

## JASPER CITY COUNCIL MINUTES

Regular Meeting & Development Services, Inc. Public Hearing—October 12, 2021;

The Jasper City Council of the City of Jasper met in-person in said city on Tuesday, October 12, 2021. Council members present: Mayor Mike Baustian, Trinidad Garcia, Kim Lape and Dee Arp; Employees present: Clerk-Treasurer Cortney Kounkel; Public Works Superintendent Brian Thode; Pipestone Star's Kyle Kuphal; Community Members: Stella Lingen, Brianna Conrad, Blake & Alex Oelfke, Joe & Kizzy Clem, Don Madetzke, Barb Brooks, Kristin Kallsen & Shari Enger; Reclaim Community Board Members: Elicia Kortus & Randy Larson; Development Services Inc. Representative Hunter Robinson; Absent: Council member Jeff Leslie & Assistant Clerk-Treasurer Maggie Erickson;

The Jasper City Council Meeting was video recorded by Reclaim Community Board Member Randy Larson;

Mayor Baustian called the Public Hearing to order at 7:00 p.m. followed by the Pledge of Allegiance. The public hearing is intended to obtain citizen input, comments, recommendations and suggestions regarding progress of the recent owner-occupied housing rehabilitation activity in the community. Hunter Robinson, Development Services Inc. Director led the public hearing. Robinson highlighted the following:

SCDP activities within the application: Owner-Occupied Housing Rehab (status); Total SCDP Dollars Awarded: \$599,991; Total Project Budget: \$667,991; Maximum SCDP Dollars per unit: \$25,000; Goal Number of Units for Rehab: 21-16 Jasper; Number Of Applications Approved: 16; Number of Approved Applicants that have been inspected: 13; Grant Cycle Completion deadline: Sept. 2023; Program is to Benefit low-to-moderate income households in effort to maintain affordable housing options for future generations. Owner Eligibility Requirements: Home must be primary residence (At least 8 months of the year); Home must be located inside of project Target Area; Owner must in come qualify as low-to-moderate income.

Mayor Baustian then adjourned the public hearing for the 2022 City of Jasper Budget at 6:41 p.m.;

Mayor Baustian closed the Public Hearing regarding SCDP and called the regular meeting. Mayor Baustian then closed the Regular Meeting to go into Closed Session to discuss the property transaction of the parcel located at 116 Wall Street West. All members of the public were asked to leave during the closed session. Benjamin Denton, Jasper City Attorney addressed the public and informed them that a recording of the closed session would be available after the meeting if requested;

Benjamin Denton then addressed the public. As quoted by Ben Denton" Ladies and Gentlemen, by law when part of a public meeting is closed, then by law there has to be a short summary given when you come back into open session about what the purpose of the closed meeting was. A summary of the closed meeting is this. A couple of years ago, and I did not know this a couple years ago, I came upon it here, very recently, looking through paperwork. There was a contract for sale/purchase of this bowling alley property across the street here, from between the Jasper Development Corporation and the city of Jasper for \$30,000.00. I looked into it more, the statutes section 471.87, 471.88, and 471.89, there are some contracts between a city and others that are not valid under law, even if the people who should abstain, did abstain. Also some of those contacts that are not valid under the law can't be cured after

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the fact. A lot of them can but some of them cannot. This is one of them that is a void contract under the law and under the law it can't be cured after the fact either. So my recommendation was, I can't recommend and I can't make anybody do anything, but that transaction should be undone. There was never a deed for from the city to the JDC, I may have said that the other way around, but umm, the JDC to the City, so umm that didn't happen. My recommendation is to cancel the contract, reverse it, undo it for reasons not legally valid, it can't be make legally valid. And I don't think, I genuinely don't think anybody had any intend to do anything here that was not above board. It's tempting to think, I mean I'm a suspicious kind of person, I'll admit it. I always tend to think that everybody's got an ulterior motive. I genuinely don't think there was here. The Jasper Development Corporation is not run for profit, it's a non-profit corporation but in spite of that when something is not legally valid, it's not legally valid, so that was my recommendation to the council. That's my brief summary of why;"

Upon Ben Denton's recommendation, Motion by Lape, seconded by Arp to cancel the property transaction between the City of Jasper and the Jasper Development Corporation, Baustian abstained, all ayes, carried Vote to return property from the City of Jasper to the Jasper Development Corporation was a 3-0 vote;

Next up was community concerns. Benjamin Denton again addressed the public. Denton stated "The moral of the story here is I don't really think there is a moral to the story. The major reasons why I am here, and this is not what I necessarily think, it's what I heard, is that the last council meeting didn't go so well, kind of came off tracks and there was a lot of disruption. So here's what I genuinely think about it. The First Amendment gives you rights as members, as residents, as taxpayers, as parts of the public; the constitution gives you that. The two cities that I can think of that have the most amounts of protests and the most amount of discord over everything is San Francisco and Los Angeles. Those are the ones that I know; there are protestors outside almost every single council meeting. But the protestors are there because they care. Things often end up in litigation with the city of San Francisco and Los Angeles, lots and lots of things because of people who care. Edgerton, another client of mine, routinely have council meetings that go until 11:00 at night, even now has a ordinance that it can't go past 11:00 at night since that's how long they've been going. So you have rights. I applaud you for being here and caring about Jasper. If you didn't care, that would be more of a red light in my mind. Actor Denzel Washington once said ease and comfort is more of a hindrance to progress than what hardship and discord are. So, the way Pipestone does things is the community concerns, the item you sign in on with your name and address, you may speak on that for 3 minutes. Please do not disrupt others when they get their 3 minutes. Every person will get 3 minutes, not a pick and choose. And that's your rights under the constitution and I'm for that. Don't get me started on mandatory vaccinations but we know the constitution gives us civil rights. On the other hand and I don't say this lightly, you have to call the balls and strikes as you see them. That's good, that means you care and that's why you're here, and you have strong feelings about things. You have the right to call the balls and strikes as you see, they (pointing to council members) have the duty to call the balls and strikes as they see them and they have the right to not to be unreasonably disrupted and annoyed, to go off track when they are trying to conduct business that is lawfully before them. So you can tell it's a little bit of a balancing act. Give them their free speech but don't unreasonable disrupt the conducting of things going on as the business in front of government. If you disagree with the people on the council, run for election. I am somebody who will walk the walk and talk the talk. As when you care about democracy and you care about your city, there

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are going to be things that are controversial. The fact that you care about it is good. So those are the reasons behind the community concerns being 3 minutes a piece. If there is disruption, and I'll probably give you a warning, but if there's more and more disruption that unreasonably gets in the way of them (council members) conducting things then I'll probably but otherwise there's misdemeanors and petty misdemeanors; disorderly conduct, unlawful assembly, presence of unlawful assembly. I don't prosecute the misdemeanors in Jasper. I do prosecute the petty misdemeanors in Jasper; it's a fine up to \$385.00 total. I don't want to do that. I don't want to interrupt you. I don't want to cut you off but I feel like I have an obligation towards the people you have elected that are lawfully here just trying to do their duty to call the balls and strikes as they see them. So also when you talk, if you're like me, your emotions can kind of get into it. I'm paid to talk and my emotions can still get into things and I can get a little bit off kilter emotional and it's because I care about things. I have red blood the same as you in my veins and occasionally that starts to get hot when you talk about something that you're passionate about, I get it. So, shit, hell, damn here or there, alright, it's to be expected. Stuff that is over and above that probably will give you a warning but otherwise to keep on doing it and I have my say with the sheriff's office you will probably be getting a citation in the mail for a petty misdemeanors, disorderly conduct or unlawful assembly. If law enforcement were here, which they are not, I would also say law enforcement does have the right to remove people. Again, we don't want to go to these sorts of things, genuinely don't like it. But these people have the right to call the balls and strikes as they see them, these have the duty. Please respect them. If you set the ground rules, I don't think anyone's doing it in bad faith, and you won't have to have idiots like me in black sport coats and law books telling you what you can and cannot do. Please do that and I thank you for your participation and thanks for caring about the city";

#### Community Concerns:

The Public Participation and Comment at City Council Meeting sheet was provided. Community Concerns were as follows:

Stella Lingen was present regarding the DSI Public Hearing and to ask the council for permission for the elderly gals to keep exercising in the basement of Memorial Hall on Mondays and Thursdays. Lingen stated that she got the information she needed from Hunter Robinson in the public hearing. The current exercise group is meeting on Monday's and Thursday's, if they could continue to meet there after the classes have finished. This is not just about physical health; it's also about mental health. A lot of these ladies have been cooped up in their homes due to the Covid Health Pandemic;

Briana Conrad was present to address interest in the former bowling alley property. Briana stated that she was not sure how relevant it is now. Kounkel explained that the property was no longer in the city's hands; therefore the city cannot do anything with the property;

Alex Oelfke: Concerned Citizen. Nothing to say;

Blake Oelfke: Concerned Citizen. Nothing to say;

Elicia Kortus was present concerning "Historic Properties". Kortus took 3 minutes to reiterate what their organization's intent was and what they are doing to clear up any miscommunication. Kortus stated on the record, that they are not opposed any new construction, have never been and think people assume

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that because they promote preservation. They are thrilled to hear of any business that wants to fill a vacant lot. Concern is last 5 years to work on preserving the history of Jasper and the Quartzite. We can have both new and old construction. Kortus states that the past 5 years, she has not received a dime of money for all the work she has been doing. She is doing this solely because she is a fourth generation farmer. Her great grandfather's farm is six miles west of town. She cares about this community and she knows all of the council members do as well. A lot of people right off the bat told Reclaim that they were not going to support them. It was hard to take but that is their priority. When you come into a community that you grew up in and you want to help and you want to take care of a problem that someone left sitting there like the school and they ignore it. You want to solve the problem and people aren't welcoming to you that's a hard thing to take because you can do more when everyone works together. After 5 years, Reclaim has only spend \$35,000.00 on these buildings and have earned over \$148,000.00 in grants to pay for construction planning, architectural plans, engineering work, to the point where we are now going to get a \$173,000.00 to fix Bauman Hall that was almost demolished. Kortus believes this is a big deal. Jasper should be proud of that. It is absolutely the most financially responsible way to invest in these properties because they are so valuable. What is built there, you couldn't afford to build today. That school is worth \$35 million dollars if you were to construct it today. And Reclaim can renovate it for \$6.5 million. That is a HUGE boom to Jasper and a tax benefit to the county. That's what Reclaim is here for. They are not trying to "be a pain in the ass" but they are asking for help. They have appeared at the Historical Society meeting, Lion's Club meetings, tried to work with the council as much as they can and continue to try because she cares about these buildings and the history behind them. She believes people want to see the masonry; people want to see the demonstrations of people cutting the stone and how hard work that was. Kortus believes that people will love to see Bauman Hall and some other buildings open with beautiful restaurants, boutiques, small businesses and other stuff in there and that's what Reclaim is working for. A lot of plans that they are working on cannot be publicized which is where she believes a lot of the miscommunication is coming from. Being a small organization, Reclaim does not have a lot of advertising dollars so they have to do word of mouth with letters, emails and meeting with people. The MN Historical Society is on board with Reclaim. There are a lot of other organizations that Reclaim is working with. Ben Denton then cut Kortus off as her 3 minute time limit was up;

Don Madetzke: No comment;

Randy Larson: To listen and comment. Larson would like to set the record straight on a matter brought up at last council meeting. Kounkel mentioned a letter that was sent to the city on behalf of Reclaim Community. Larson stated that they had no clue what the letter was about as they did not see it. Loren Petersen sent an email to Larson stating this is what he sent to the city and Larson believes it was totally misconstrued. Loren said "Just because you have some rocks fall off a building and you want to tear it down, that's like getting sliver in your finger and cutting off your arm. That's like getting a blister on your toe and cutting off your leg." Larson then questioned Kounkel whether that was the letter she was referring too. Kounkel replied "Yes, but it was not worded that way." Larson did not see Pedersen threatening at all. Larson stated he received the direct copy from Petersen and does not feel it was threatening in any way. Kounkel will provide a copy of the email to Larson;

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Barb Brooks: To listen and comment. Brooks was here for Reclaim Community. She does not want the town torn down and she'll fight until the days end to ensure it doesn't happen. Brooks has walked these streets many times as a child; she knows all the stores that were in the buildings. She knows all the people in Jasper and would hate to see the town tore down;

Joe and Kizzy Clem were present as owners of the building next the former bowling alley lot. Clem's presented a proposal for the city to purchase their lot. However, due to the recent findings of the transaction between the city of Jasper and the Jasper Development Corporation, their proposal is null and void;

Kristin Kallsen present regarding the quartzite buildings. Kallsen attended the meeting so she could get firsthand knowledge of what's going on. Kallsen's father was the person who worked on Bauman Hall and got it on the National Registry and he spent a lot of years working to try to save the Quartzite buildings. Right before her father passed, he said his biggest regret was not being able to save central high school in Pipestone. Kallsen feels a moral responsibility to keep an eye on things and she doesn't want to see the hard work lost and to see the primary things of value in this town go down the drain. We don't need another eyesore on the prairie; you have something special and something to be proud of. Other things going on that will help such as the home improvement grants but everything needs to come together to make it possible;

Shari Enger: Visitor. Enger stated that she came to council to primarily listen. Enger is a graduate of Jasper and she does love the buildings as they are beautiful and appreciates what Reclaim community is doing. But one of her concerns is how social media is being used. According to Enger, there is a lot of defamation going on, finger pointing, and some untruth that is being stated. The things that Enger has read within the past 24 to 48 hours, after thoroughly listening to city council meeting that Larson posted, both videos and both parts, Enger really questions where some of the concerns that were stated this week were coming from as Enger did not hear a lot of those things that were posted on social media. Enger appreciates what Reclaim is trying to do but advised them to be careful with their words because after listening to Mike's letter last week, quite honestly, she doesn't appreciate some of the things that are being said. We are not in Sioux Falls and we are not in Pipestone. We are all very smart people and are very proud of everything we have become and we have all worked hard to get to where we are. We can be great supporters but it goes both ways. Enger stated that it was not to the city council and apologized for that as it is wearing on Enger reading some of these things.

Motion by Lape, second by Arp to approve the minutes from the September 21, 2021 Council Meeting;

Review and approve the September claims to date: WM Heating & Cooling, QCC Air, \$648.78; Martinez Concrete, Sidewalk Replacement Program, \$600.00; Scarcely, LTD, SCDP-Lead Assessments, \$2,250.00; DSI, Admin Fees, \$3,700.00; Double D Gravel, Yard Waste Site, \$4,649.82; Nordic Solar HoldCo, Geronimo Energy Contract, \$7,271.50; Motion by Arp, second by Garcia to approve the September claims to date, all ayes, carried;

Receipts noted in September: State of MN-MMB, American Rescue Plan Funds, \$31,903.83; MMB-DEED, SCDP Reimb, \$2,250.00; Private Donor, Ambulance Donation, \$20,000.00;

DELINQUENT SEWER/WATER/GARBAGE:

The aforementioned minutes have been drafted for approval.

A short discussion regarding the delinquent Sewer/Water/Garbage accounts occurred. No disconnection notices will be sent this month.

Wellness Center/QCC: Houg is still working on getting a fence at the QCC. No roof issues due to recent rain;

#### NEW BUSINESS:

Proposals for buildings located at 112 Wall Street West (Joe & Kizzy Clem) & 120 Wall Street West (Richard Rieck). The proposal for 112 Wall Street West is null and void due to the recent reversal of the property transaction for the former bowling alley lot. Joe Clem also informed the council that per Rieck, he would not be willing to sell his building to the city;

Request from seniors to use Memorial Hall for exercises on Mondays and Thursdays was approved. Everyone who received a water bill received notice on this class. Lingen informed the council that 12-15 women currently attend the classes. Kounkel will advertise the exercising event on Facebook;

The Pay Equity Report was presented to the council. The city completes this form every 3 years to determine if male vs. female wage is comparable based on the duties of our position;

The Max Your Community Flyer and Mass Mailing information was provided to the council. Emily Crabtree will be sending out the mailings to all Jasper residents. The city will help advertise this event;

#### OLD BUSINESS:

A letter addressed to Pipestone County Medical Center regarding the temporary closing of the Jasper Medical Clinic was provided to the council at the September Council Meeting. Kounkel received a call from the clinic director, Jerry Svennes. Jerry informed Kounkel that the clinic had planned on opening in September but the Delta virus halted the reopening. The Jasper Clinic does not have the ventilation system that PCMC has. In order to provide care at the clinic, HEPA filters will have to be placed in each room. The filters are approximately 2' x 4' x 3' and would take up a very large area. The board will reconsider reopening the clinic in November;

The 2020 City of Jasper Audit was complete and sent to the State Auditor;

#### PUBLIC WORKS REPORT:

Land use permits issued in September: Kody Doerr (117 4<sup>th</sup> Street East), Installation of Fence; Nick Baatz (216 Dean Avenue), Move in Chicken Coop; Todd Drake (412 2<sup>nd</sup> Street East), Build Shed; JEDA (Townhomes), Move in Shed;

Thode received a bid for seamless gutters at the QCC. The front area near the north door always drips and creates ice buildup directly in front of the door. Motion by Lape, second by Garcia to approve the bid from Dan Janssen to install seamless gutters at the QCC for a total amount of \$972.00, all ayes, carried;

#### ITEMS ANYONE WANTS TO ADD TO THE AGENDA:

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Xcel Energy has been scheduled to install street lights in West Jasper near the 4<sup>th</sup> Street and Dean Avenue and another one near the curve on Dean Avenue;

The little free pantry will be installed before the winter. Thode is painting the stand and installing new doors;

Arp mentioned that the grass/leaf pile creates smells that lingers for months when burned. Arp questioned whether the pile could be spread out to compost the pile versus burning. We did have an area farmer that previously took the leaves for bedding; however, he did not request this service this year or last. Kortus mentioned that she could provide information to the city on composting the pile. Kounkel will look for this information from Kortus;

Upcoming Meetings:

Council Meeting, Tuesday, November 9 @ 7:00 p.m.;

Lape motioned to adjourn, Arp second. All ayes, regular meeting adjourned @ 7:55 p.m.;

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Cortney Kounkel, Clerk-Treasurer

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Mike Baustian, Mayor

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