**CITY OF VERNDALE**

**WADENA COUNTY, MINNESOTA**

**REGULAR COUNCIL MEETING MINUTES**

**Monday February 5, 2018**

**6:00 p.m.**

**Verndale City Hall**

**101 Brown St. SW**

**MEMBERS PRESENT:** Raye Ludovissie, James Ackerson, Tara Erckenbrack, Jim Runyan

**MEMBERS ABSENT:** Ardith Carr

**STAFF PRESENT:** Barbara Holmes, City Clerk/Treasurer; Gary Rosenthal, Liquor Store Manager; Michael Madsen, Fire Chief; Matt Uselman, Public Works Manager

**STAFF ABSENT**: Cory Carr, Police Chief

**VISITORS PRESENT:** Marlo Benning, Verndale Sun; Joeb Oyster, Moore Engineering; Kenny Kjeldergaard: Family Life Church, Melissa Current, Robin Fish, Amos Self, Elena Sharma, Don Weniger

**OPENING PRAYER:** The opening prayer was led by Kenny Kjeldergaard: Family Life Church.

**CONSIDERATION OF MINUTES AND JANUARY PAYABLES**

A motion was made by Erckenbrack to approve the January 8th, 2017 Regular Council Meeting Minutes as written, seconded by Ackerson. AIF/MC

A motion was made by Runyan to approve the January 24th, 2017 Special Meeting Minutes as written, seconded by Erckenbrack. AIF/MC

A motion was made by Erckenbrack to approve the February payables in the amount of $17,9214.05 seconded by Ackerson. AIF/MC

**ACKNOWLEDGE VISITORS**

**Joeb Oyster - Moore Engineering:** Oyster stated that Task Order 2 needs to be approved.

A motion was made by Ackerson to approve Task Order #2, seconded by Erckenbrack. AIF/MC.

Oyster stated that he got a verbal quote for Geotech. Erckenbrack asked about other locations. Uselman stated that if the City changes locations then the project would be pushed back a year.

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Ludovissie asked how much the verbal quote was. Oyster stated $4,000 and the City could have it done in 2 ½ to 3 weeks. Oyster stated he would get other quotes because it is required.

A motion was made by Ackerson to award the Geotech to the lowest quote, seconded by Runyan. AIF/MC

Oyster stated that the Citizen Participation Plan and the Local Government Resolution are to submit the final application to small cities for the $600,000 grant to finish the application. Oyster stated that a public hearing needs to be held as well to let the public know the City is applying for a grant. Homes asked if there needed to be approval to get them signed. Oyster stated yep.

A motion was made by Erckenbrack to approve the Citizen Participation Plan and the Local Government Resolution for the $600,000 grant, seconded by Runyan. AIF/MC

Oyster stated that the Public Hearing would be on February 20th at 4:30 pm.

**Sheila and Wayne Stave – Land Purchase Agreement**: The Stave’s did not show up so Holmes asked Jeff Pederson to come and talk about the Resolution that was needed. Pederson stated that he was contacted to speak about the Eminent Domain process if that becomes necessary to acquire the Stave property. Pederson stated that Eminent Domain is a process where Cities can acquire property for public purposes and that is what the City is clearly looking at here. Pederson stated that the statutes allow the City to move forward without any question. Pederson stated that the issues get to be timing and cost. Pederson stated that the property is required to be appraised. Pederson stated that he had talked to Davis Appraisals in Wadena, it’s a professional service so it would not need to be bided. Pederson stated it would be less than $1,000 probably closer to $500. Pederson stated that a survey needs to be done so that a legal description of the property can be done. Pederson stated that Geotechnical testing needs to done so the City needs to adopt a Resolution. Pederson stated that if the property owner says no, the City can get a court order allowing the geotechnical testing. Pederson stated that he encourages the City to do everything it can to resolve this in an equitable manner.

A motion was made by Erckenbrack to approve Resolution 18-0205 – A Resolution for Environmental Testing and Geotechnical Investigation Before Eminent Domain Proceedings, seconded by Runyan. AIF/MC

A motion was made by Runyan to authorize the City Clerk to make arrangements for the necessary appraisals, seconded by Erckenbrack. AIF/MC

Uselman asked if the one acre is appraised or the whole parcel. Pederson stated just the one acre.

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A motion was made by Ackerson to approve Moore Engineering to do the Surveying, seconded by Erckenbrack. AIF/MC

Runyan asked to close the meeting to discuss the Eminent Domain process. The meeting was closed.

The meeting was reopened at 6:35 pm.

**DEPARTMENT REPORTS:**

**LIQUOR STORE- GARY ROSENTHAL-MANAGER**- Rosenthal stated that there was a net loss of $2,369 for the month. Rosenthal stated that there was an average of 12 Hold-Em players per week in the month of January. Rosenthal stated that he will continue Holm-Em through March to end out Regional Qualifiers and will make a determination as to continue beyond then. Rosenthal stated that pool league continues through February. Rosenthal stated that the Rodeo was in town Feb.2nd and 3rd. Rosenthal stated that Comedian Night will be in the Community Center on Feb. 17th. Rosenthal discussed the yearly comparable totals. Runyan asked if there was a way to capitalize on the Rodeo, that’s a lot of people. Ludovissie stated that they have food, drinks and entertainment out there. Erckenbrack stated that maybe there could be a lunch special. There was discussion about advertising.

**FIRE DEPARTMENT- MICHAEL MADSEN- FIRE CHIEF-** Madsen stated that there were 4 calls for the month, 3 were medical and 1 was a 5- hour barn fire south of town. Madsen stated that they decided to repair the transmission on the recue van which will cost around $300. Madsen stated that the new van should be delivered in 3 weeks and in service in about 6 weeks. Madsen stated that they are hosting a permit to carry class on March 17th at 8 am at the Fire Hall. Madsen stated that the Fire Department Township meeting is February 20th at 5:30 pm at the Fire Hall. Erckenbrack asked Madsen if they got reimbursed for their time for Mutual Aid or how that works. Madsen stated that the first 4 hours are free, that’s a contract they sign through all the surrounding departments. Madsen stated if it goes over the 4 hours then they can charge for it.

**POLICE DEPARTMENT- CORY CARR- POLICE CHIEF-** Chief Carr was absent. Officer Houtari gave the report stating that it was for the year not for the month.

**PUBLIC WORKS- MATT USELMAN-MANAGER-** Uselman stated that February’s Safety Training is on CPR/AED and First Aid. Uselman stated that employees that went to this last year do not need to attend this year, the certificate is good for two years. Uselman stated that Well #2 was tapped with a 2-inch tap for the Pilot Study, now the City needs to have the

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electrician come and wire it up for the Study. Uselman stated that he will have Fleischer come in when they train him in on the Pilot Study. Uselman stated that a class at the School is putting on

a Frosty 5K race in town on February 11th and they have asked if he would sand the route if needed. Uselman stated that water loss for the year is at about 15% loss. Erckenbrack asked where it was at last year. Uselman stated he thought it was about 12%. Uselman stated there was a couple breaks on Residential lines. Runyan asked what is acceptable for water loss. Uselman stated less than 10%. There was discussion about meters and if it’s possible to test them to see if they are still working. Uselman stated that it cost the City $10.50 to produce 1,000 gallons of water. Uselman stated that the base rate helped to cover this. Runyan expressed concerns about the small users covering for the big users. Uselman stated that the base rate tries to cover the big users. Holmes stated that the biggest user is the School so the residents will either pay for it in taxes or in their water bill. Uselman stated that sewer costs were $12.00 per 1,000 gallons. Uselman stated that something could be hooked up wrong where water is just going into the sewer and not through meters. Erckenbrack asked about freeze-ups. Uselman stated that there was one property that was froze up today but the house is empty with only a furnace running.

**CLERK/TREASURER- BARBARA HOLMES-** Holmes stated that the Schedule 2, Statements of Receipts and Disbursements for 2017 has been submitted for review and acceptance.

A motion was made by Erckenbrack to approve the Schedule 2, seconded by Ackerson. AIF/MC

Holmes stated that there is training coming up. Holmes thanked Jim Ackerson, Ardith Carr and Tara Erckenbrack for completing the Board of Review training online.

**NEW BUSINESS:**

1. Board of Review Meeting – Accept date/time- April 11th at 3 pm.

Ludovissie asked what this was again. Holmes stated it’s where people can come in and complain that their taxes are too high.

A motion was made by Erckenbrack to accept the Board of Review meeting for April 11th at 3 pm, seconded by Ackerson. AIF/MC

1. Joseph Krueger – Attorney

Ludovissie stated that this is who some of the surrounding cities are using. Ludovissie stated that with some of the things the City deals with the City doesn’t end up dealing with the lawyer it is supposed to deal with. Ludovissie stated that since Jeff Pederson was here tonight he thought the City should hold off on Krueger. Erckenbrack asked if the Council could ask Pederson if

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he’d be willing to be the City’s attorney and then based on that answer look at the other one. Council agreed.

**OLD BUSINESS:**

1. **Sharma Property** – Ludovissie asked Sharma if she was using that building as a business. Sharma stated yes. Ludovissie asked if she was running a business out of it. Sharma stated that Council told her it was an office so she made it an office. Ludovissie asked if she was running a business out of it though, is that correct. Sharma stated yes. Ludovissie stated ok, if that’s the case, if it’s a business and there are people coming in and out of that area then there would need to be a bathroom, that’s his understanding of the law. Holmes stated that’s what the League says, that’s what OSHA says. Ludovissie asked Sharma if she was willing to hook up a bathroom in there. Sharma stated when she is provided the paper that says she has to because she has talked to people and there is no statute that says a commercial building has to have a bathroom, especially if it’s connected to property under the same ownership. Sharma stated that there is a school garage that was build recently they had a stipulation that if it’s within 250ft. Holmes asked Sharma if she had read the Federal requirement which stated that wherever she is having a bathroom she would have to have it open and available at all times. Sharma stated not according to the people she’s talked to. Ludovissie stated that talking to people isn’t the same as getting through the statutes. Sharma stated that she talks to people that work according to the statutes, the people at the Department of Labor and Industry. Holmes stated that she is talking about Federal guidelines now, which trumps State, which trumps City. Sharma stated this is State too. Ludovissie stated that it is Federal and once its Federal they do whatever. Erckenbrack asked where is that statute, does she have a copy of that statute, there was a copy in the letter. Holmes stated this was another one that came through shortly after she asked the question then another one came through regarding OSHA and the statutes. Holmes stated that since Sharma has people accessing the building or if she has employees even if it’s one of her kids, if she pays them, they are considered an employee and she has to have a bathroom. Runyan asked if that applies to everybody. Holmes stated everybody, any business. Runyan asked what about a business that is already in business. Holmes stated it applies. Sharma stated she wanted to see where it says that though. Holmes stated she would forward Sharma the email. Ludovissie asked Sharma if Holmes got her the information and it says that, will she comply with that. Sharma stated she will look at it. Ludovissie stated ok, so you’ll look at it. Sharma stated yes. Ludovissie stated that Sharma is running a business out of it so she needs to understand. Sharma stated she has an office there with signage. Ludovissie stated ok, but you stated that you were running a business. Sharma stated that’s a business, yes. Ludovissie stated that the City would get her that information, they will all get the information and at the next meeting they would come to whatever agreement she wants with that. Ludovissie asked if that was going to work for her and after that the City is going to move forward and take whatever steps it has to do on it’s part and her part.

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Holmes stated that that takes care of the bathroom how about the nuisance part of the property. Ludovissie stated there are complaints about the building. Sharma asked like. Ludovissie stated the roof having upturned shingles. Erckenbrack asked if a specified

person has to go in and inspect the exterior of the building to talk about nuisance or danger not just cosmetic. Sharma stated an inspector. Holmes stated that the City can require the property owner if they object to the City’s to have an inspector come and inspect their property at their cost. Sharma stated that she didn’t agree with that. Sharma stated that the City has a problem with it she doesn’t. Sharma asked shouldn’t the City provide. Erckenbrack stated that the City has to make sure it is not a safety hazard and she is not looking at cosmetics that the paint is chipping or that the shingles aren’t beautiful the City wants to make sure there is no safety hazards. Erckenbrack stated that the safety hazards had to do with the lean-to that is attached to the building that is in disrepair not the roof. Sharma stated that when all this started a list of repairs should have been provided, that’s what the statutes say. Erckenbrack stated that since the building has changed since she took ownership, the building has changed, she has done some upgrades since she has taken ownership. Erckenbrack stated that she believed the City should have its Safety Officer, which she thought was the chief of the Fire Department is suppose to be able to tell if there are safety hazards. Holmes stated they can tell if there is a fire hazard. Sharma stated she had an electrician come there and he said there was no fire hazards. Holmes asked Sharma who she had come there. Sharma stated an electrician. Holmes stated so there is no electrical problem. Sharma stated right, he said it was not fire hazardous. Holmes stated as far as the electrical goes. Sharma stated it was in excellent shape. Erckenbrack stated that the questions the council originally had with the building. Sharma stated to the previous owners by the way. Erckenbrack stated she knows but she wanted to talk about it again here. Erckenbrack stated they are looking at the foundation because the neighbors were reporting critters and the lean-to on the back of the building, there were some safety hazards with that. Erckenbrack asked the Council if they remembered anything, those were the two things that she remembered. Ludovissie stated those were the two issues the City was having problems with. Erckenbrack stated and then the water, which is a separate issue. Erckenbrack asked Sharma if it would be agreeable to her to have whoever the City decides was its inspector that did it the first time look at it for those issues. Sharma stated that there were no inspections performed ever on that building. Erckenbrack stated there was because that’s how the previous owner got the letter that these were problems. Sharma asked if a drive by is an inspection. Erckenbrack stated she believed there was more than a drive by. Sharma stated that she asked the Council if anyone had been inside that building, somebody said a long time ago. Ackerson stated he had just seen photos of it. Sharma stated right, that doesn’t count as an inspection. Erckenbrack stated these are not interior this is exterior, they are looking for safety hazards on the exterior of the building. Erckenbrack asked Sharma so is it all right with you that the City can come down and get to the bottom of this and give her a list of what the City feels is a safety

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hazard to be fixed so that the City can move forward instead of talking about it over and over again. Sharma stated right, how about if we start the process all over again too because she is the new owner and the previous doesn’t apply to her. Erckenbrack stated

well that is what she wanted do. Sharma stated all right. Erckenbrack stated she wanted the exterior of the building to be inspected for safety issues. Sharma asked who would the qualified inspector be. Erckenbrack stated that the City needs to figure that out and would let her know who would be over to inspect the house. Sharma stated all right, wow we’re getting somewhere. Ludovissie stated process, all right, thank you Sharma, have a good night. Sharma stated thank you, you too.

1. **Wadena County Humane Society Letter -** Ludovissie stated he read it. Holmes stated that the City is right back at square one. Holmes stated that they want a contract signed and they want money from back in 2015. Erckenbrack asked if there were other options than impounding. Officer Huotari shared what they do in Menahga. Officer Huotari stated that they have a kennel with a roof for the dogs to be in and they feed and water them and charge the residents $15 per day that the dog is there until it is claimed. Officer Huotari also stated that all the residents are required to have their dogs registered which helps them not to use the kennel much. Ludovissie stated he wasn’t interested in working with the humane society. Runyan asked if the City is still using it now. Holmes stated there were 4 dogs taken there last year. There was discussion about how things work between the Humane Society and the City. The Council agreed to keep doing what the City is doing, but the City will not sign a contract or pay back the money they say is owed.

**OTHER BUSINESS:**

1. NJPA Election/Ballot- Board of Directors

The council did not vote for the NJPA Board of Directors.

A motion was made by Erckenbrack to adjourn the meeting at 7:25 pm, seconded by Ackerson. AIF/MC

**Submitted by: Attest:**

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Melissa Current, Deputy Clerk Raye Ludovissie, Mayor