

Minutes of the regular meeting of the City Council of Dilworth, Clay County, Minnesota, held May 10, 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, Jesme, and Peterson

OTHERS: City Administrator Peyton Mastera, Finance Officer Sherri Farwell, Maintenance Supervisor Jeff Berg, City Engineer Dan Hanson, Police Chief Ty Sharpe, Fire Chief Mark Empting, David Steichen, Courtney Richman, Jason McCoy, Jim Nelson, and Administrative Assistant Jessica Malvin.

### 1. CALL TO ORDER

Mayor Olson called the meeting to order at 6:02 p.m. and everyone took part in the Pledge of Allegiance.

### 2. ROLL CALL

### 3. AGENDA APPROVAL

MOTION: by Nash, seconded by Jesme, to approve the May 10, 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. Motion carried by all members present voting aye.

### CONSENT AGENDA ITEMS

MOTION: by Aasness, seconded by Nash, to approve minutes from the April 26, 2021 City Council meeting.

MOTION: by Aasness, seconded by Nash, to authorize hire of Gary Frisco as a Seasonal Maintenance Worker at \$14.00/hour.

MOTION: by Aasness, seconded by Nash, to authorize hire of Justin Hawk as a Seasonal Maintenance Worker at \$14.00/hour.

MOTION: by Aasness, seconded by Nash, to authorize hire of Holden Tweten as a Seasonal Maintenance Worker at \$12.00/hour.

- MOTION: by Aasness, seconded by Nash, to authorize hire of Ethan John as a Seasonal Maintenance Worker at \$12.00/hour.
- MOTION: by Aasness, seconded by Nash, to receive and file April Incident Analysis Report.
- MOTION: by Aasness, seconded by Nash, to approve Mechanical/Heating License application of Artic Mechanical, to expire May 9, 2022.
- MOTION: by Aasness, seconded by Nash, to approve National Emergency Medical Services Week (May 16 – May 22, 2021) proclamation.
- MOTION: by Aasness, seconded by Nash, to approve Used Car Sales License application of Helmer's Enterprises, LLC, to expire May 10, 2022.
- MOTION: by Aasness, seconded by Nash, to approve Off-Sale Intoxicating Liquor License for CVS, for the period of June 1, 2021 – May 31, 2022.
- MOTION: by Aasness, seconded by Nash, to approve Off-Sale Intoxicating Liquor License for Walmart, for the period of June 1, 2021 – May 31, 2022.
- MOTION: by Aasness, seconded by Nash, to approve Off-Sale Intoxicating Liquor License for Three Times LLC, D/B/A Trax Liquors, for the period of June 1, 2021 – May 31, 2022.
- MOTION: by Aasness, seconded by Nash, to approve 2AM Liquor License application for Mills Lounge, to expire June 3, 2021.
- MOTION: by Aasness, seconded by Nash, to approve Mechanical/Heating License application for Robert Gibb & Sons, Inc., to expire May 9, 2022.
- MOTION: by Aasness, seconded by Nash, to receive and file April 2021 utility report.

END OF CONSENT AGENDA

#### 5. CITIZEN'S CONCERNS

None received.

#### 6. PRESENTATION, 2020 AUDIT REPORT AND BUDGET-TO-ACTUAL DISCUSSION (COURTNEY RICHMAN WITH EIDE BAILLY PRESENTING)

Courtney Richman with Eide Bailly presented the 2020 Executive Summary and Audit to the Council. The City received a clean audit opinion, unmodified. The City is now required to complete an actuary study for post-employment benefits.

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7. RECEIVE AND FILE, 2020 AUDIT REPORT

MOTION: by Aasness, seconded by Jesme, to receive and file the 2020 Audit Report. Motion carried by all members present voting aye.

8. RESOLUTION 21-18, SUPPORTING HABITAT FOR HUMANITY PROJECT AT 215 ADAMS AVENUE (JIM NELSON WITH HABITAT FOR HUMANITY PRESENTING)

Jim Nelson from Habitat discussed the 2021 build at 215 Adams. Habitat plans on building a split level, five bedroom house later in the summer. The City will be working with Randall's to remove the garage and rest of the materials from the burn.

MOTION: by Peterson, seconded by Nash, to approve Resolution 21-18, Supporting Habitat for Humanity Project at 215 Adams Avenue. Motion carried by all members present voting aye.

9. RESOLUTION 21-19, ACCEPTING A DONATION OF MOORE ENGINEERING FOR THE HABITAT FOR HUMANITY PROJECT AT 215 ADAMS AVENUE

Moore Engineering has donated a Certificate of Survey for the Habitat for Humanity project at 215 Adams Avenue.

MOTION: by Nash, seconded by Aasness, to approve Resolution 21-19, accepting a Donation from Moore Engineering for the Habitat for Humanity Project at 215 Adams Avenue. Motion carried by all members present voting aye.

10. PUBLIC HEARING, AMENDMENTS TO CHAPTER 112 (TOBACCO & E-CIGARETTES) OF THE DILWORTH CODE OF ORDINANCES

Opened at 6:35 p.m.

The Public Health Law Center provided extensive recommendations on updated changes to the ordinance. The major amendments to the ordinance include:

- 1) Prohibition of flavored vape in any capacity.
- 2) 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.)
- 3) Prohibition of couponing.
- 4) No delivery of tobacco products as a way to circumvent minors from purchasing.

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). No tobacco license holder has contacted the City of Dilworth regarding this hearing.

Closed at 6:40 p.m.

11. ORDINANCE 21-01, AMENDMENTS TO CHAPTER 112 (TOBACCO & E-CIGARETTES) OF THE DILWORTH CODE OF ORDINANCES

The City Council discussed the changes. Council agreed to the changes listed above. Additional change include moving subpart 5 A5(C) (Electronic delivery devices containing flavored products. No person shall sell or offer for sale (in person or by delivery) any electronic delivery devices containing flavored products) to section C1 and rewording “No delivery of tobacco products as a way to circumvent minors from purchasing” to “No delivery of (vape) products as a way to circumvent minors from purchasing”.

MOTION: by Aasness, seconded by Nash, to approve Ordinance 21-01, Amendments to Chapter 112 (Tobacco & E-Cigarettes) of the Dilworth Code of Ordinances. Motion carried by all members present voting aye.

12. CONSIDERATION, ORDINANCE 21-01 SUMMARY FOR PUBLICATION

ORDINANCE 21-01 – AN ORDINANCE AMENDING SECTION 112 (TOBACCO & E-CIGARETTES) OF THE DILWORTH CODE OF ORDINANCES BY REGULATING THE SALE OF TOBACCO, TOBACCO-RELATED DEVICES, ELECTRONIC DELIVERY DEVICES, OR NICOTINE OR LOBELIA DELIVERY PRODUCTS FOR THE PURPOSE OF ENFORCING AND FURTHERING EXISTING LAWS, TO PROTECT YOUTH AGAINST THE SERIOUS EFFECTS ASSOCIATED WITH THE USE OF TOBACCO, TOBACCO-RELATED DEVICES, ELECTRONIC DELIVERY DEVICES, OR NICOTINE OR LOBELIA DELIVERY PRODUCTS, AND TO FURTHER THE OFFICIAL PUBLIC POLICY OF THE STATE IN REGARD TO PREVENTING YOUNG PEOPLE FROM STARTING TO SMOKE AS STATED IN M.S. § 144.391, AS IT MAY BE AMENDED FROM TIME TO TIME.

The proposed amendments include, but not limited to 1) Prohibition of flavored vape products (i.e. delivery devices) in any capacity; 2) 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.); 3) Prohibition of couponing; 4) No delivery of (vape) products as a way to circumvent minors from purchasing. This ordinance shall take effect and be in force from and after its passage and publication, and all other ordinances, resolutions, and acts and proceedings of the City and of the Council which are inconsistent with the terms of this ordinance are hereby amended or repealed to the extent necessary to give full force and effect to this ordinance.

APPROVED AND ADOPTED this 10th day of May, 2021 in the City of Dilworth, Minnesota. This ordinance in its entirety can be viewed at the office of the City Administrator at 2 First Avenue SE, Dilworth, MN 56529.

MOTION: by Jesme, seconded by Nash, to approve Ordinance 21-01 Summary for Publication. Motion carried by all members present voting aye.

13. CONSIDERATION, CONDITIONAL USE PERMIT APPLICATION FOR A 108 SQUARE FOOT ELECTRONIC MESSAGE OFF-PREMISE SIGN, APPROXIMATELY 470 FEET EAST OF THE NORTHEAST CORNER OF HWY 10 AND 34TH STREET; LOT 2, BLOCK 2, EASTEN ADDITION – PARCEL ID 52.110.0081 – PROPERTY OWNER(S): FARMERS UNION OIL COMPANY OF MOORHEAD – APPLICANT(S): AXIS CLINICALS

AXIS Clinicals has submitted an application for a 108 square foot off-premise electronic changeable message sign at their current sign location. Sign location, foundation base, and post will remain the same. Their current sign is considered a legal non-conforming sign.

The Planning Commission held a public hearing on May 5<sup>th</sup> to review the request. There was no opposition to the application and the Planning Commission forwarded a recommendation on to the City Council to approve the application. Planning approved the eight square foot size variance.

MOTION: by Peterson, seconded by Jesme, to approve the Conditional Use Permit application for AXIS Clinicals to replace their current sign face with a 108 square foot off-premise electronic changeable sign, approximately 470 feet east of the northeast intersection of HWY 10 and 34th Street on Lot 2, Block 2, Easten Addition (parcel ID 52.110.0081) with the condition that AXIS Clinicals satisfy all City and State regulations (eg. permits, building code). This sign will meet all other requirements stipulated in Chapter 26.040 of the Dilworth Zoning Ordinance. Any alteration in the structure size or placement will require approval by the Planning Commission and/or City Council. Motion carried by all members present voting aye.

14. UPDATE, COVID-19

May 7<sup>th</sup> – Removes limits for outdoor dining, events, and other get-togethers, and ends the mask requirements outdoors except at large venues with over 500 people; eliminates mandated closing times for bars, restaurants, and food beverage establishments (including Community Center rental).

May 27<sup>th</sup> – remaining capacity and distancing limits will come to an end; face coverings still required for events over 500 people; businesses still to maintain a safety plan.

July 1 or at 70% vaccination rate – Remaining restrictions lifted.

Community Center / Depot – Until June 1<sup>st</sup> (May 27<sup>th</sup>), 50% capacity, party size up to 10, masks required... Beginning June 1<sup>st</sup> restrictions lifted.

Council Meetings – Consideration to rescind the emergency declaration resolution next meeting. Still plan to offer meetings over zoom.

Vaccines readily available!

15. COUNCIL MEMBER’S CONCERNS AND COMMITTEE UPDATES

Aasness Thank you Jeff and the crew for all your hard work during clean up week.

Peterson Park Board wants to come up with a regional park design and present to Council.

Loco Daze is still moving forward with a full event. They are also looking in to how to get more food vendors for Friday.

Berg Crews are working on Woodbridge Park today and tomorrow. The goal is to have both parks done and ready by next week.

Mastera BKV will be at the next City Council meeting workshop to discuss the final findings.

The Park Board will be hosting two park grand openings in June/July.

Another house on Fourth Avenue SW is for sale. If the City were to purchase the home, it would one step closer to owning the block.

Olson Attended the iftar event at the Community Center. It was a very informative event about breaking the fast for Ramadan.


16. PAYMENT OF THE BILLS

MOTION: by Aasness, seconded by Nash, to pay the claims and bills dated May 10, 2021. Motion carried by all members present voting aye.

17. ADJOURNMENT

The meeting was adjourned at 7:27 p.m.

Mayor:   
Chad Olson

ATTEST:   
L. Peyton Mastera, City Administrator

Approved by the Dilworth City Council on May 24, 2021