

## **Fertile City Council Minutes November 12, 2019**

The Fertile City Council held its regular meeting on Tuesday, November 12, 2019 at 6:30 p.m. at the Community Center. Present were: Mayor Daniel Wilkens, and Council members Todd Wise, Linda Widrig, and Stanton Wang. Also present were City Administrator Lisa Liden, Public Works Director Kevin Nephew, Fair Meadow Administrator Angie Leiting, City Engineer Alex Ranz, Twylla Altepeter from the Fertile Journal, Vickie Solie, Gayle Haugen, and Jaime Fuchs.

The meeting was called to order by Mayor Wilkens at 6:30 and began with those present reciting the Pledge of Allegiance.

The agenda was approved on a motion by Council member Wise that was seconded by Council member Wang and was carried.

Next was the Public Comments portion of the meeting and Vickie Solie asked to address Council. She stated that she wanted to know why she was not notified regarding a water shut off on October 24<sup>th</sup>. She said the water was turned off at 10 a.m. and came back on at about 1 only to be shut off again at 1:15. Because she had no water she had to cancel her appointments for that day and lost \$200 in business. Gayle Haugen and Jaime Fuchs stated that they were also not notified about the water shut offs and that they needed to know if this was ever going to happen again without notification. Since they operate a restaurant, they need to have water service or at least prepare for a shut off by getting plenty of water on hand before it's shut off. They explained that during an earlier shut off that same week that they had to haul in water from Opdahl's to stay open.

Administrator Liden explained that the water had been shut off to repair two water main turn offs and that the second one was not anticipated very far ahead of time. Liden said that the contractor was supposed to make all notifications to businesses and residents and that she had been told they had done so. City Engineer Alex Ranz stated that he had also been told by the contractor that everyone had been notified. This was followed by further discussion on water turn offs in general and how it's not always possible to anticipate ahead of time when water will need to be turned off and how long it will need to remain off, especially when it's an emergency turn off.

Vickie Solie then asked to address the snow removal on Highway 32 also. She said that when the highway is plowed all the snow is pushed up against the curb and that she has to pay to have that snow removed in order to allow access to her business. She asked if the City could remove the snow and then bill the State for it. She stated that her daughter works as City Clerk in Halstad and that the City takes care of the snow removal on the State Highway and then bills them for it. Kevin Nephew replied that he had never heard of that and that as far as he knew, the State would not reimburse for that. He said that the County will reimburse the City for snow hauling off of County roads but that he didn't believe the State would. This was followed by further discussion of snow removal in the downtown area and Mayor Wilkens asked Kevin Nephew to check with the State on reimbursement for snow removal along highway 32.

Discussion then returned to the water turn offs and Vickie Solie asked if she would be reimbursed for the \$200 in business that she lost that day. She stated also that she may have also permanently lost a customer due to cancelling the appointment and that there was no way to reimburse for that. Alex Ranz stated that it was ultimately the contractor's responsibility to make all notifications so if anyone had to pay, it would be the contractor and not the City. Mayor Wilkens stated that the City could check with the contractor to see about reimbursement. Council member Wise noted that there wasn't really a precedent to reimburse for lost income since businesses are frequently affected by not only water projects but street projects as well.

The minutes of the October 14, 2019 meeting were approved on a motion by Council member Wise that was seconded by Council member Wang and carried.

City Administrator Lisa Liden next gave a brief overview of the financial statements and the out of the ordinary bills paid in October. The Treasurer's Report and Bills were approved on a motion by Council member Widrig that was seconded by Council member Wang and was carried.

Fair Meadow Administrator Angie Leiting then gave her report to Council. She reported that the month of October began with 42 residents and ended with 40, operating at 95% capacity for the month. They had also served 224 home delivered meals. Leiting noted that the month end cash balance was very good but that she anticipated it would go down a good deal by the end of November due to there being three payrolls going out in the month. The profit and loss for the month of October showed a profit of just over \$4,900 with the nursing home reporting an income of \$16,489 and the assisted living a loss of \$11,558. Leiting also briefly reviewed the budget to actual report and noted that while expenses were low, revenue was also down.

The Engineers Report was the next item up on the agenda. Alex Ranz reported that the water project was wrapped up until next summer. There were a few small punch list items that were being completed and that next summer the final paving would be done on Jefferson Avenue. Mayor Wilkens asked whether or not the paving that was done on Highway 32 and Garfield had been inspected by the County and State. Alex stated that the County Highway Engineer was quite pleased with the paving and that the state was okay with the patches that had been done on Highway 32. Ranz ended by noting that the one year warranty on the project doesn't start until all work is complete, so the City was getting almost a whole year extra warranty with the project not being fully complete until next summer.

Ranz briefly went over pay application #8 in the amount of \$207,122.42. A motion was made by Council member Wise to approve payment on the application. The motion was seconded by Council member Widrig and was carried.

The Disbursement Request to MN Public Facilities was approved on a motion by Council member Wise that was seconded by Council member Widrig and carried.

Kevin Nephew then asked Ranz about the Safe Routes to School application. Ranz reported that the application had not been approved this year but that he would be applying for the City again in 2020. Nephew asked if any of the sidewalk work this year would be covered retroactively under the program and Ranz stated that it would not be. Ranz ended his report by going over a project summary showing the costs of the project to date, the amounts of the change orders and how much was remaining of the project funds to cover the final work next summer. He noted that the project was coming in lower than anticipated and that those extra funds had allowed for the replacement of several water main shut offs.

Mayor Wilkens then brought up the campground layout plans that had been presented in October. He stated that he didn't really like any of the layouts and wanted to know what could be done to get better plans made up. Ranz explained that the plans were just to get a rough idea of possible layouts and that there was definitely some fine tuning that needed to be done. He stated that the City could work directly with the engineers who were drawing up the designs and that it would probably work best to have a group meeting with those engineers. Mayor Wilkens noted that he would also like to include representatives from the Fair Board also so that the end design would work for their needs as well and since easements from the Fair Board would be required when the road and alley are moved.

Kevin Nephew, Public Works Director, gave his report to Council. He began by reporting that the grader the City was purchasing from MnDOT would be ready for pick up on Friday. Nephew then inquired about the date for the Holiday Open House downtown in regards to getting the Christmas lights ready to go up. Administrator Liden told him that the Holiday Open House was scheduled for November 22<sup>nd</sup> and 23<sup>rd</sup> and Nephew stated that they would finish going through the lights and replacing bulbs so that the lights would be up on time.

Nephew reported that he and Dan Lene had finished putting up the rest of the glass at the skating rink. As soon as it was consistently cold they would start flooding so that the rink could open. This was followed by a discussion on flooding and also on snow removal at the rink.

Since the ice rink was being discussed, the first item under old business, the repair of the ice resurfacer, was taken into consideration. The machine had been hauled to southern Minnesota to CTM Services so have the machine looked over to see what repairs would be needed to get it operational. CTM had emailed a complete

inspection report on the machine as well as an estimate to get everything repaired. The total estimated cost of repair was \$5,242.92. Council member Wise noted that with the \$2,300 purchase price of the machine plus the cost of repairs that it was still more reasonable cost-wise than the \$15,000 plus it would cost to buy a refurbished machine.

After discussion of the matter, a motion was made by Council member Wise to approve the repairs to the machine as quoted by CTM Services. The motion was seconded by Council member Wang and was carried.

The Personnel Committee had nothing to report since they had not met yet. A meeting would be scheduled in the next couple of weeks.

The Administrator's Report was the next item up on the agenda. Administrator Liden reported that she had worked with the Sheriff's Office and the City Attorney regarding a dog issue on the west end of town. There had been two dogs chronically running at large and it was believed they were not being taken care of. One of the dogs had been found dead in the owner's yard and the second dog had been taken in by someone in the neighborhood. Liden had made contact with an animal rescue in Bemidji and they had taken the dog in.

Liden reported that she had also worked with Brian Clarke on the special school election that had been held on November 5<sup>th</sup>. In addition, Liden had continued her work with FEMA on reimbursement of expenses associated with the flooding at the Nature Center this spring. She was also working with SEH on the zoning paperwork and had submitted reimbursement requests from the State for the airport lighting project and zoning.

There was nothing to report under the Fire Department.

Under the airport, pay application #2 in the amount of \$60,689.27 for the lighting project was the first item to be addressed. A motion was made by Council member Wise to approve payment on application #2. The motion was seconded by Council member Widrig and was carried.

Also under the airport, Administrator Liden reported that the State had asked about moving the paving project out to State fiscal year 2021. Liden would have to contact the State to see if the project was moved out to later in the summer of 2020 or into the summer of 2021. If it was moved out to 2021 the 2020 budget would have to be adjusted.

Mayor Wilkens reported that a representative hired by SEH for the airport land acquisition would be flying in on November 21<sup>st</sup> to meet with the affected landowners.

Under New Business, the first item up for consideration was the use of the city lot behind Thrifty White and possibly the first block of Lincoln Ave. NW. Administrator Liden explained that some local people were hoping to organize an Ice Castle Show to be held downtown in early December. People would be invited to set up their fish houses in the lot and decorate them for Christmas. The event would be similar to a car show but with fish houses instead. The group also wanted permission to have one or two fire pits or burn barrels set up in the parking lot.

A motion was made by Council member Wang to approve the use of the city lot and Lincoln Ave. NW for the event. The motion was seconded by Council member Wise and was carried.

The next item on the agenda was three potential changes to the City Code. The first involved changing the rear yard setback requirement to 10 feet rather than 35% of lot depth. Liden explained that with the size of most lots in the City that a variance and Public Hearing was required anytime someone wanted to build a shed or garage in their back yard. Changing the setback to 10 feet would allow adequate space for snow removal and would eliminate the many Public Hearings for rear yard setback variances.

The second was to change the penalty section of the animal offenses to eliminate the petty misdemeanor language and make all animal offenses misdemeanors. The City Attorney had recommended the change since it would allow more options when dealing with chronic animal issues.

The final Code change would be to edit the language in the liquor ordinance so that the definition of a restaurant matched the language in the State Statutes.

Liden explained that Code changes require following the Public Hearing process so Council would need to call for a Public Hearing for the December 9<sup>th</sup> meeting. Legal notice of the Hearing would then be published in the Journal for two weeks prior to December 9<sup>th</sup>.

A motion was made by Council member Wise to call for a Public Hearing on December 9<sup>th</sup> to amend the City Code. The motion was seconded by Council member Wang and was carried.

The next agenda item was in regard to the current vacancy on City Council. Reid Jensrud had announced at the October 14<sup>th</sup> meeting that he was resigning from Council. Since that time, Jensrud had submitted his resignation in writing. Mayor Wilkens explained the process for filling the vacancy and that anyone appointed would serve until December 31, 2020 to complete the remainder of Jensrud's term.

A motion was made by Council member Wise to accept Reid Jensrud's resignation from City Council. The motion was seconded by Council member Widrig and was carried.

This was followed by a motion made by Council member Wise to declare an opening on City Council. The motion was seconded by Council member Widrig and was carried.

Discussion was held on how to fill the vacant seat and it was determined that an ad should be run in the Fertile Journal asking for letters of interest.

There being no further business, the meeting was adjourned at 8:39 p.m. on a motion by Council member Wise, seconded by Council member Wang, and carried.

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Daniel Wilkens, Mayor

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Lisa J. Liden, City Administrator