**CITY OF VERNDALE**

**WADENA COUNTY, MINNESOTA**

**RESCHEDULED REGULAR COUNCIL MEETING MINUTES**

**Monday March 12, 2018**

**6:00 p.m.**

**Verndale City Hall**

**101 Brown St. SW**

Rescheduled March 5th meeting to March 12th due to inclement weather.

**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; Cory Carr, Police Chief; Matt Uselman, Public Works Manager; Melissa Current, Deputy Clerk

**STAFF ABSENT**: None

**VISITORS PRESENT:** Robin Fish, Verndale Sun; Tony Pohl, WSN; Joeb Oyster, Moore Engineering; Andrew Lathe: Family Life Church, Don Weniger, Wayne Stave, Janet Kiley, Elena Sharma

**OPENING PRAYER:** The opening prayer was led by Andrew Lathe: Family Life Church.

**CONSIDERATION OF MINUTES AND MARCH PAYABLES**

A motion was made by Erckenbrack to approve the February 5th, 2017 Regular Council Meeting Minutes and the February 20th, 2018 Public Hearing Minutes as written, seconded by Ackerson. AIF/MC

A motion was made by Ackerson to approve the March payables in the amount of $43,564.94 seconded by Runyan. AIF/MC

**ACKNOWLEDGE VISITORS**

**Tony Pohl-WSN – NPDES Permit –** Holmes stated that Uselman had already signed off on everything. Nothing else was needed.

**Wayne Stave –**  Stave stated that he’s not blaming the paper for the article on February14th. Stave stated that the article made him and his wife out to be people that they aren’t. Stave stated that there was never a no from them about the property purchase. Stave stated that the Council received false information and therefore created fake news. Stave stated he had discussed with

Uselman that $10,000 may not be enough because there was another Realtor he got ahold of and

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they said it was way too cheap for land like that. Stave stated he called Uselman back and said that the price is fine but he would like to have discussions about water and sewer to their house. Stave stated that his wife had many concerns about what was going into the water treatment plant as far as chemicals. Stave stated that Oyster did call his wife and gave her some numbers of people to talk to, so she was pretty much settled on that. Stave stated he had no idea that at the last meeting the Council would be discussing them and their land. Stave stated he never got a call or letter from the City stating that they should be here for that meeting. Stave stated that jumping from let’s buy some land to eminent domain is ridiculous. Stave stated he talked with the City lawyer and they agreed with him that it moved too quickly and it wasn’t done right. Stave stated that it should have went to a committee and had some discussions and then brought to the Council. Stave stated that they took eminent domain as very threatening. Stave stated that under the City’s lawyers advise, the City should start over with a committee meeting. Ludovissie stated that the lawyer got involved because there was conflict in reports about how Stave felt about it. Ludovissie stated that the City didn’t want to do eminent domain but they discussed what would happen if the City had to, it wasn’t that the City was going to. Ludovissie stated that the City needed to move fast on this, the engineers need to get in and the Council needed to make sure it wasn’t stepping on anyone’s feet if they went in there, so really the lawyer was just precautionary. Ludovissie stated it did sound worse in the paper but really the City was just getting advice. Stave stated there wasn’t enough time to get everything done in 4 days. Stave stated that he would like to start over with the City lawyer mitigating and have a committee meeting. Ludovissie stated that he could apologize for moving too quickly. Stave stated he would like an official apology from the Council for taking that jump. Ludovissie stated that he would give them that apology, he thought everyone would agree with him on that. Erckenbrack stated that she thought the last meeting was just an informational meeting, it wasn’t moving forward with eminent domain. Ludovissie stated that he apologizes for not calling Stave to let him know that he was on the Agenda. Ludovissie stated that a meeting would be set up to discuss the land purchase with him. Ackerson apologized to Stave for the inconvenience and the breakdown in communication.

**Joeb Oyster - Moore Engineering:** Oyster stated that all he has is the PPL application for the water tower. Oyster stated he needs approval on that tonight.

A motion was made by Erckenbrack to approve the PPL application for the water tower, seconded by Ackerson. AIF/MC

Oyster stated that Environmental has been started for the treatment plant. Oyster stated that Holmes has gotten a few comments back, nothing of concern. Oyster stated that they are working on the Pilot Study, he was hoping to have it operating already, but it’s a little lagging. Oyster stated he talked to the Department of Health and there is no concern that it will be done in time and get approval.

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**Elena Sharma** – Sharma thanked the Council for the pressure they put on her, without that she never would have been able to make the building repairs as fast as she did. Sharma stated that she has gained a wealth of knowledge. Erckenbrack stated she would like to propose to end the dilemma with Ms. Sharma. Erckenbrack stated that the City lawyers have been inconclusive as if to whether she needs a bathroom, apparently the powers at be cannot figure out what they want and the City cannot get a clear answer. Erckenbrack stated that she went and looked at her building and compared it to the City Ordinances and as far as what has been fixed up, cleaned up and what has been painted, and with the snow she can’t look at the foundation, but everything looks to be in shape and there are no other problems.

A motion was made by Erckenbrack to end the dilemma with Elena Sharma’s property needing a bathroom, seconded by Runyan. AIF/MC

**DEPARTMENT REPORTS:**

**LIQUOR STORE- GARY ROSENTHAL-MANAGER**- Rosenthal stated that there was a net loss of $5,273 for the month. Rosenthal stated that he ordered 50 drink tip-ups that they are selling for $5 each that say Verndale Liquor on them. Rosenthal stated that the bar will make $1.45 each. Rosenthal demonstrated how the tip-up works. Rosenthal stated that he would like to have a Bean Bag Wall Game to give customers something to do in the bar. Rosenthal stated that these games normally cost $230, but he is going to see if someone can make him one for cheaper. Rosenthal stated that maybe he would do a free drink for the highest score. Rosenthal stated that he will continue Holm-Em through March, there were 10, 15, 9, and 13 players for February. Rosenthal stated that pool league ended February 28th. Rosenthal stated that the Verndale team took 1st. Rosenthal stated that he talked with Trinity at Verndale Sun to get some pictures of the team and some publicity for the bar. Rosenthal stated that there will be Karaoke with Jason Neuerberg on St. Patrick’s Day, Saturday March 17th. Rosenthal stated that Comedian Night sales were about the same as last year. Rosenthal stated that one of the bar tenders had rotator cuff surgery so he is looking for a new bar tender. Rosenthal stated that it was not work related and an opening came up three weeks early so the employee took it. Rosenthal stated that an ad was put in the paper and it runs until March 14th. Rosenthal stated he has 1 applicant so no interviews would be required unless there’s another applicant. Rosenthal stated that he gave Chief Carr the information needed to run a background check and he hopes to have the applicant start on Thursday. Holmes asked if there was someone else interested in the job. Rosenthal stated yes there is, but the application hasn’t been returned. Holmes asked when the applicant turns 18. Rosenthal stated on the 13th.

**FIRE DEPARTMENT- MICHAEL MADSEN- FIRE CHIEF-** Madsen stated that there were 7 calls for the month, 6 were medical and 1 was a fire call/car accident. Madsen stated that the new van is here and they do have some interior work, switching out all the lockers and seating.

They hope to have it in service in a few weeks. Madsen stated that they are hosting a permit to

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carry class on March 17th at 9 am at the Fire Hall. Ackerson asked Madsen how many people registered for that. Madsen stated that the first year there 25, last year there were 14. Madsen stated that there are 14 people registered now and he thinks there will be about 20 people registered by the end of the week. Madsen stated that the Fire Department Township meeting was February 20th and it went well and they are very happy with their service. Madsen stated that he is requesting approval to donate the Fire Department’s old SCBA packs and equipment to a fire department in North Dakota.

A motion was made by Runyan to approve the donation of the Fire Department’s old SCBA packs and equipment to a fire department in North Dakota, seconded by Ackerson. AIF/MC

**POLICE DEPARTMENT- CORY CARR- POLICE CHIEF-** Chief Carr stated there was nothing new. Ludovissie stated there are a couple of properties that need to be cleaned up again. Chief Carr stated there is a bunch of stuff he needs to buy for the squad, it’s wear and tear stuff, but it shouldn’t be over $700. Erckenbrack asked if he budgeted for it. Chief Carr stated he would make sure it was budgeted for. Chief Carr stated he bought a used camera for the squad, he doesn’t have a price for that yet.

**PUBLIC WORKS- MATT USELMAN-MANAGER-** Uselman asked Ludovissie to sign the annual Weed Control Report for the County. Uselman stated that he has been emailing BNSF about the purchase of the park and they replied that they are still trying to get an answer for the City. Uselman stated that there was a lot of snowplowing in February, there was 18 inches of snow. Uselman stated that Verndale is not set up for that amount of snow to clean downtown. Uselman stated he had to pile it up downtown and it took forever to move it with the skid steer. Ackerson stated that there weren’t any complaints as far as he knew. Ludovissie stated that he thought the City was well prepared for it and the businesses were up and running that day. Uselman stated that the cable on the wing broke Monday night. Uselman stated that it cost about $35 to get it fixed so he fixed it Tues. Uselman stated that there was a water main break on Friday the 23rd at the intersection of N Brown St and 2nd Ave N. Uselman showed the Council pictures of the brake and what it looked like fixed. Uselman stated that this was caused by the work from the sewer project settling causing the main to snap. Uselman stated there was no corrosion. Uselman stated that he talked to Kevin Wernberg to let him know and he was going to talk to Bruce. Uselman stated that Bruce hasn’t called him yet. Uselman stated he didn’t know if the City wanted to pursue anything with RL Larson, the project is closed. Ludovissie stated that RL Larson did a bang-up job so he would have a hard time wanting to do anything against them, anything could have happened. Oyster stated that there should be a bond open. Ludovissie stated how long does that stay open. Oyster stated a year. Uselman stated that one thing they will argue is that they weren’t called to fix it. Ludovissie stated it was an emergency and they are way out there, that’s not going to happen. Erckenbrack stated that Uselman should talk to Bruce and if nothing comes of it then file the claim to insurance. Uselman stated that the Alliance Church is holding a car and motor show on Father’s Day at the school and they asked if

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they could close 4th Ave and possibly part of Thompson. Uselman stated that they would like to have a fire truck and a police car to be there for display.

A motion was made by Runyan to allow the school to close 4th Ave and possibly part of Thompson for the car and motor show, seconded by Erckenbrack. Voting in favor were: Erckenbrack, Runyan, and Ackerson. None were opposed. Ludovissie abstained.

There was discussion about if the City is responsible for sanding or putting salt on the business sidewalks. Uselman stated that the City is not responsible, it is the business owner’s responsibility. Uselman stated the City is already doing a service by removing the snow from the sidewalks. Ackerson asked about plowing the trailer court. Uselman stated that prior to all the snow the ground was mushy. Uselman stated that he couldn’t put the blade all the way down because otherwise he would get stuck there. Ackerson asked if they called to complain because they couldn’t drive. Uselman stated that they called once to ask when he was coming out to plow and he had already plowed. Holmes stated that she didn’t know Uselman had already been out there so she told them as soon as he could get there he would be out. No one called back to complain.

**CLERK/TREASURER- BARBARA HOLMES-** Holmes stated that Current and herself attended LUCA training for the Census on February 22nd in Fergus Falls. Holmes stated that the Census materials have arrived and Current has started working on the addresses. Holmes stated that Uselman, Current, and herself are scheduled for the LMC Safety and Loss training on March 28th in Fergus Falls. Ackerson asked how often do they have those. Holmes stated once a year. Holmes stated that the City Ordinances need to be updated. Holmes stated that the LMC uses American Legal Publishing and they charge $18 per page; the City has 255 pages of Ordinances so it would cost $4,590.00. Holmes stated that Janet from Bertha stated that in 2014 their attorney updated theirs for $2,100.00, but they had less than 100 pages. It was decided to budget for this next year. Holmes stated that she is not attending the Clerk’s Conference this year as she has set funds aside for Current to attend the Clerk’s Institute.

**NEW BUSINESS:**

1. Wadena County Request – Opportunity Zone Application-Support Letter

Holmes stated that there was an extension on when it needs to be in. Holmes stated that it benefits the cities and the counties in conjunction with the tax changes. There was discussion about it was a good idea to do a letter of support. Holmes stated that if the County can get some money out of it, why not. Holmes stated that if the County gets money the City can piggyback with them.

A motion was made by Ackerson to do a support letter for Wadena County for the Opportunity Zone Application, seconded by Erckenbrack. AIF/MC

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1. Melissa Current – Request for Sewer Credit for hose running

Current stated that in January she used 11,000 gallons of water and thought that this was caused by her toilet running, so she fixed it. Current stated that in February she used 16,000 gallons of water and then realized that the faucet outside had been left on. Current stated that her 3-month average is 6,000 gallons of water so she would like credit on the sewer side, the total credit would be $87.00. Ludovissie stated that obviously the water wasn’t going into the sewer. Ackerson stated to give her the credit. Runyan stated that since the water didn’t go down the sewer it would be fair. Erckenbrack stated that she agreed with no sewer charge, nothing could be done on the water part because she used the water part. Holmes stated that Current wasn’t asking for the water part.

A motion was made by Erckenbrack to give Melissa Current a sewer credit in the amount of $87 for water that didn’t go down the sewer, seconded by Runyan. AIF/MC

**OLD BUSINESS:**

**OTHER BUSINESS:**

1. Liquor Store – Ludovissie stated that someone had asked about selling the Liquor Store. Ludovissie stated that he talked with the EDA to see how they felt so that there would be a broad view of how people would feel. Ludovissie stated that right now the Liquor Store makes money so they aren’t too keen on it, right now he agrees with them on that. Ludovissie stated that he wanted to bring it to the Council’s attention that it was talked about and see how they felt about it. Ludovissie stated that the EDA recommended getting the Liquor Store appraised so that the City would know the value, if the Council is interested in selling it. Ackerson asked how much the Liquor Store made in profits last year. Holmes stated it $16,000 in 2016, the numbers for last year aren’t known yet because the audit hasn’t been completed yet and there are things that are accruals. Ackerson stated that the building is old so it requires more upkeep and the police would be involved with it one way or another. Ackerson stated that he didn’t know if the Liquor Store was worth the $1,000 per month profit, he knows there are employees there that could still end up working there if it was sold. Ackerson stated he would be in favor of putting it on the market. Runyan stated that he would not be in favor of that. Runyan stated that at least if the City owns it, the City has some control of what’s going on there. Ludovissie stated that the City would have some control over it. Ackerson asked Runyan if he felt $1,000 per month profit was worth it. Runyan stated yea, he does. Erckenbrack stated it’s a public service. Ackerson asked what the State says about that, is there a list that Liquor Stores are supposed to make a certain percentage profit. Ludovissie stated as long as there is a profit the Liquor Store is fine. Erckenbrack stated that if there was a decline for three years in a row, then it becomes an issue. There were concerns about losing another business on Main Street. Erckenbrack stated that if someone approached

the City and said that they were looking to buy a bar and they wanted the City’s bar then

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that would be different. Erckenbrack stated that she doesn’t want to sell the bar just because the City is sick of running a bar. The Council agreed to not advertise the bar as being for sale, but if a buyer came looking they would consider selling the bar. There was discussion about drawing people into the bar. There was discussion about possible improvements to the Liquor Store including different food options and outdoor seating options. There was discussion about needing more employees and someone experienced in food and liquor with the improvements suggested. There was discussion about possible increases in Liquor Liability with the improvements.

A motion was made by Erckenbrack to adjourn the meeting at 7:14 pm, seconded by Ackerson. AIF/MC

**Submitted by: Attest:**

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Melissa Current, Deputy Clerk Raye Ludovissie, Mayor