

**CITY OF WILLERNIE
CITY COUNCIL MEETING
SEPTEMBER 20, 2023**

PRESENT: Parent, Siver, Baglio, Soderlund, DeJong, Marcus Johnson-Engineer,
Tori Kelm-Law clerk, Susannah Torseth-City Attorney, Ken Johnson-Maintenance
Superintendent and Vickie Keating-Clerk.

ADOPTION OF AGENDA

Siver added cats to old business and then moved to approve the agenda with the addition.
Soderlund seconded the motion and the motion passed.

APPROVAL OF THE AUGUST 2023 MINUTES

Soderlund moved to approve the August minutes as pre-read, Siver seconded the motion, and the
minutes were approved.

PUBLIC HEARING

**CITY COUNCIL MEETING WAS SUSPENDED FOR THE PUBLIC HEARING AT 7:05
P.M.**

Parent read the ordinance on the presence of inoperable motor vehicles.

No public comments were made, and no discussion took place.

2ND PUBLIC HEARING ON MORATORIUM ON CANNIBUS BUSINESS

Last month the council reviewed an interim ordinance on cannabis.

This ordinance does not negate the ordinance already in place on cannabis. The council would
like to be specific in the interim and since the lawyers have modified the language and included
the hemp business the city is not issuing any licenses during the moratorium. Due to the change
in language Susannah explained the council can postpone this hearing and republish it for next
month's meeting or continue since the information has not changed.

This ordinance makes sure the businesses are selling what they are allowed by the state.

Susannah then read the Exhibit A Cannabis and Hemp Moratorium Ordinance.

There were no public comments.

3rd ORDINANCE PROHIBITS CANNABIS, TOBACCO AND NICOTINE USE WITHIN CERTAIN PLACES IN THE CITY OF WILLERNIE

Parent then read the resolution concerning prohibiting the use of Cannabis, Tobacco and Nicotine in the city.

There were no public comments.

PUBLIC HEARINGS CLOSED AT 8:22 P.M. AND THE CITY COUNCIL MEETING RESUMED.

The council asked if the sale of hemp products includes all businesses in the city.

DeJong asked if anything can be changed in the ordinance before September 2024 and the answer was yes. The city can change the moratorium date if they choose to in the future.

A motion to approve the ordinance on inoperable motor vehicles, Resolution 2023-3 was made by Baglio. Siver seconded the motion and the motion passed.

The moratorium on cannabis was the second issue and the decision to republish the ordinance or vote on it was the first decision.

The public has had notice on this ordinance and the council believes it should be voted on at this meeting and not republished.

Parent moved to adopt Resolution 2023-5 for a moratorium on Cannabis, Soderlund seconded the motion and the motion passed.

The third ordinance on prohibiting the use of Cannabis, Tobacco and Nicotine was then discussed.

Siver does not believe tobacco should be banned.

DeJong wanted to clarify that if someone is smoking outside of a business, adjacent to a sidewalk is that okay. The ordinance does not include this clause.

It was explained that several businesses have patios for smoking and the residents should be educated on the restrictions before enforcement begins.

A motion to pass Resolution 2023-6 prohibiting the use of Cannabis, Tobacco and Nicotine in public areas was then made by DeJong and seconded by Baglio. The motion passed.

RESOLUTION TO APPROVE THE POLLING LOCATION FOR THE 2024 ELECTION

The resolution to approve Willernie City Hall as the official voting place for the 2024 elections was read by Parent.

Parent then moved to approve the resolution on the polling location for 2024. Soderlund seconded the motion.

PUBLIC COMMENTS

There were no public comments at the September meeting.

KEN REPORT

Ken reported the city is running smoothly. The sign on Kerry Lane will be installed soon and the poles for the driveways have been delivered to the shop.

Baglio and Soderlund are trying to recruit volunteers to move brush piles to the park for chipping.

October 21 from 10:00 a.m. to 2 p.m. Ken will have the chipper in the park and residents can pick up poles for their driveways on that day. The poles will also be available in the office for any resident that would like them.

INSURANCE WAIVER

A motion to not waive the monetary limits on municipal tort liability established by Minnesota Statutes 466.04 was made by Siver. Soderlund seconded the motion and the motion passed.

SURVEY ON JENSEN PROPERTY DONATED TO THE CITY

Rud surveyors have submitted an estimate for the survey of the donated property with a list of charges. The price will be \$2,000.

Soderlund moved to approve the expense for the survey of the property, Siver seconded the motion and the motion passed.

MIKE ALTIMIMI'S CANNABIS LICENSE REQUEST

A motion to deny the license and return the checks to Mr. Altimimi was made by Parent due to the passing of the moratorium on the cannabis. Soderlund seconded the motion and the motion passed.

Mr. Altimimi will receive a letter explaining the denial with the return of his checks.

REPORT ON CLYDE AND CRAIG HOUSES

Oeverning Homes Project is being handled by Jack Kramer the building inspector, Rick Creek Watershed District and Marcus Johnson, city engineer.

Susannah reviewed a memorandum outlining the 6 lots in question.

Various permits were issued, mechanical permits, etc., that were reviewed by Susannah and the current status of the permits.

109 Clyde is in the best condition of the three. All three properties have water, however, only two houses have Willernie water meters.

110 Craig needs a retaining wall, guard rails and they have been installed.

Rick Creek has a permit that covers erosion, and it will be released when 70% of the work is done.

The deck did have a building permit but there were no designs to review. Before the deck was complete Jack realized the road was not vacated and the permit would need a variance. When Jack realized the road was not vacated, he notified the builder to explain they were not in compliance.

There are utilities under the road the city will need to access so this must be corrected.

A variance request needs to be submitted, which has not been done.

The buyers will continue to use the road as their lawn, so the property owners need to understand the roadway is not their property.

Craig Place Road black top was installed, dirt has been brought in, but no plans were submitted to the city engineer when this was done. Two possible solutions for this problem are to grind the road where it goes off kilter and repave where the stormwater runs the wrong way. A curb might protect the property owner from runoff.

The Rice Creek permit was not obtained until after the work was completed so the storm water catch basin has the incorrect pipes. Due to this issue when there is water the catch basin is not large enough to catch it so that also needs to be addressed.

111 Clyde – the plan included a retaining wall. The retaining wall needs to be filled so it is stable. At the bottom of Clyde there is a catch basin that needs to be cleaned out and a televised version showing no blockage.

Pat Steinhoff – attorney for Oeverning Homes and Aronzo owner of Oevering homes explained they just received the memo from Susannah.

Mr. Steinhoff does not believe a variance is needed for the deck because there is a 5-foot yard setback from the lot line and a street is not defined.

The city cannot withhold a certificate of occupancy for the road permit. The minutes say there is access to the street. Also, the problem with the catch basin cannot justify withholding the certificate of occupancy due to lack of ordinance standards.

The retaining wall needs to be built and the client is willing to address this issue.

In summary, the city only has the power to uphold ordinances and cannot withhold the certificate of occupancy if there is a building permit issued and if the structure is in compliance with the code.

There is a maintenance agreement recorded with the city that needs be followed.

DeJong pointed out that the maintenance agreement in article 4 number 7 states if city action is needed to correct the issue the city can bill the property owner for the corrections.

Neighbors then introduced themselves. Bob Grundman – 319 Kimberly explained his house is broken, his fence was stolen, and the builders trashed his property. The builders were supposed to put railroad ties, trees and shrubs in to help with the erosion and nothing was done. He thinks this builder should be ashamed of the problems that have been caused due to their lack of consideration for the neighbors.

Dax Stoehr– 404 Kindross explained the builders hydroseeded his property without permission or his knowledge. There is a huge pile of dirt on his property. He still has all the erosion control silt fences on his property, nothing has been cleaned. They simply sprayed over the articles. There has been constant halfway work for three years, they have trespassed on his property, and he does not want the city to issue a certificate of occupancy until the problems are resolved.

Kelly Sims – 108 Clyde – erosion coming in on her wall. Construction workers are very rude. She is concerned about the speed of the vehicles driven by the construction workers and does not want anyone injured due to the speed of these vehicles.

The realtor was hired to sell the property and he feels the residents have been disrespectful to him and his wife.

YARDS IN VIOLATION OF ORDINANCES

Eric Fosgate sent a memo concerning 316 Chatham. Due to the lack of cooperation with the resident, officer Jarrett will be notified by Soderlund, and a citation will be issued.

329 Kimberly – will receive a citation for the vehicle that has not been removed.

Raymond Molina also needs a citation.

403 Stewart needs to clean up some areas of the property. Soderlund and Baglio will discuss this with the resident.

320 Kindross did not receive a citation due to a wrong address on the paperwork. This will be corrected, and a citation will be issued.

310 Paddington has a car on the grass – Siver will discuss this with the resident.

GRANTS

Lift Station – Marcus is working with John Manship on the lift station, and he will report back to the council.

The cost of a new lift station is approximately 80 to 100 thousand dollars.

CATS

The woman from Mahtomedi has taken care of 21 cats. However, a cat was poisoned so the council would like residents to be aware when letting their cats roam. The cat survived the poison after treatment.

Some residents have adopted the farrow neutered cats, and some have been taken to the Humane Society for adoption.

This group of people has done a great job, and the city appreciates all the hard work.

APPROVAL OF THE BILLS

Soderlund moved to approve the bills, Baglio seconded the motion, and the bills were approved.

ADJOURNMENT

Soderlund moved to adjourn the meeting at 9:30 p.m. Baglio seconded the motion and the meeting adjourned.

Respectfully submitted,

Victoria R. Keating
Clerk-Treasurer