

**HARRIS CITY COUNCIL**  
**REGULAR MEETING MINUTES**

**May 14, 2018**

**I. Call to order**

Mayor Miller called to order the regular meeting of the Harris City Council at 7:00 p.m.

**II. Pledge of Allegiance**

Everyone joined in the Pledge of Allegiance.

**III. Roll Call**

Deputy City Clerk Sculley conducted roll call. The following members were present: Mayor Miller, Councilmember Rossini, and Councilmember Sculley. Councilmember Williams arrived at 8pm. Councilmember Payne was absent. Deputy City Clerk Sculley advised that a quorum of the council was present.

**IV. Consent Agenda**

Councilmember Sculley made the motion to approve the April 9, 2018 regular meeting minutes, April 23, 2018 Local Board of Appeal and Equalization minutes, and the Accounts Payable. Mayor Miller seconded the motion. Mayor Miller and Councilmember Sculley were in favor, Councilmember Rossini abstained, motion carried.

**V. Public Comment**

Shari Denny attended this evening's meeting. Denny lives at 42095 Harder Ave. Denny is here to ask the council to consider putting gravel on Harder Ave. Mayor Miller said the council will be doing their road review soon and will take a look at it.

**VI. Regular Agenda**

- **Jerry Lodin - Culvert issues on 470th Street**
  - Councilmember Sculley removed himself from his council seat and sat in the audience along with Sharon Sculley who lives at 6390 470th Street and Jerry Lodin who lives at 6391 470th Street. Mr. Lodin came to tonight's meeting to discuss concerns he has regarding the culvert placement at the end of this driveway in 2016. Lodin believes the culverts were placed too high at the end of his driveway. Lodin stated that water isn't flowing like it has in the past and it seems as if the culvert is higher than the water line. He was concerned about the expense of this project without a positive result. He questioned if the culverts needed replacement in the first place along with the quality of the work. Mr. Lodin asked the contractor to come and review the job and thought the contractor had a dismissive tone. Mr. Lodin asked if the city holds any accountability of the outcome of the culvert placement and the ditch work completed back in 2016. Alan Teich with public works commented that

he believes the culverts were placed properly. Councilmember Sculley stated that he agrees with Mr. Lodin that the culverts were not done correctly. Steven Winter a Project Engineer with MSA stated that there are strict guidelines as to how far down a culvert can be placed. Alan Teich stated that when the culverts were replaced, they were put at the same level they were before. It was mentioned that frost possibly raised the culvert. Councilmember Sculley said if frost pushed the culvert up, it wasn't down far enough. Councilmember Sculley also said that there is a large amount of gravel that got pushed into the ditch when the road was plowed over the winter. Jerry Lodin said that residents should have been given the choice on whether or not they wanted their culvert replaced. Councilmember Sculley said that in some areas the ditch is 6 to 7 feet wide and then it narrows down drastically.

- Sharon Sculley is looking for clarification on whose responsibility it is to maintain water drainage ditches from one location to the other. Sharon Sculley stated that the front of her property where they used to be able to drive and had fenced in for their cattle is no longer accessible due to water. This piece now has muskrat houses on it. Both Sharon Sculley and Jerry Lodin expressed concern with their property values decreasing. They each provided pictures for the council to review. Sharon Sculley stated that she is required to have 10 acres of property engaged in the activity of agricultural purpose in order to maintain that zoning classification. Many questions were asked about who assures that draining systems once established continue to function. Mayor Miller spoke with Jeff Fertig who is a wetland specialist with Chisago County on a couple of occasion's including today. Mayor Miller expressed his position that these were property owner concerns. Sharon Sculley said that she had also sent Jeff Fertig an email a while ago and has yet to receive a response. The primary concern is that the Sculley's property does not drain its seasonal waters as it has in past years and the Sculley's believe that something has changed to affect this. They would like some help trying to figure out what that may be. In an effort to discover what the cause of these issues may be the Sculley's spent a period of time over the course of two weekends following what they believe to be the path of the water from their property to a well established ditching system on the east side of the railroad tracks on 470th Street. During that time the Sculley's visited two of their neighbors properties with their permission and the area near the railroad tracks to look for impediments. They were able to remove some obstructions and were able to notice a small improvement in the flow of water on the properties they visited. The Sculley's believe that there may be a driveway that was placed over a wetland at their neighbor's property 6597 470th Street. The Sculley's second main point was to understand whose responsibility it is to inform property owners that they have ditching systems intended to move water from their property. Once they know where they are, whose responsibility is it to ensure that they function? All of these questions were unable to be answered. Mayor Miller stated that she spoke with the DNR and they referred her to Jeff Fertig with Chisago County. The DNR said they don't have any jurisdiction unless a property owner would want to start shooting or trapping beavers or muskrats which would then be turned over to a conservation officer. Steve Winter stated that Minnesota recently had the wettest 12-month period on record. Sharon Sculley expressed her frustration that people keep blaming this

issue on having a wet year when this has been a continued problem. She said that one year of excessive water doesn't account for several years of excessive water not leaving her property. Sharon Sculley stated this leaves her extremely frustrated. Jeff Fertig said that he wouldn't come out unless there are concerns with the state owned land.

City Clerk / Treasurer Balfany stated that the city would contact the railroad to see if they can clean up the culverts near the railroad tracks. In addition, the city can look to see if a driveway permit was pulled to put the driveway in that crosses the wetland at 6597 470th Street. Jerry Lodin is still concerned with his culvert issue. Mayor Miller stated the more we discuss this issue maybe the city shouldn't have cleared the ditches or replaced the culverts. Now that we have specific questions for the County maybe it will be easier to start this process. Mayor Miller said it sounds like the main problem isn't only the culverts rather the fact that water isn't flowing and to identify what has changed to stop the flow. Councilmember Sculley said that they need help and they need someone to come out and look. Sharon Sculley said that she will be satisfied when her cattle can get to the front pasture and they are able to utilize their land again. Sharon Sculley said that it doesn't seem fair that this has become their issue when the problem doesn't reside on their property. Jerry Lodin closed with his frustration with the amount of money spent on this project and having a poor outcome. Sharon and Jerry thanked the council for their time. Mayor Miller apologized for not having many answers at this time. After this, Councilmember Sculley returned to his seat on the council.

- **Vanessa Smith - Office Assistant**

- The City of Harris has been working on hiring an office assistant. The city interviewed four potential candidates and offered the position to Vanessa Smith. City Clerk / Treasurer Balfany and Deputy City Clerk Sculley recommend Vanessa Smith for this position. Vanessa was born and raised in Harris and has always wanted to be involved in the community. Vanessa previously did an internship with the North Branch chamber. Vanessa is currently a Criminal Justice student. Councilmember Rossini asked if Vanessa is interested in grant writing, Vanessa said this is an interest of hers and she plans to pursue it. Councilmember Rossini made the motion to hire Vanessa Smith as the new office assistant effective immediately. Councilmember Williams seconded the motion. All in favor, motion carried.

- **Confidentiality Agreement Approval**

- Deputy City Clerk Sculley would like the council to consider passing a confidentiality agreement. Deputy City Clerk Sculley said that none of the city's employees have signed a confidentiality agreement in the past. We live in a small town and Deputy City Clerk Sculley believes it is important to keep confidential matters confidential. This agreement has nothing to do with what is said during public meetings rather city employees discussing confidential matters outside of work. Councilmember Rossini asked what happens if someone violates this

agreement? Mayor Miller stated the city has disciplinary action in our Personnel Policy. Mayor Miller said that some city information is public and some is not. This agreement would make everyone equally aware of the city's expectations and requirements regarding confidentiality. Councilmember Rossini stated that he would like to look closer at the agreement and address it again next month.

- **Liquor License / Tobacco Renewals**
  - **Harris Bottle Shop**
    - Councilmember Sculley made the motion to renew both the annual off sale liquor license and tobacco license for the Harris Bottle Shop. Councilmember Williams seconded the motion. All in favor, motion carried.
  - **The Fuse**
    - Councilmember Sculley made the motion to renew the annual on and off sale liquor and Sunday liquor sale license along with the tobacco license for The Fuse. Councilmember Rossini seconded the motion. All in favor, motion carried.
  - **Harris Stop LLC**
    - Councilmember Sculley made the motion to renew the tobacco license for the Harris Stop LLC. Councilmember Williams seconded the motion. All in favor, motion carried.

## VII. Staff Reports

- **Fire Dept**
  - **Minutes from April 18, 2018 meeting**
  - **Employee Evaluation Approval**
    - Chief Gregoire and Captain Gabi Isaac are looking for direction and approval to perform evaluations on fire department members. Previously evaluations haven't been conducted and this is something the department would like to have implemented so not only leadership has the opportunity to review firefighters but also firefighters have the opportunity to receive feedback and discuss areas of improvement along with areas of excel. Isaac would like the evaluations to be done at City Hall. This would help connect the relationship between firefighters, city staff, and Councilmembers. Isaac is also requesting reviews for not only firefighters but also fire department leadership. Councilmember Sculley is available to assist in the review process. Gabi would like unified command between fire department leadership and City of Harris representatives.

- **Advertisement Approval**

- Captain Gabi Isaac has an example of flyers she has made seeking new fire department members. Councilmember Sculley said that the 7-mile radius should be on the flyer so citizens know if they qualify. Applications need to be turned into City Hall. Applications can also be put in the drop box outside City Hall. City Clerk / Treasurer Balfany said that the fire department application is on the city's website. Balfany also said that she could post the flyer on the League of Minnesota Cities and Minnesota Rural Water websites.

- **Department Updates**

- Both the Yellow and White Pumpers need repair. Gabi Isaac stated that vehicle maintenance is a problem within the department. It is difficult for members who are able to work on trucks to devote the time since many members are currently in school. Councilmember Sculley asked if any of the trucks that are currently on the road have safety concerns, if so the problem needs to be fixed promptly or remove the trucks from service. Chief Gregoire is having a hard time finding mechanics willing and able to work on department equipment. Since many of the fire department members are in school, the Chief is having a difficult time finding the time to juggle the daily demands of the department. Chief Gregoire provided a quote from Kirvida Fire Inc to fix the two pumpers. Councilmember Sculley would like a quote from Russell's as well. Councilmember Sculley does not want to put off repairs until the next council meeting, but would like to see additional quotes. Captain Isaac said that the more they dig into the trucks the more problems they find. The department needs help coming up with a system for truck maintenance. Councilmember Rossini reiterated to Chief Gregoire the need for three quotes. Once Deputy City Clerk Sculley receives the additional quotes from Chief Gregoire, she will send an email out to the council so approval for repairs can be made as soon as possible.

Councilmember Sculley requested that the fire department clean up all materials after they do practice drills at the department. Councilmember Rossini told Chief Gregoire and Captain Isaac that he appreciates the work that they are devoting to the department. He wants to make sure they aren't becoming burned out. The council thanked fire department members for their hard work and dedication.

- **City Engineer Chuck Schwartz**

- Chuck Schwartz and Steve Winter attended tonight's meeting. Steve Winter is a Senior Project Engineer and has been with MSA for 18 years. Schwartz wants to provide the city with a secondary contact person for when he is not available. Schwartz will still be involved but would feel more comfortable having a secondary contact for the city.

Chuck Schwartz is here tonight to follow up on the RFP that was completed. Getting information out to solar companies was brought up as a possibility. Schwartz would be able to come out with something to put on the League of Minnesota Cities website. Inquiries will be directed to Chuck Schwartz's office. Mayor Miller made the motion to authorize the advertisement of the RFP's, inquiries will be directed to Chuck Schwartz and having them due at City Hall on or before Thursday June 28, 2018 at 4pm. Councilmember Williams seconded the motion. All in favor, motion carried.

- **Planning Commission -John Rossini**

- Councilmember Rossini informed council that at the last Planning Commission meeting they discussed the possibility of changing zoning requirements or adding a conditional use to accommodate rentals in the single family detached dwellings area. The Planning Commission decided not to make any changes at this time.
- The Planning Commission has a top ten list of places within the city that they would like to see action or improvement on. Currently, they are focusing on the top four. The city is currently working with law enforcement and the city's attorney to address concerns with people renting at 6525 439th Street in the General Business District. The owner of the property did receive the letter from the city's attorney. He claims to be working on removing the people who are living there. Renting is not a conditional or permitted use in this area.
- The property owner at 42775 Forest Blvd. will be coming to the next Planning Commission meeting to discuss complaints regarding the appearance and possible people living in storage buildings on the property.
- Councilmember Sculley spoke with the property owner at 45820 Grand Ave. This property has numerous junk cars and has received many complaints from residents. Councilmember Sculley stated that the property owner said that he would be working on removing the cars when weather permits.
- Councilmember Rossini wanted to follow up with Chief Gregoire regarding the size of the windows at 43856 Ginger Avenue. Councilmember Rossini will ask Chief Gregoire at the next meeting.
- Going forward the Planning Commission would also like to add public comment to their agenda.
- Councilmember Rossini stated they are continuing to work on the Comprehensive Plan.
- Councilmember Sculley requested that the Planning Commission continue to work on the city's ordinances. Deputy City Clerk Sculley stated that the city's liaison from Chisago County Sheriff's Office was in discussing the trouble the Sheriff's Office is

having enforcing resident complaints since the city's ordinances are outdated. The liaison stated the city needs to spend the money on updating the ordinances.

- **People Service - written report**
  
- **Public Works - Alan Teich and George Valvoda - written reports**
  - Alan Teich said that the city needs to purchase new culverts for the north end of Grand Ave and one for Gladstone. This should be done as soon as possible. Teich also recommends the city start discussing how much gravel the city needs to purchase this year.
  - During the winter, a resident fell off of Gates Ave on a road grader causing damage to the road. Mayor Miller does not want the resident to fix the road rather have the city contract to have it done and then send the bill to the resident who caused the damage. Teich will call and get estimates for the damage to Gates.
  - Mayor Miller would like to set up the annual road review. Miller would like to assess all of the issues concerning the roads at the same time. The council will look at their schedules and set up the road review for an upcoming Saturday.
  - Councilmember Sculley requested that Teich make sure there is nothing in front of the fire extinguishers at the public work building. Currently, there seems to be some stuff blocking them. The stripes also need to be repainted around the extinguishers.
  
- **City Clerk/Treasurer - Marlys Balfany - written report**
  
- **Deputy Clerks report - Abbey Sculley - written report**
  - George Valvoda with public works would like the council's direction on what to do with the boat that is in cold storage. The boat was previously used to check ponds and is no longer needed. The council would like Valvoda to see if he can see what it is possibly worth. Depending on how much the city can get for it, it could be sold.
  - City Hall has been receiving complaints regarding the shooting of firearms. City Clerk / Treasurer Balfany stated that the city's current Discharging of Firearms ordinance is too vague. Ordinance number 2016- 10 Title XIII, Chapter 131, Section 131.16 "Discharging Firearms" states that the discharging firearms ordinance is repealed in its entirety. The ordinance does not say that the City of Harris follows Minnesota State Statutes. Balfany would like the city's discharging of firearms ordinance to state that the city follows Minnesota State Statutes. Councilmember Rossini made the motion to amend ordinance number 2016- 10 to

clarify that the City of Harris follows Minnesota State Statutes when discharging a firearm. Councilmember Williams seconded the motion. All in favor, motion carried.

- Deputy Clerk Sculley asked the council to update their contact information before they leave.
- Deputy Clerk Sculley would like the council to be aware that the Legion denied allowing Joann Ploetz to purchase and place a memorial bench for Commander John Ploetz outside the Legion Hall.

VIII. **Mayor and Council Reports**

Mayor Miller asked if anyone knew if Councilmember Payne attended the East Central Cable Commission meeting. Mayor Miller will ask Councilmember Payne at next months meeting.

IX. **Adjourn**

Councilmember Rossini made a motion to adjourn the meeting. Councilmember Williams seconded the motion. All in favor, motion carried. There being no further business, Mayor Miller adjourned the meeting at 9:45 pm.

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Deputy City Clerk Abbey Sculley

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Mayor Diane Miller

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Date Approved