



Browns Valley Regular City Council Meeting Approved Minutes August 14, 2023

The regular council meeting of the City of Browns Valley, MN was held in the meeting room of the Public Library. Council members present were Mayor Mike Heck, Tony Miller, Neil Madison, Devan Dobbs, and Jan Biewer. Also, in attendance were City Administrator Jodi Hook-Hansen, Library Director Bernice Piechowski, Code Enforcement Officer Terry Biewer, City Maintenance Tony Serocki, and City Attorney Matt Franzese.

Absent: None

Others Present: Tina Bartz

The meeting was called to order at 5:30 p.m. by Mayor Heck.
The Pledge of Allegiance was recited by those in attendance.

Agenda:

Upon a motion by Dobbs with a second by Madison, the Council unanimously approved the agenda with the additions of building permits for 503 4th St N- Norm Fryer and 332 W Broadway-Nanette Tunheim

Public Hearing:

City of Browns Valley will conduct a public hearing to determine whether public nuisance exists at 118 S Washington and 221 Church. Ms. Kloeckner was not present.

A physical inspection by the City's Code Enforcement Officer of the Subject Property on found that the yard area contained motor vehicles which are inoperable or otherwise fall under the definition of being "junk vehicles," in that the Subject Property contains motor vehicles that are older than three years and do not have valid, current registration plates on them, and therefore constitute a public nuisance; the motor vehicles alleged to be junk vehicles are a 1990 half-ton red GMC pickup at the 118 Washington Street South property, and a green Jeep Cherokee Sport and a white Mercury Capri convertible located at the 221 Church Street South property.

- Upon a motion by Madison with a second by Miller, on a 4 to 1 vote the Council declared that a public nuisance existed on these properties because of the junk vehicles. Dobbs dissented.
- Upon a motion by Miller with a second by Biewer, on a 4 to 1 vote the Council authorized City staff to take all necessary steps to remove and abate the public nuisance if not done so by Kloeckner by August 28, 2023. Dobbs dissented.
- Upon a motion by Miller with a second by Madison, on a 4 to 1 vote the Council approved for the costs incurred in abating these public nuisances to be assessed to each property. Dobbs dissented.
- Upon a motion by Miller with a second by Biewer, the Council on 4 to 1 approved of Resolution 23-17, a Resolution ordering the Abatement of Conditions Creating a Public Nuisance at 118 Washington Street South and 221 Church Street South in the City of Browns Valley. Dobbs dissented.

Consent Agenda:

- Upon a motion by Biewer with a second by Dobbs, the Council unanimously approved the July 24, 2023, Regular Meeting Minutes.

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- Upon a motion by Biewer with a second by Madison, the Council unanimously approved the claims for a grand total of \$43,263.28, including Wages (August 1st = \$11,872.92) and the Claims (August 14 = \$31,390.36).
- Upon a motion by Biewer with a second by Madison, the Council unanimously approved the Delinquency Report.
- Upon a motion by Dobbs with a second by Madison, the Council unanimously approved the Treasurer's Report.

Department Reports:

- Library Director Piechowski reported on activities at the library.
- Code Enforcement Officer Biewer reported on actions done to enforce City ordinances and items completed in the office.
- City Maintenance Serocki gave a verbal report on public works items completed.
- City Administrator Hook-Hansen reported on administrative items completed in the office and informed the council of surplus items.
 - Upon a motion by Dobbs with a second by Miller, the Council unanimously approved to put surplus items on the HRF auction in Sisseton to be held on September 16th. Items to send are a mower, garage doors and items left behind at parcel id 20-0077000.
- Hook-Hansen informed the Council of the extra workload the Maintenance Department has acquired and asked the Council if Code Enforcement Officer Biewer could provide assistance if there is a need.
 - Upon a motion by Miller with a second by Madison, the Council unanimously authorized Terry Biewer to assist other departments if there's a need.
- City Attorney Franzese gave a verbal report on the deeds that he has performed for the City of Browns Valley.

Unfinished Business:

None at this time.

New Business:

- Upon a motion by Biewer with a second by Heck, the Council on 4 to 1 vote approved the quote from Schmidt Spray Foam in the amount of \$2060.00 for concrete jacking on the city property located at the well house and in front of the library. Miller dissented.
- Upon a motion by Miller with a second by Biewer, the Council unanimously approved Great Plains Fire for repairs on the 2001 Freightliner in the amount of \$6,252.24
- Upon a motion by Miller with a second by Biewer, the Council unanimously approved the building permits at 111 E Broadway (Nigg), 301 4th St. S. (Backer), 413 Washington St. (Hoffman) 503 4th St N- Norm Fryer and 332 W Broadway-Nanette Tunheim.
- Upon a motion by Madison with a second by Biewer, the Council unanimously approved for the City Administrator to sign the Browns Valle Fire Relief Association. Pension Certificate on Office of the State Auditor Website.

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- The Council tabled the decision for Darrell Dobbs to reduce his work week to 20 hours a week starting January 1st

Public Comment: None at this time.

Other Business:

Dates:

August 15th 4 PM - EDA meeting

August 22nd 6 PM- Budget Subcommittee Jan/Devan

September 9th Welcoming Week Ambulance/Fire Dept Appreciation Day

December 4th & 18th Council Meetings / Truth in Taxation hearings

Items for Council to consider for future: Ordinance concerning the public use of Hemp and Cannabis Products


Items for Staff: List of Properties to sell

Next scheduled meeting: Monday August 28th at 5:30 p.m.

The meeting adjourned at 7:42 p.m.

Minutes submitted by:

Approved by:



Jodi Hook-Hansen, City Administrator



Mike Heck, Mayor

RESOLUTION NO. 23-17

A RESOLUTION ORDERING THE ABATEMENT OF CONDITIONS CREATING A PUBLIC NUISANCE AT 118 WASHINGTON STREET SOUTH AND 221 CHURCH STREET SOUTH IN THE CITY OF BROWNS VALLEY

WHEREAS, the property located at 118 Washington Street South, legally described as Lot 7 and the North 40 Feet of Lot 9, Block 6, Plateau Addition to the City of Browns Valley; and 221 Church Street South, legally described as Lot 11, Block 32, Plateau Addition to the City of Browns Valley, both of which are contain single-family dwellings (the “Subject Property”), and are both owned by Rita Kloeckner (“Owner”);

WHEREAS, a physical inspection by the City’s Code Enforcement Officer of the Subject Property on found that the yard area contained motor vehicles which are inoperable or otherwise fall under the definition of being “junk vehicles,” in that the Subject Property contains motor vehicles that are older than three years and do not have valid, current registration plates on them, and therefore constitute a public nuisance;

WHEREAS, more specifically, the motor vehicles alleged to be junk vehicles are a 1990 half-ton red GMC pickup at the 118 Washington Street South property, and a green Jeep Cherokee Sport and a white Mercury Capri convertible located at the 221 Church Street South property;

WHEREAS, the City has communicated its intent to the Owner of the Subject Property, through an abatement process for the junk vehicles located at 118 Washing Street South in 2022, and through the mailing of abatement letters for both properties sent on June 13, 2023, that if the Owner failed to comply with the applicable City codes, the City would institute an action to have the vehicles at issue removed from the Subject Property;

WHEREAS, by notice dated July 18, 2022, that was published in the Wheaton Gazette on July 19, 2023, and mailed to the owner via certified mail on July 19, 2023 (because the Owner could not be found for personal service), the Owner was notified of a public hearing to take place on August 14, 2023, dealing with the need to remove the vehicles from the Subject Property;

WHEREAS, the Owner did not remove the vehicles prior to the public hearing; and

WHEREAS, Browns Valley City Ordinance Section 92.23(C) allows the City of Browns Valley to enter the Subject Property to remove the vehicles found there in violation of Browns Valley City Ordinance after public hearing and the time for appeal to District Court has passed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Browns Valley as follows:

1. The motor vehicles located on the Subject Property, being at least three years old and not having valid, current registration plates, fall under the definition of “junk vehicles” found in Browns Valley City Ordinance Section 90.16, and therefore constitute public nuisances.
2. The City of Browns Valley is hereby authorized to take all necessary steps to remove and abate the public nuisance conditions on the Subject Property as soon as possible.

3. The costs associated with said abatement shall be assessed against the Subject Property.
4. This Abatement Order is hereby stayed until August 28, 2023, in order to afford the Owner one last opportunity to abate the public nuisance conditions on the Subject Property. Failure to do so by that date shall result in the immediate removal of the junk vehicles on the Subject Property.

Adopted by the City Council of the City of Browns Valley on August 14, 2023.

BROWNS VALLEY CITY COUNCIL


Mike Heck, Mayor

ATTEST:


Jodi Hook-Hansen, City Administrator