a result of such emergency; Address the negative economic impacts of such emergency.

