

## **Fertile City Council Minutes July 10, 2017**

The Fertile City Council held its regular meeting on Monday, July 10, 2017 at 6:30 p.m. at the Community Center. Present were: Mayor Daniel Wilkens and Council members Linda Widrig, Stanton Wang, Reid Jensrud, and Todd Wise. Also present were City Administrator Lisa Liden and Twylla Altepeter from the Fertile Journal. Other visitors were Kyle and Fallon Solie and Dennis Hasler.

Under agenda revisions the park project was added under old business, allowing chickens in town and nuisance properties in general were added under new business. The revised agenda was then adopted on a motion made by Council member Jensrud that was seconded by Council member Wise and carried.

There were no public comments made.

The minutes of the previous meetings were the next item on the agenda. Council member Widrig pointed out that the spelling of one person's name needed to be corrected on the June 12<sup>th</sup> minutes. Mayor Wilkens then questioned the wording of the final motion made at the park committee meeting on June 21<sup>st</sup> regarding Kevin Nephew's further involvement on the park project and that the wording wasn't as strong as what Council member Jensrud had used. Jensrud had stated that Kevin Nephew was no longer involved in the park project except for trees, water, and sewer and Mayor Wilkens felt the minutes should reflect that.

The minutes of the June 12 Council meeting and the June 21<sup>st</sup> Park Committee meeting were then approved with changes on a motion by Council member Jensrud that was seconded by Council member Wang and carried.

The Treasurer's Report and Bills were then briefly reviewed by Administrator Lisa Liden. After going over the out of the ordinary checks for the month as well as the deposits, Liden then gave a brief overview of the budget to actual report and stated that the target number in the percentage column would be 42% since the reports were for January through May. After a couple of questions on a few line items in the report, Mayor Wilkens inquired whether or not the water fund was self supported and how long it had been since the water rates had been increased. Administrator Liden responded that the last rate increase had been in 2012 or 2013. This was followed by a brief discussion on possibly increasing the water rates in the near future. A motion was then made by Council member Widrig to approve the Treasurer's Report and Bills as presented. The motion was seconded by Council member Jensrud and was carried.

Fair Meadow Administrator Angie Leiting was absent from the meeting since the State was at the nursing home doing their annual review. In her absence, the Nursing Home report that Leiting had submitted was read by City Administrator Liden. The month of June began and ended with 42 residents, operating at 96.5% of capacity. They had also served 360 home delivered meals. Mayor Wilkens then questioned why the nursing home and assisted living were combined on the profit and loss and also the balance sheet. Liden pointed out that there is a separate profit and loss for the assisted living and that perhaps the combined one should be changed to show only the nursing home. As for the balance sheet, both the nursing home and assisted living use the same checking account, so it's not possible to separate them out on the balance sheet. Wilkens also noted that in the checks report that the mid-month checks were now being issued mid-month rather than much earlier in the month.

Kevin Nephew was absent due to vacation, so there was no Public Works report. Administrator Liden did report that she had received a few inquiries as to why calcium chloride had not yet been applied this summer. Liden contacted Polk County and learned that they had a new supplier and were having difficulties getting all the product they needed shipped in so the application was delayed. Mayor Wilkens then questioned the grading that was being done on Old Mill Road and that it needed to be scraped down much more than Kevin

Nephew was currently doing. Mayor Wilkens also expressed his disappointment that the RV dump station was not finished by July 1<sup>st</sup> as he had requested. Liden reported that the sewer for the dump station had been dug in and that Northside had been hooked up to the sewer. The water line to the dump station still needed to be brought over and that the concrete pad would be poured once the ground had settled. Mayor Wilkens also noted that the sewer line from the east of the RV dump station and the service line to Northside would need to be well insulated to avoid freezing in the winter.

Another Public Works matter that was discussed was the recent gravel work done in the alleys. Many had been graveled, but the gravel needed to be spread out more since there were still areas of potholes where the alleys meet the paved streets. Liden noted that she would let Nephew know when he returned from vacation. Finally, Council member Jensrud inquired whether or not someone had been hired for the summer mowing. Liden reported that Joe Leiting had been hired but that he had started another job earlier than he had anticipated so then Connor Leiting was hired to finish out the summer.

Brian King and Alex Ranz from Ulteig Engineers then gave their report. Ranz handed out an amended Capital Improvement Plan that focused on the water system. Included was an updated map that was larger and that showed the undersized water lines in town as well as looping improvements that could be made to improve water pressure and water quality. The map was briefly reviewed and then a discussion was held on fire hydrants. Council member Jensrud then asked if the engineers could look at an issue with the water plant and tower. He explained that the fire department occasionally filled their trucks from the hydrant by the water tower and that it caused the alarms to go off. Jensrud wondered if there were settings that could be changed to avoid that issue. Brian King explained that Ulteig's water specialist would be getting in touch with Nephew in the next few weeks to take a tour of the treatment plant and that they could discuss the matter to see if there was a solution.

The discussion then turned to the airport. King reported that the most recent zoning ordinance on file at MnDOT was dated in 1997 and that the City would need to be in process of updating it before MnDOT would fund any other projects at the airport. He then stated that he was waiting to hear from MnDOT whether or not there would still be funds available in 2017 to start on zoning. This was followed by a brief discussion on the pavement at the airport and whether it would be just resurfaced or widened and resurfaced. King also stated that he felt the environmental impact study for the project would be minimal. He ended by adding that he would like to schedule a meeting with Mayor Wilkens and Administrator Liden for the near future to put together the CIP for the airport.

Administrator Liden then gave the Administrator's Report which outlined her activities for the month of June. Her activities included working with the auditor's on their annual report, an EDA meeting, a park committee meeting, and working with Health Dimensions on the upcoming assessment. In addition, letters had been sent out to residents regarding lawn mowing, junk and vehicles in yards and also barking dogs and dogs at large.

The regular meeting was then closed for a Public Hearing on a motion by Council member Jensrud that was seconded by Council member Wang and carried. The Public Hearing regarding a nuisance property on Lincoln Ave. W. was then opened. Liden explained what the current process was involving nuisance properties, which included a Public Hearing with the requisite published notice and long time frames necessary to complete the process. She went on to explain that the City Attorney Stephen Larson had recommended a much more efficient process that was supported by our current Code that was used in other areas cities.

Under that process, a letter was sent to property owners stating that their property was in violation of City Code and giving them a reasonable time frame to correct the violations. If not corrected within the stated time, the next step would be a letter from either the City Administrator or the City Attorney informing the property owner that the next step would be to file a criminal case regarding their non-compliance with City Code. If the property remained in violation, a complaint would be sworn out in District Court and the property

owner would be faced with a fine of up to \$1,000 and a year of probation. Larson said that this process seemed to have a quicker and higher success rate than approaching the matter using the current approach.

There were no public comments or questions, so the Public Hearing was closed on a motion by Council member Wise that was seconded by Council member Jensrud and carried.

The regular Council meeting was then reconvened, and after a brief discussion on the matter, a motion was made by Council member Wise to declare 406 Lincoln Ave. NW a public nuisance and for Administrator Liden to pursue compliance on the property by filing a criminal complaint with the assistance of the City Attorney. The motion was seconded by Council member Wang and was carried.

Under old business, the park project was then addressed. Mayor Wilkens began by stating that a new materials list needed to be worked up so that it could be submitted to two or more lumber yards to get quotes. Liden explained that Council member Wang had revised the specs for the project to reflect the recent changes that had been made and that Wang would be willing to work with Kyle Solie on the materials list as well.

Mayor Wilkens then went on to explain the bidding process and some of the problems that had occurred due to incomplete plans and specs. He also went over the quotes that had been received by everyone who had submitted them and what the issues were with some of the quotes that had been received and rejected. This was followed by a discussion on the process and whether or not the project should be bid again with updated and complete specs. Mayor Wilkens expressed that it would not be fair to K & S Construction since their numbers were already out in public and if the project were rebid, then anyone could easily undercut the quote by K & S.

After further discussion on the matter, Council member Wise made a motion to affirm the bids that were approved by the Park Committee. The motion was seconded by Council member Widrig and carried.

The next item on the agenda under the Agassiz Environmental Learning Center was that a master plan needed to be developed for getting the Parks of Regional Significance designation. Liden explained that Wayne Goeken was working with Danielle Spiten, the Education Director on updating the master plan and that there were grant funds available through various organizations for assistance with developing the plan.

After a brief discussion of the matter, Council member Wise made the motion to give Council approval for Goeken and Spiten to submit grant applications to seek financial assistance in development of a master plan for the AELC. The motion was seconded by Council member Widrig and was carried.

Council member Jensrud then gave the report for the Fire Department. They had responded to four calls during the month of June. One was for an LP gas smell, one for a power pole that was down, another for a golf cart fire and one was a medical assist. He reported also that the department would be switching their pager tower from the tower at Marcoux to using the Fertile water tower. This was followed by a discussion on locating another siren on the eastern edge of town.

There were no reports given under the Airport Commission or the Personnel Committee.

The next item on the agenda was Resolution #7-1-2017, a Resolution Approving State of Minnesota Joint Powers Agreement with the City of Fertile on Behalf of Its City Attorney. Administrator Liden explained that the City Attorney also functions as the City Prosecutor and in order to do perform those duties, the City Attorney would need access to Bureau of Criminal Apprehension and Court Services databases.

Council member Jensrud made the motion to approve passage of Resolution #7-1-17, and the motion was seconded by Council member Wise and was carried.

Sunday off-sale was the next item up for discussion. Liden explained that MN State Statutes had been amended in March to allow for liquor off-sale on Sundays from 11 a.m. to 6 p.m. She went on to explain that previously cities could only limit the hours of off-sale but could not be more restrictive on the days of off-sale that was allowed by MN Statute. That law also was changed in May of this year, so cities could also limit the days of liquor sales and, therefore, prohibit Sunday off-sale. Liden also provided information to Council on the current City Code as well as an email from the City Attorney Stephen Larson. She explained that City Code would need to be amended by Ordinance to either allow or prohibit Sunday off-sale since the way the Code was currently written was confusing in regard to Sunday off-sale. As the matter stood currently with City Code, Sunday off-sale was now allowed within the City since Code deferred to MN Statute on the matter.

After further discussion, a motion was made by Council member Widrig to follow the new MN Statute in regard to Sunday off-sale. The motion was seconded by Council member Jensrud and was carried.

Industrial Park incentives were the next item to be discussed. Mayor Wilkens explained that the EDA had recently held a meeting and that they had voted to offer an incentive of free water and sewer for two years for anyone locating a business in the Park. Council approval was needed for the incentive to be passed.

After a brief discussion of the matter, Council member Wise made the motion to approve offering free water and sewer for two years for businesses locating in the Industrial Park. The motion was seconded by Council member Widrig and was carried.

The subject of chickens being allowed within City limits was the next item on the agenda. Council member Wise noted that there are many cities in Minnesota that now allow residents to raise chickens within city limits with certain restrictions, the main one being that roosters were not allowed. It was decided that Administrator Liden would work with Council member Wise to research the Ordinances that other cities had passed in order to draft an ordinance that would work for the City of Fertile.

The next item that was up for discussion was other nuisance properties within the City. There are a few lawns on the west end of town that need to be mowed, and Liden said she would get letters out to those property owners. Also discussed was the current condition of the JR Dale building on Second Street. The warehouse had been torn down last summer, but some of the debris still needed to be hauled away. The roof on the adjoining building had also partially collapsed and in addition to being an eyesore, it posed a safety concern. Liden said that she would work with the City Attorney to draft a letter to Mr. Dale letting him know that he could face criminal prosecution of the property was not cleaned up.

The meeting ended with a brief review of the Priority List for 2017. Mayor Wilkens reported that he had met with the new veteran's officer for the area and that he would look into getting some beds at the nursing home certified for veteran care. Discussion was also held on researching the League of MN Cities guidelines on surveillance cameras, hiring an arborist to look at which elm trees in the City need removal, and also future work on a snow removal policy and sidewalk policy. Mayor Wilkens then discussed researching free or low cost loan funding that could be made available to Al Larson to locate his business in the Industrial Park.

There being no further business, the meeting was adjourned.

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Daniel Wilkens, Mayor

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Lisa J. Liden, City Administrator