

## **Fertile City Council Minutes** **August 14, 2023**

The Fertile City Council held its regular meeting on Monday, August 14, 2023 at 6:30 p.m. at the Community Center in the auditorium. Present were Mayor Daniel Wilkens and Council members Mary Kiefert, Matthew Massmann, Todd Wise, and Amanda Bosman. Also present were City Administrator Lisa Liden, Deputy City Administrator Stacy Erickson, Public Works Director Kevin Nephew, Public Works employee Chris Zimmel, and Nicole Rivera from the Fertile Journal. There were over 100 community members including many Fair Meadow employees but the sign in sheets for the public were taken by someone at the conclusion of the meeting so listing the names of the attendees is not possible.

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

Under agenda approval Administrator Lisa Liden noted that there was a gentleman, Stephen Frisco, from MNDOT who would be giving information on the 2028 highway 32 project and that he could perhaps be moved to the start of the meeting so he could leave when he was finished. It was then determined that Stephen Frisco was not yet present so he would be asked to go over his agenda item when he arrived at the meeting. Council member Massmann made the motion to approve the agenda as amended. The motion was seconded by Council member Kiefert and was carried.

For the public comment period Brian Nephew read a prepared statement regarding the resignation of Fair Meadow Nursing Home Administrator Angie Leiting and the current operations of both Fair Meadow Nursing Home and the City Office.

The minutes of the July 10, 2023 regular meeting were approved as presented on a motion by Council member Wise that was seconded by Council member Bosman and was carried.

Administrator Liden gave the Treasurer's Report. Liden went over the out of the ordinary deposits and checks for the month of July. Liden noted the deposit of local government aid in the amount of \$161,505.50 as well as the deposits for the cable franchise fee in the amount of \$4,514.52 and a refund of \$4,600 for the payment of bond attorney fees for the community center project bond since the fee had been paid out of bond proceeds. Under the check listing Liden noted the checks to Airborne Custom Spraying for mosquito spraying, Capital One Trade Credit in the amount of \$16,499.99 for the new power washer, Polk County Highway Department for \$15,027.12 for calcium chloride, and the checks to Bond Trust Services for the TIF bond and Northland Trust Services for the Nursing Home renovation bonds. The balance sheet and profit and loss report were also reviewed.

The Treasurer's Report and Bills were approved on a motion by Council member Kiefert that was seconded by Council member Massmann and was carried.

Stephen Frisco from MNDOT had arrived at the meeting so the planning for the 2028 highway 32 project was up for discussion. Frisco began by explaining that the project would take place in 2029 but that the letting date would likely be in October of 2028. The project would consist of a full reconstruction of the highway through Fertile including the replacement of storm sewers and sidewalks. He stated that this would be a good opportunity for the City to update any utilities that were located under the highway.

Frisco went on to explain that any utility replacement costs would be paid by the City. Any improvement to lighting as part of the project would be shared 50/50 between the City and the State. The City, however, would have to pay 100% of the removal costs of the current light poles. The project would include 2% to be used for

aesthetic items such as stamped or colored concrete or special lighting. There would be an addition of engineering fees of 8% for any of the added City items such as lighting and utilities. Frisco also noted that as part of the project that MNDOT would help the City locate current utilities since many City's records are so old that they don't accurately reflect the actual location of underground utilities.

Council member Kiefert asked what the timeline would be or the "due date" to get the information to MnDOT for the City items such as utilities. Frisco stated that it would be ideal to have that information before February of 2026. Public Works Director Kevin Nephew asked about the replacement of the storm sewers and Frisco replied that the storm sewers would all be replaced by the State during the project. Mayor Wilkens asked Nephew if there were any other items that he could think of that needed replacement and Nephew stated that the water shut offs located in the highway should all be replaced.

The next item up on the agenda was the report for Fair Meadow Nursing Home. City Administrator Liden read the highlights of the written report that had been submitted by Sandy Larson, interim Administrator. For the month of June, the month began with 40 residents and ended with 40 operating at 94.44% occupancy. For the month of July, the month began with 40 residents and ended with 38 operating at 93.16%. For meals on wheels, there were 84 meals served in June and 76 in July. Liden then went over some of the items submitted on the written report including the completion of the Assisted Living license renewal and also the completion of the paperwork to participate in the Nursing Facility One Time Payment Appropriation program which could be used for seven specific nursing facility operations expenses. Fair Meadow received the first of two payments during the month of August for \$196,515 with the second payment coming in 2024. As part of the program, effective on July 1<sup>st</sup>, there was a temporary rate added on of \$12.35 per resident day that would be in effect through December 31, 2024. Other items noted were the State survey which was completed with only one tag for antibiotic stewardship as well as the new contracts with Big Stone Therapy, First Care Medical Services for the medical director contract, and the Consultant Pharmacist agreement.

Council member Massmann then commented that he had visited with Sandy Larson the interim Administrator at Fair Meadow a few days prior and he had asked if there had been any complaints regarding resident care at Fair Meadow and whether Sandy had any concerns about that. Sandy had stated that there had been no complaints about resident care and that staff had continued to provide excellent care through the transition period. Massmann went on to say that he has been involved in Fertile for over 20 years since he worked with County EMS and that he had worked the last 10 years in emergency care. Through that time, he had been in contact with patients transferring from many care facilities in the area and that not all facilities provide the level of care that Fair Meadow does. Massmann went on to thank the Fair Meadow staff for continuing to do the work that needed to be done to provide excellent resident care.

Public Works Director Kevin Nephew had two items for discussion for the Public Works Department. The first was a bid for the fabrication of a man platform for the payloader that would be used for hanging flags, banners, and Christmas lights. Nephew stated that the truck with the platform that they currently use is getting old and unreliable so they would need something else ready to use for those tasks in the near future. A quote had been received from Advanced Manufacturing for \$2,195 for the fabrication of the platform to be used with the payloader. As for the second agenda item for trimming trees along highway 32, Nephew was going to meet with the State to see if MnDOT would be able to do the trimming.

A motion was made by Council member Kiefert to approve the quote for the man platform in the amount of \$2,195 quoted by Advanced Manufacturing. The motion was seconded by Council member Bosman and was carried.

City Administrator Liden then gave her report noting that she had filed the monthly and quarterly payroll reports, worked on some final items for both the City and Nursing Home audits, continued work on the golf cart

ordinance changes, work on the special election, and continued work with Sandy Larson at Fair Meadow on the administrative transition.

For the Learning Center Administrator Liden reported that there were regular programs happening at the Center including a Star Party coming up on Friday, August 18<sup>th</sup>.

There was nothing to report for the Fire Department or the City Personnel Committee.

Under old business, an update was given on the Community Center project. Liden reported that there was a construction schedule included in the Council packets and that there would likely be changes made to the schedule as the project progresses. She noted that the roofing crew had started work and were removing all of the rock from the roof. The siding crew was supposed to be on site already but were not, so it was anticipated they would be starting later in the week. As for the HVAC work, Liden stated that the work would begin in 2024 since the units were ordered and it would be a few months until they were available. She noted that she had talked to Mutchler Bartram about the schedule for that installation and that it may need to be adjusted so that the building didn't go without heat during the winter months.

The next item addressed on the agenda was the amendment to the golf cart ordinance. Mayor Wilkens asked what the hold up was on getting that item taken care of and Administrator Liden explained that they were working on getting the language cleared up on the age of operators. There had been some misunderstanding with the City Attorney when the original ordinance was drafted because he thought the drivers were licensed rather than the vehicles themselves. Once that was clarified there had been significant progress made on the language for the amendment but Liden felt that there still needed to be changes made so that it was clear to everyone that drivers had to be over age 16 and licensed to operate golf carts on City streets. Liden said that in order for the Code to be enforceable by law enforcement an addition to the traffic code may be needed as well as an amendment to the special vehicle ordinance. Liden hoped that the amendment would be ready for the September meeting.

The market study and wage scale that was tabled at the July meeting was the next item addressed. Council member Massmann asked Liden to give the background information on the wage study. Liden explained that she had sought proposals for a wage study from four different organizations and that two of them had been unable to submit proposals due to staff shortages and also insufficient data from health care organizations. Liden explained that the one proposal was from David Drown and Associates but that their client list included only three healthcare providers since they had mostly worked with city and county governments for wage studies.

The other proposal for the wage study was from Health Dimensions Group. Liden noted that they had a broad range of wage data since they specialized in long term healthcare all over the country. They would also be able to provide data that would be more pertinent to Fertile since they could break down the wage data by whether a facility was rural or metro and also by the state or region of the U.S. Liden stated that the cost for the market study was pretty close for both the David Drown proposal and the Health Dimensions one but that she would recommend Health Dimensions since they had access to the relevant data needed for the study.

Council member Massmann commented that \$10,000 seemed to be a high cost for the study especially given the frequent market changes in healthcare in general but that looking into the possible development of different pay grids for the departments would be beneficial as would be the work on the job descriptions at the nursing home.

A motion was made by Council member Massmann and seconded by Council member Wise to approve the contract with Health Dimensions for the wage study. The motion was carried.

The next item to be addressed under new business was the answer to the petition regarding Angie Leiting's employment with Fair Meadow. Mayor Wilkens noted that the City's attorney with Pemberton Law had drafted a statement in regard to the petition and the statement would be read by Amanda Bosman. A copy of the statement is included with these minutes.

In response to some of the public comments about the statement not fully addressing the petition, Council member Massmann stated that he would like to address the cease and desist order that had been placed on Angie Leiting. He stated that he thought it would be appropriate to allow Angie to have access to assisted living to allow her to visit family. Council member Massmann commented that he will make the motion to that effect. The motion was seconded by Council member Bosman and was carried.

Mayor Wilkens then tried to move on to the next agenda item but after loud commentary from some members of the audience, Mayor Wilkens commented that notices such as this were quite common when someone leaves their employment which led to further loud comments from some audience members. Mayor Wilkens then asked for quiet so that Council could proceed with the remainder of the meeting.

The next agenda item to be addressed was the contract with Health Dimensions for interim Administrator services. The crowd persisted in yelling out commentary regarding the lifting of the trespass order but Council moved on with the contract matter with Administrator Liden explaining that the HDG contract was for interim services and that Council needed to affirm their approval. A motion was made by Council member Wise to approve the contract and the motion was seconded by Council member Massmann and was carried.

The next item up for approval was the agreement with Pemberton Law Office for legal services regarding the employment matter with Angie Leiting. Administrator Liden explained that she had been working with Pemberton Law out of Fergus Falls and that they specialize in employment matters. A motion was made by Council member Wise to approve the contract with Pemberton Law. Council member Kiefert asked what the costs were under the contract and Liden explained that the attorney fees were \$190 per hour and paralegal and support staff was billed at \$125 per hour. Liden added that the rate was similar to what is paid to our City attorney but that their law firm does not practice employment law so a different law firm was required. The motion to approve the contract was seconded by Council member Kiefert and was carried.

Mayor Wilkens moved on to the final item on the agenda which was advertising for the open Administrator position at Fair Meadow. There were several comments yelled out from audience members in regard to the matter. A motion was made by Council member Wise to approve advertising for the administrator at Fair Meadow. The motion was seconded by Council member Massmann and was carried.

Audience member Brian Nephew then asked about the interview and vetting process for the Administrator position. Council member Massmann stated that there had been preliminary discussion on including some Fair Meadow staff as well as community members in the process but nothing had been finalized yet in that regard.

Some audience members then returned to shouting out questions regarding the trespass notice being lifted and questioning why Angie Leiting was restricted to visiting only assisted living when she also had family living in the nursing home. Council member Massmann commented that he was not aware that Leiting had family in the nursing home since that had never been mentioned previously by anyone including in the statements people had made to the press.

Council member Massmann stated that he would like to amend his earlier motion to say that Angie Leiting be allowed to enter both the assisted living and nursing home for the purpose of visiting family. Commentary and yelling from audience members became so loud that it was difficult for Council to hear each other and continue the meeting. Some of the commentary involved questions about the trespass order and that Angie needed reassurance that she wouldn't be arrested if she entered the premises. Administrator Liden explained that the

order was put in place by Council and could be removed by Council. After questions about the previous order being the same as a restraining order, Liden explained that it wasn't the same as a restraining order.

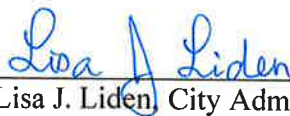
After continued loud commentary from the audience, Council member Massmann stated that the matter could be tabled until the attorney could be talked to in order to answer those questions if that was a concern. This led to further commentary from the audience so Council member Kiefert asked if there was a way to approve lifting the order pending attorney approval and guidance. Administrator Liden reiterated that that the order was approved by Council and that the attorney had already stated that the order could be lifted and/or amended by Council at any time. The order had not been filed with the County since it was not a court order so it didn't require anything other than the Council's approval to amend it.

There continued to be yelling and commentary from audience members so it was hard for anyone to hear what was being said. At some point former Administrator Leiting stepped up to the microphone to state that she had never hurt a resident while working at Fair Meadow. At one point there was a Council motion to adjourn the meeting since it was impossible to conduct any further business. Mayor Wilkens then tried to leave the meeting since he had heard the motion to adjourn which led to further shouting from the audience. Council member Massmann, who had not heard the motion to adjourn, called Mayor Wilkens back explaining that there was a motion on the table that should be addressed. Mayor Wilkens sat back down and stated that there was a motion on the table that needed a second to be considered. Council member Massmann stated again that he was amending his earlier motion to lift the trespass order that Angie Leiting be allowed to visit family at both the nursing home and assisted living. The motion was seconded by Council member Bosman and was carried.

The meeting was adjourned on a motion by Council member Massmann, seconded by Council member Wise.



Daniel Wilkens, Mayor



Lisa J. Liden, City Administrator