

Whalan City Council
Regular Meeting
Monday, February 14, 2022
Meeting held at the Whalan Town Hall and via Zoom

Present: Marlys Tuftin, Kim Berekvam, Thore E. Johnson, and Sheila Higbe

Absent: Owen Lewis

Visitors: Dave Ruberg, Ben Ruberg, Randy Berekvam, Melanie Murphy, Barb Jeffers, Scott Kerl, Johny Halvorson, David Rahn, Attorney Joseph O’Koren, Jerry Olson, David & Tammy Hallum

Public Hearing (Murphy Proposal 4, Vacation of a portion of 2nd Avenue: Mayor Tuftin called the Public Hearing to order at 4:45 p.m. Benjamin Ruberg gave a presentation representing the Murphy family regarding the petition to vacate a portion of 2nd Avenue. The following comments were shared after the presentation:

- Johny Halvorson felt that the streets should be kept the same as how the forefathers set out the plans for the community.
- Jerry Olson shared concerns for water lines that run in the right of way. As well if the section of right of way if vacated others may also want to do.
- David Rahn noted that a survey completed revealed that a building encroaching on the right of way as well as trees that are planted within the right of way.
- Scott and Sun Kurl submitted a letter sharing that they were not in favor of the vacation of a portion of 2nd Avenue.
- Ardin and Eva Tuftin submitted a letter stating they were against the vacation of a portion of 2nd Avenue.

With no further comments Mayor Tuftin closed the Public Hearing at 5:01 p.m.

Regular Meeting:

Mayor Tuftin called the Regular Meeting to order at 5:01 p.m.

A. The Pledge of Allegiance was recited.

B. Agenda: Member Johnson motioned to approve the agenda with the addition of Fillmore County Assessor to Miscellaneous. Member Higbe seconded the motion. Motion carried with all in favor.

C. Approval of Minutes:

1. Mayor Tuftin read the minutes of the Regular Meeting, January 10, 2022: Member Higbe motioned to approve the minutes with a correction to the date of the next meeting. Member Berekvam seconded the motion. Motion carried with all in favor.

D. Treasurer’s Report: Clerk Peterson provided the treasurer’s report. The following are the balances as of 01/31/2022: General Fund \$51,519.57, Ballfield Fund \$1,152.27, Beautification Fund \$187.00, American Recovery Act Funding \$3,606.31, Small Cities Assist \$12,153.00, General Capital \$27,321.95, and Electric Fund \$18,970.32. Member Johnson motioned to approve the treasurer’s report including the following accounts payable:

<u>Claim No</u>	<u>Vendor</u>	<u>Amount</u>	<u>Check Number</u>
214221	O'Koren Law Office LLC	\$195.00	5973
2142210	Fillmore County Journal	\$48.24	5981
2142211	MiEnergy	\$3,403.16	5982
2142212	MiEnergy	\$322.00	5984
2142213	O'Koren Law Office LLC	\$180.00	5985
214222	City of Lanesboro	\$250.00	5974
214223	Whalan Museum	\$70.26	5975
214224	DVS Renewal	\$19.25	5976
214225	Nu-Way K&H Cooperative	\$584.02	5977
214226	Acentek	\$40.32	5978
214227	Thore Everett Johnson	\$89.54	5979
214228	Thore Everett Johnson	\$90.00	5979
214229	Plunkett's Pest Control	\$40.00	5980

Member Berekvam seconded the motion. Motion carried with all in favor.

E. Welcome to Visitors and Visitor Comments: Johny Halvorson shared a valentine wish, no other comments were made.

F. Continued Business:

- 1. Murphy Proposal 4:** Member Higbe inquired about the electrical lines, it was noted that the proposal was to bury the portion in the upper portion of 2nd Avenue, however consideration would be given for additional work depending on the total cost. Mayor Tuftin shared concern for the sale of a Public Right of Way, this would be setting a precedent for vacation of a right of way based on compensation versus merit. Tuftin also noted that there are only 3 platted streets running north to south in Whalan, this being one of them. If a portion of the street were to be vacated it would leave a stub of a road. Which could hinder future expansion. Member Johnson also shared concern for the precedent the proposed vacation would set. Member Berekvam noted concern for other platted right of ways and the desire of other property owners to also have those vacated. Mayor Tuftin noted that in the past this area was used as a footpath to reach the ballfield. Steps and a stone bench were once installed, although comments were shared that those have since been destroyed. Attorney O'Koren reminded the Council that any vacation of a public right of way would need to be in the best interest of the public. The League of MN Cities notes that a lack of use for a long period of time does not signify a need to vacate the property. Member Johnson motioned to oppose the petition. Member Berekvam seconded the motion. Vote was done by roll-call with all in favor. Motion carried.

G. New Business:

- 1. Garbage Service Contract:** Member Johnson motioned to request proposals for service after verifying current contract information. Member Higbe seconded the motion. Discussion was had regarding the impact to commercial businesses. Motion carried with all in favor.

H. Miscellaneous:

- a. MiEnergy Project:** Clerk Peterson shared information on a proposed project for MiEnergy for 2022. They will be vacating some power poles, and placing their line underground. MiEnergy will notify neighboring properties that may be impacted in the project. Peterson will check on the cost to replace two poles during the project.
- b. Fillmore County Assessor:** Members noted that a presentation from the Fillmore County Assessor would be welcomed at the March meeting.

Next Meeting: Monday, March 14, 2022 at 5:00 p.m.

ADJOURN: Member Johnson moved to adjourn at 5:40 p.m. Motion seconded by Member Higbe. Motion carried with all in favor.

Respectfully Submitted,

Michele Peterson
City Clerk/Treasurer