

## **Fertile City Council Minutes October 20, 2014**

The Fertile City Council held its regular meeting on Monday, October 20, 2014 at 6:30 p.m. at the Community Center. Present were: Mayor Brian Nephew and Council members Todd Wise, Tanner Lehmann and Dennis Hasler. Also present were Administrator Lisa Liden, Public Works Director Kevin Nephew, Twylla Altepeter and Dan Wilkens.

Barry Robertson, Fair Meadow Nursing Home Administrator was unable to attend the rescheduled meeting so he had distributed his monthly report to all the Council members. Robertson's report showed that they had begun the month of September with 41 residents and had ended with 45 operating at 87.4% capacity. In addition, the nursing home had provided 30 days of adult day care and had served 129 home delivered meals. The report also provided information on a new sign that was proposed for the nursing home as well as a proposed capital improvement project that would improve accessibility to resident room sinks and toilets.

Kevin Nephew, Public Works Director, was the first to report to the Council. Nephew stated that they were busy preparing for winter and that fire hydrants had been flushed. This was followed by a brief discussion on the Wellhead Protection Plan amendment process. Administrator Lisa Liden reported that she and Nephew had met with the Department of Health (MDH) to discuss Phase 2 of the amendment process and that Phase 2 normally involves the hiring of a consultant to assist with amending of the plan. Since the protection area was fairly close to the same as the original plan and had actually shrunk in size, Liden explained that she had inquired whether or not the City could write the amended plan rather than hiring a consultant. Liden reported that MDH had approved the plan being amended "in-house" with some reservations. Mike Strodtman of Minnesota Rural Water would also provide some assistance with the plan amendment.

Mayor Nephew then inquired about the road grader and whether it was ready for winter. Kevin Nephew reported that it's been running fine and that it generally ran fine until the inevitable breakdowns during plowing season. This was followed by a brief discussion of a water shut off problem at the south end of the fairgrounds. Nephew reported that they would look at the shut off in the spring to see if it needed replacement.

Administrator Liden then gave a brief report on Agassiz Environmental Learning Center. She reported that she and Jennifer Dillard, the Education Director were currently working on volunteer recruitment since Libby Eid had retired from the position of RSVP station manager in July. Liden also reported that Haunted Trails had been held the weekend before and that 86 had walked the trail on Friday night and 176 had attended on Saturday night. Haunted Trails would be running for one more weekend.

The next item addressed on the agenda was the approval of the previous meetings minutes. After a review of the minutes of the September 8<sup>th</sup> regular meeting and the September 29<sup>th</sup> special meeting, Council member Hasler made a motion to approve the minutes as presented. The motion was seconded by Council member Wise and was carried.

The Treasurer's Report and Bills were then reviewed by the Council. Liden gave a review of the disbursements as well as the budget to actual reports. Liden also discussed possible plans to move some of the City's funds from 4M to TD Ameritrade since TD Ameritrade had much better interest

rates. After a few questions regarding the reports, Council member Hasler made a motion to approve the Treasurer's Report and Bills. The motion was seconded by Council member Wise and was carried.

The next agenda item addressed was in regard to a Capital Lease Agreement that had been drafted for the assisted living. Liden explained that Eide Bailly felt that there should be a written lease between the City and Fair Meadow to spell out the financial responsibilities in regard to the bond payments. Since the assisted living was an EDA project, the capital lease agreement would have to be approved by the nursing home board, the EDA and the City Council. The Fair Meadow Board had reviewed the lease at their meeting earlier in the month and had made no changes to the lease. Barry Robertson had stated that the lease would probably be approved at their next meeting.

Council member Wise then inquired whether the Council should wait to approve the lease agreement once the EDA and nursing home boards had approved it. After some discussion, it was determined that the Council should approve the lease once it had been approved by the other boards.

The next item on the agenda was the approval of liquor licenses for 2015. Liden reported that the licenses were the same as those issued last year and that Council approval was the first step in the process. Applications would be mailed to the owners of the establishments to be returned to the City with proper proof of insurance coverage. The applications would then go to the Polk County Sheriff's Office for background checks. Once approved on the County level, they would be sent to the State.

Council member Hasler then inquired if there had been any problems or issues with any of the establishments during the year. Liden reported that there had not been any liquor violations that she was aware of and that the only reported problems had been in regard to noise when there were bands on the weekend. After further discussion liquor licenses for 2015 were approved on a motion by Council member Hasler that was seconded by Council member Lehmann and carried.

After a brief discussion on the Wellhead Protection Plan that had been discussed earlier in the meeting, Council member Wise made a motion to have City staff complete the plan rather than hiring a consultant. The motion was seconded by Council member Hasler and was carried.

Dan Wilkens then asked to address the Council regarding the airport. Wilkens began by distributing a packet of information to the Council and City Administrator. The information, which Wilkens briefly reviewed, was a history of the airport and select Council minutes from the past few years when airport matters had been discussed.

Wilkens expressed that he was not very happy that he had never been informed of the bidding process for a new haying contract and only learned about it a few days before the bids were due. He also expressed that he was not pleased that his envelope had been opened before the formal bid opening. Mayor Nephew and Administrator Liden explained that Wilkens had never stated when he dropped off his envelope that it contained a bid. The envelope was just left on Liden's desk and said only "airport" on the outside. Since Wilkens had periodically brought other paperwork into the office for the airport and Learning Center, Liden had held the envelope up to the light to see what it contained. Since the envelope clearly did not contain a bid sheet and did contain a check, it was determined by Liden and Mayor Nephew that the envelope was not a bid and could, therefore, be opened prior to the bid opening.

Wilkins then went on to state that he knew nothing of the drainage project at the airport until he saw the advertisement for bids on the project. He felt that as a member of the Airport Commission he should have been kept informed. He then went on to explain the permit process for ditching with the watershed and that more information was needed for the Watershed Board to approve the permit for the ditching at the airport.

Wilkins ended by making three requests of the Council. First, he requested copies of the September Council meeting minutes since they were not on the City website yet. Second, he asked that the Council follow the City Code in regard to the Airport Commission and that the Commission have five members who meet and make recommendations regarding airport projects and development. His third request was that the City website be updated more frequently with the Council minutes and that they be posted as draft minutes as soon after the meeting as possible.

This was followed by a discussion of the timing of website updates as well as when minutes could be posted. It was explained to Wilkins that the City Council meeting minutes could not be posted or publicly disseminated until they were approved by the City Council.

Wilkins then stated that he had visited with his attorney and that the City would be getting a letter regarding his haying lease, conflict of interest issues as well as open meeting law violations. Mayor Nephew inquired about the conflict of interest issues and Wilkins stated that Council member Lehmann had made a motion in regard to the haying contract when he should have abstained. Upon review of the meeting minutes where this had supposedly taken place it was determined that the motion had to do with the haying contract in general and that the bids had not been opened yet nor the contract awarded. Given those facts, those present felt there had been no conflict of interest.

There being no further business, the meeting was adjourned.

---

Brian Nephew, Mayor

---

Lisa J. Liden, City Administrator