**CITY OF VERNDALE**

**WADENA COUNTY, MINNESOTA**

**REGULAR COUNCIL MEETING MINUTES**

**Monday, July 10, 2017**

**6:00 p.m.**

**Verndale City Office**

**101 Brown St. SW**

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

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Barbara Holmes, City Clerk/Treasurer; Chuck Goddard, 1st Assist. Chief;

Gary Rosenthal, Liquor Store Manager; Matt Uselman, Public Works Manager,

**STAFF ABSENT**: Michael Madsen, Fire Chief; Cory Carr, Police Chief

**VISITORS PRESENT:** Marlo Benning, Verndale Sun; Kevin Wernberg, WSN; Amos Self, Family Life Church; Joeb Oyster, Moore Engineering; Julie Nelson, Mayer, Porter & Nelson, Ltd.; Robin Fish, Robert Weiher, Harry Blonigen

**OPENING PRAYER:** The opening prayer was led by Pastor Amos Self, Family Life Church.

**CONSIDERATION OF MINUTES AND JULY PAYABLES**

A motion was made by Carr to approve the June 5, 2017 Regular Council Meeting Minutes and the June 22, 2017 Special Meeting Minutes as written, seconded by Ackerson. AIF/MC

A motion was made by Runyan to approve the July payables in the amount of $98,573.04, seconded by Carr. AIF/MC

**ACKNOWLEDGE VISITORS**

**Julie Nelson- Mayer, Porter & Nelson, Ltd.-** Nelson gave an overview of the audited financial statements for the year ending December 31, 2016. Nelson stated that the City pays them for their opinion on financial statements, whether they are fairly presented. Nelson stated that something new on the opinion this year is that the Federal Expenditures because of the Federal awards for the sewer project. Nelson stated that revenues in the capital grants and contributions went way up compared to the previous year because of the money that came in for the sewer project and fire grant. Nelson stated that funds are either restricted, committed or for assigned purposes. Nelson stated that restricted funds are things that are restricted by law or grant from spending in a certain way. Nelson stated that committed funds are funds that the council has

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decided will be set aside by a majority council vote and can only be uncommitted by another majority council vote. Nelson stated that assigned funds are intended to be used for specific purposes but do not meet the criteria to be classified as restricted or committed.

**Kevin Wernberg-WSN-** Progress Report #50 – Wernberg stated that minor cleanup and punch list items were completed. Wernberg stated there are three payments left to make to the contactor: one is for the generator, one is for the lining of 2 manholes, the third is for retainage. Wernberg stated they prepared Draft Final Partial Payment and Change Order documents. Wernberg stated the manhole lining should be done this week and the generator should be here as well. Wernberg stated they will be completing Record Drawings. Draft Change Order #7 is currently estimated at $34,594. Items included are: roadway drainage improvements- increase by $5,000, manhole lining- decrease by $6,431, and compensation adjustments- increase by $36,025. Wernberg stated that the compensation adjustments are something that the contractor has already been paid for, this just equates the final measured quantities to the quantities put on the bid estimate. Ludovissie asked Wernberg if it has already been paid for. Wernberg stated yes. Wernberg stated that the assessable portion of the project appeared to be about $61,000 (2.3%) over the total estimated at the public hearing. Wernberg stated this is a very preliminary estimate and they need to assemble final costs for all aspects of the project including legal, administration, finance, engineering, etc. Wernberg stated his bigger concern is that when they assessed this it was x dollars per service per lineal foot. Runyan stated he doesn’t know if they have the same number of services that were estimated, it seems less. Runyan asked Wernberg if he gets the same feeling, that some services didn’t get used. Wernberg stated he didn’t know the answer to that. Erckenbrack stated there are some properties that were supposed to have two services and they only put in one. Wernberg stated it’s all by lineal foot so it shouldn’t make any difference, but was there one property he thought was served from one side but was actually served from another, that’s the danger. Carr asked Wernberg what is the next step, the public meeting. Wernberg stated the construction contract is over in the end of July, he would come in August with the final change order, final partial payment, release the retainage, then they will sit down with Rural Development, they will come over here and they will close the project. Wernberg stated at that time they will have all the legal fees, advent fees, everything all bundled up. Wernberg stated he doesn’t know what those numbers are, he will get a worksheet from RD. Wernberg stated he would then split out the fees among the projects and come up with a final total. Wernberg stated when that is done then there would be a Public Hearing. Holmes asked Wernberg if that would be in September. Wernberg stated probably September, he would guess. Holmes asked if there would need to be two again this time, like last time. Wernberg stated not a lot of people showed up so maybe only one was needed.

**Harry Blonigen** – Blonigen stated he was at the meeting to discuss some sewer repairs that should be the City’s responsibility based on ordinances, rules, regulations and everything else. Blonigen stated back in December his tenants complained about having trouble with sewer

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drainage. Blonigen stated he had the Natural Gas company come out and they mapped the sewer line and their gas line and the closest point was about 4 feet so they didn’t hit it. Blonigen stated

he then had Geesa come out an auger it, they augured out to the alley. Blonigen stated that about 4-5 feet from the alley they hit something they couldn’t get through. Blonigen stated he then had to hire a camera guy and they viewed from the next street over, all the way up. Blonigen stated that in the main there were 5-6 homes that were partially to ¾ collapsed before they got to his place. Blonigen stated that at his place they could see there was a T that went up so they launched a second camera; they went up about 7 feet to an elbow and that is where it was blocked. Blonigen stated he had to have Tim come out and bust through 2 ½ feet of frost and dig down. Blonigen stated that what ended up happening was they came up with a riser, put a 45-degree elbow on and a 3-foot extension to get into the property line and that’s where they hooked up to. Blonigen stated that in the ordinances, rules and regulations it states if you need to hook up the home owner is responsible for putting the extension in, but in the event of a new system the City or contractor is responsible. Blonigen stated that bottom line, the City owns the main and the extension and is responsible for all repairs and maintenance. Ludovissie stated he believed the City just owns the main. Blonigen stated that number 4 under extensions and sanitary sewer collection systems it states that the wastewater utility has exclusive control of the wastewater utility and such extensions shall become to be the property of the wastewater utility for future operation and maintenance and no other person shall have any right, title or interest. Blonigen stated that basically his stand pipe and extension into his property are the property of the City. Ludovissie stated no, anything on your property belongs to you, you own up to the connection of the main, is that correct? Uselman stated yes, the City only owns the main. Uselman stated that when a sewer project goes through, yes, the contractor will go to the property line with new pipe, it’s still a service, not owned by the City, the city contractor put it in. Blonigen stated that the city inspects it, approves it, signs off on it and owns it. Ludovissie stated no, the City owns the main. Blonigen stated that according to the way this is written the City owns the stand pipe the extension and the extension into the property line. Carr asked if that was a new copy of the ordinance, she thought that this has been a problem with projects because the City only owns the main and the rest is up to the homeowner. Ackerson stated that was correct. Blonigen stated this was an issue from initial installation it wasn’t something that happened because somebody dug something open. Holmes stated that was done with a project through Alexandria, in 1990 something, a long time ago. Carr stated the City has dealt with this before and the City only owns the main, the homeowner is responsible for the rest. Blonigen stated on a new installation, when it’s existing and put in with the original project it is the City’s responsibility. Uselman stated that the house that was there before it got torn down and buried had service to it, it’s not a new project. Ludovissie stated that right of wastewater utility is just the right of wastewater so the City can work on the pipes if they have to, right. Uselman stated it gives the City the right to come on the yard, and dig it up. Ludovissie stated it gives the City the right that no one else has, but as far as that goes the City owns the main, the services are always the landowners. Holmes stated that when originally put in they are inspected and approved, but this is from many years ago (30). Erckenbrack stated this is information about installation it

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doesn’t say anything about after it’s in there. Holmes stated if this was part of the new project then it would be the City’s fault. Wernberg agreed with the council. Blonigen confirmed that he owned everything up to the main. Blonigen asked even though it is installation issue and the City approved it, it’s not covered. Ludovissie stated no, installation would have been approved by the contractor and 30 years ago it probably would have passed inspection. Ludovissie stated the City can’t control that. Ludovissie stated if it was the main, the City would pay for it. Holmes stated that the main is not collapsed. Blonigen stated that the main in the alley is collapsed in spots, it’s squashed way down, they couldn’t get the camera through. Uselman will look into this. Ludovissie stated it comes down to being the homeowner’s responsibility. Uselman cited Ordinance 63 article 6 section 14 on service connections confirming homeowner’s responsibility. Uselman stated that service connection is at the main.

**DEPARTMENT REPORTS:**

**LIQUOR STORE- GARY ROSENTHAL-MANAGER**- Rosenthal stated that the net profit for the month was $543.00. Rosenthal stated that cameras were installed. Rosenthal stated that Verndale Days is July 29th. Rosenthal stated the Fire Department will sell beer again outside the door like last year. Rosenthal stated he hopes to contribute to the Fire Department fund like last year in return for their help. Rosenthal stated he would need council approval to do so. Rosenthal asked if he needed to have a permit to sell the beer outside. Holmes stated he didn’t last year. Rosenthal stated that Verndale Liquor will pay for and make arrangements for outdoor porta potties. Rosenthal stated he had a request for July 22nd to put up a fence in the back with some tables for a birthday party for 50-55 people. Ludovissie stated as long as there wasn’t an insurance issue. Holmes stated she would have to contact insurance since it’s not a permanent fence. Holmes stated that no alcohol could be beyond the fence and there would be no entrance from the back, they would have to come through the bar. Carr asked who would pay to put the fence up. Rosenthal stated he has some orange fence he can put up. Carr stated that someone is going to have to monitor that yard. Runyan asked how do other liquor stores do that. Holmes stated they have a permanent fence. Runyan stated that since this is for a private party and it’s on the 22nd there’s more of a chance that people will respect the fence.

A motion was made by Erckenbrack that after finding out the information from insurance the liquor committee can make the final decision, seconded by Ackerson. AIF/MC

Rosenthal stated he has a possible new hire. Holmes asked Rosenthal if he has done background checks yet. Rosenthal stated no, he’s still waiting on the information to get them. Holmes stated the background check needs to be completed before they can start working. Holmes stated that paperwork needed to be filled out at the City office. Rosenthal stated the air conditioning in the bar quit working on Saturday. Rosenthal stated that Uselman looked at it, fortunately it wasn’t the compressor it was the on/off switch on the compression switch. Rosenthal stated the air

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conditioner is now up and running. Carr stated that before she went on vacation she looked to see if the cameras were set in good positions and they are.

**FIRE DEPARTMENT- CHUCK GODDARD-1st ASSIT. CHIEF-** Goddard stated that for the month there were 10 medical calls, 1 fire call and 1 mutual aid to Wadena that was cancelled. Goddard stated he needed approval for the resignation of Duane Korfe from the Fire Department effective June 30th, 2017.

A motion was made by Erckenbrack to accept the resignation of Korfe, seconded by Ackerson. AIF/MC

Goddard stated that Tyler Fisher will replace Korfe as treasurer for the Relief Association. Goddard stated he needed approval for Eric Anderson to replace Duane Korfe as Safety Officer. Carr asked Goddard if Anderson has all the training and everything. Goddard stated yes, actually before he came to Verndale he was Safety Officer for the Bertha Fire Department and he is also the County Highway Department Safety Officer.

A motion was made by Carr to approve Eric Anderson as Safety Officer, seconded by Erckenbrack. AIF/MC

Goddard stated that they will be helping the Liquor Store with the beer sales again this year with the same set fee as agreed to last year. Homes asked if the set fee last year was $2000. Carr stated she thought it was $1500, but they got $2000. Holmes stated she thought they received $3000. Goddard said he would look back to see what the fee was. Carr asked Goddard if the fee includes helping with cleanup afterwards. Goddard stated no, they didn’t come in for the Sunday cleanup last year. Goddard stated that the fire trucks will be in the parade. Goddard stated they will be having a Golf tournament on July 29th starting at 9 am at White Tail Run in Wadena. Goddard stated that it’s a good thing the they are moving forward with a van, there was a first response call Sunday night and coolant blew out on the floor of the van as they were going out to the call. Goddard stated that the heat exchanger went out on it. Holmes stated that on the Celebration portion there needs to be a motion for council approving the liquor store to do the same as last year for an agreement for the base fee.

A motion was made by Erckenbrack to approve the base fee agreement for the liquor store to be the same as last year, seconded by Carr. AIF/MC

**POLICE DEPARTMENT- CORY CARR- POLICE CHIEF-** Ludovissie stated that Chief Carr was gone but the council could read his report.

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**PUBLIC WORKS- MATT USELMAN-MANAGER-** Uselman asked if everyone has seen the wood carving that is taking up space in the shop. Uselman stated it is supposed to be of Bill Beavan, one of the first Sorehead’s in Verndale. Benning asked that since the Sorehead has been going on for such a long time, why not see if the Historical Society wants to put it in the building with a little bit of explanation of how it began, it’s part of history. Carr stated that the other place it could go would be in the white building in the park and then take it out during Verndale Days. Uselman stated that the wood carving is not sturdy, it tips. Ludovissie stated that whoever wins Sorehead should have that statue in their yard for the year. Carr said that it would be a shame to let that go since it was for the very first sorehead. Uselman stated he didn’t know if Beavan was the first or the most popular. Carr stated that he was a fireman so maybe the Fire Department would want it. Uselman stated he wasn’t sure if he needed to keep it or if he could give it away. Uselman stated he does knows someone that wants it. Ludovissie stated that after checking with the Historical Society, if they don’t want it Uselman can give to the person that wants it. Runyan stated that if the statue is kept the paper should do a story on it so it gets publicized so people know about it. Uselman stated that he will be on vacation from August 5th – 9th so he will not be at the August Council meeting. Holmes stated that the Engineer business would need to be tabled at the next meeting since Uselman wouldn’t be there. Uselman stated not to table it, he is ok with the whoever the council picks. Uselman stated he would talk to the water/sewer committee when he got back about the decision. Uselman stated that this month’s safety training will be on CPR, AED, and First Aid. Uselman stated that all City employees should attend if they are not already certified. It will be in Menahga on the 19th of July at 10:00 am. Uselman stated that the training would last 2 hours. Uselman stated he talked with Scott Veronen about the snowplowing of the Trailer Court and he said he paid $50 per time last year and in years past. Uselman stated it would only take him about a half hour to plow the Trailer Court.

A motion was made by Ackerson to let Uselman plow the Trailer Court so he can turn around at a rate of $50 per time, seconded by Carr. AIF/MC

Uselman stated that there are a couple of alleys on the North side of town that are either nonexistent or have buildings and fence on them. Carr stated she had questioned that when the trees were planted and she was told by the City Manager that it wasn’t an alley because a neighbor questioned whether those trees could be planted. Uselman stated there is an alley there it is just nonexistent. Holmes stated there is supposed to be an alley there according to the county map. Uselman stated he thought the City should vacate these 2 alleys. Erckenbrack asked Uselman if there were utilities in those alleys. Uselman stated he would call in locates and see what utilities are there and contact those companies because they may need to get easements. Holmes stated the next step would be to hold a Public Hearing to open it up to the public for comment prior to deciding if the alleys will be vacated. Erckenbrack stated that between 4th and 5th Ave it looks like there is houses in the alley. Holmes stated there is a garage. Uselman stated all he needs is approval to move forward.

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A motion was made by Carr for Uselman to pursue what works for the alleys, seconded by Ackerson. Ludovissie abstained. Voting in favor were: Ackerson, Carr, Erckenbrack, and Runyan. None were opposed. MC

Holmes asked if this motion was to move forward with a Public Hearing. Carr stated no, it’s just for Uselman find out where the locates are, allocating his time. Uselman stated the new garage doors are installed. Uselman stated a wall was taken down in the shop to give more room for the snowplow, now there is one big open area to work with. Uselman stated Fleischer will work the late afternoon of Verndale Days, cleaning up. Holmes asked Uselman what was found out about the Historical Society’s building in the park. Uselman stated he was getting there. Uselman stated that the City already has grease deposits in the new lift station. Uselman stated there were grease deposits in the old one, but it wasn’t taken care of because the City was getting a new one. Uselman stated he would like to keep that under control. Ludovissie asked Uselman if he needed chemicals to do that. Uselman stated yes. Ludovissie stated the City knows where the grease is coming from, why isn’t the City going to them. Uselman stated they have grease traps, they clean them out, there’s nothing the City can expect out of them. Uselman stated he talked with all three of them. Holmes asked if Uselman inspected any of the grease traps. Uselman stated he asked them to keep records of when they do clean them so he can inspect them. Erckenbrack stated the City does need to do that, and if appears they are not complying with what the City needs, then the City needs to set up a way to fine them for not complying. Uselman stated he went with the previous owners of Maasconi’s and showed them, it was televised for the project, pictures that their service was clogged with grease so he really understood. Uselman stated the City had him put a grease trap in, he didn’t have one to begin with. Ludovissie asked Uselman if he wants to buy the chemical no matter what. Uselman stated yes, he does want to budget for this for a year. Ludovissie stated that a quarterly report on that would be good, make sure they know you’re coming and that they are taking care of it. Uselman stated he got ahold of his old contact for BNSF and he doesn’t work there anymore so he did some research and got a new contact and she asked for a map and everything. Uselman stated he gave her a map of where the building would be, where the horseshoe pit is, 10 feet away from the fence, which is 20 feet away from the middle of the nearest track. Uselman stated they usually say it’s supposed to be 50 feet but, in some cases they do 25 feet. Uselman stated she forwarded this onto their road master. Uselman stated he got an email that says it looks satisfactory to their road master so the building can go where the horseshoe pit is as long as there is 10 feet from the fence. Uselman stated the bushes around the baseball park are looking really bad. Uselman stated they went over there and weeded and everything. Uselman stated he would rather take those bushes out and fill it with river rock and then they can just spray. Carr stated her thing is that it was the baseball association that put those in, approach the baseball association and see if they are willing to do the work. Runyan stated that the baseball association will say it is a City park. Carr stated that then it wouldn’t matter, the City could pull those up and put rock there. Erckenbrack stated that as a concerned citizen she would say don’t do that, it will look ugly. Ludovissie agreed, but the City is paying to maintain it. Erckenbrack suggested talking to the Garden Club to see if they

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would be interested in pruning the shrubs. Runyan asked since it is a City park, why doesn’t the City take care of it. Uselman asked why don’t the people that use it take care of it. Runyan stated the back side to that is that one team has left already and the other team is gone. Runyan stated that the one team left because they got a better deal at another baseball park. Carr stated that then their loyalty wasn’t here, so they could care less what the park looks like. Carr stated that maybe the City could talk to Mr. Pauly’s class, they do some landscaping. Erckenbrack stated that it is a City park, so it should be maintained. Uselman stated he hasn’t gotten any support from the school, who used it all Spring and part of Summer and Babe-Ruth plays on it. Uselman stated that Dan Johnson does go over and drags it once and awhile. Uselman stated he doesn’t know what Babe-Ruth is affiliated with. Carr asked Uselman if he had to clean up after events. Uselman stated all the time. Carr stated there is no ownership for anything. Erckenbrack stated that the school should be contacted, have Mr. Pauly’s class do some work and have them provide some toilet paper for using it. Uselman stated the weeds will be sprayed before Verndale Days. Uselman stated that out at the old sewer pond, 4-5 acres is full of thistle it would cost quite a lot of money to go and spray the entire thing. Uselman asked the council if he could use his tractor with a brush mower and get paid to do it. Ludovissie asked if his insurance would cover it. Holmes stated he is also a City employee, it’s a conflict of interest, and state law says no unless council says yes, go against the law. Ludovissie asked Uselman if there was any type of equipment the City owns to do it. Uselman stated no, not for that type of grass. Runyan asked Uselman about renting equipment to do that. Uselman stated it would cost $170 for four hours, it would be cheaper to have him do it. Erckenbrack stated that it’s City property so if equipment gets rented the City would pay for the rental and his hourly wage. Holmes stated he would get paid by payroll, but no City employee or elected official could own the rental company. Uselman asked if he could bring his tractor in during work hours, go mow, get paid his hourly wage and get a free tank of gas for using his fuel. Holmes stated yes, but the City is not responsible for any damage to the equipment. Holmes stated as long as he didn’t want any rent for his tractor, go for it. Erckenbrack asked Uselman how the thistle got 6 feet tall. Uselman stated that that area has never been mowed, and there’s never been thistle like this before. Carr asked if the City would get a letter from the County saying the thistle needed to be taken care of. Uselman stated he is the weed inspector. Ludovissie stated that Uselman could take care of thistle, just figure out how it will be taken care of.

**CLERK/TREASURER- BARBARA HOLMES-** Holmes stated that MNDOT reports that Verndale will receive $7,751.00 in for street improvements in 2017. It will be received in conjunction with the LGA funds so ½ in July and ½ in December. Holmes stated that Rural Development sent the new rates that the City will be closing their loan at. Holmes stated she is requesting approval to transfer funds to pay PFA and Northland Trust payments that were just approved from the money market accounts for water and sewer. Holmes stated that for PFA water was $14,409.36 and sewer was $25,908.81. Holmes stated it is $1,703 for sewer for Northland Trust. Holmes stated the total amount requested to move from the money market to the checking account is $42,021.17.

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A motion was made by Erckenbrack to move $42,021.17 from the money market account to the general checking account for water and sewer, seconded by Carr. AIF/MC.

**NEW BUSINESS:**

1. Deed- Revolving Loan Funds.

Holmes stated the City has time to make a decision on this. Ludovissie stated the council will hold off on it. Ludovissie asked if the council approved the audit report from Mayer, Porter & Nelson. Holmes stated no, but the council should have.

A motion was made by Runyan to accept the auditor’s report given by Mayer, Porter, & Nelson, seconded by Erckenbrack. AIF/MC

1. Wadena County Humane Society

Ludovissie stated a decision needs to be made about the Wadena County Humane Society Ludovissie asked the council if they all read up on that. Council replied yes. Ludovissie asked the council if they City is just going to let it go or ignore them. Runyan stated that he is going to meet with that lady on the 18th, she called him. Holmes asked Runyan if he was meeting her by himself or if Ludovissie was going to be there too. Runyan stated he didn’t know, she was going to be here on the 18th. Carr asked if the council could table this until after Runyan meets with her and brings back a report. Runyan stated he told the lady from the Humane Society that is what he would recommend at the meeting. Ludovissie asked what time the meeting was set for on the 18th. Runyan stated she was going to call him when she was in the area, sometime in the afternoon. Ackerson asked Runyan if the reason they are driving up past bills is because they are building a new facility. Runyan stated that from what he understands they don’t have a lot of money at all. Holmes stated they are going down to Texas and rescuing dogs down there and bringing them up here. The decision about the Wadena County Humane Society will be tabled until the next meeting.

1. Resolution17-0710- Setting Assessment for Services Rendered

Ludovissie asked for approval of Resolution17-0710- Setting Assessment for Services Rendered.

A motion was made by Ackerson to approve Resolution 17-0710 – A Resolution Setting Assessment for Services Rendered by the City of Verndale, seconded by Carr. AIF/MC.

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1. Wadena County Letter – Election by mail

Holmes asked for thoughts about doing election by mail. Ackerson asked if a decision had to be made tonight. Holmes stated no, it can be tabled. Tabled until the next meeting.

**OTHER BUSINESS:**

1. Initiative Foundation- Request for Support

Holmes stated that this could be tabled until the budget process, but if the council knows they don’t want to do it this year it could be eliminated from the budget process, the City did not give to them last year. Ludovissie stated that he thought the City does this every year and it gets turned down. Holmes stated no, usually the City gives. Carr stated that the City didn’t give last year because the City hasn’t gotten anything from them in a while. Holmes stated the City hasn’t requested anything from them either. Tabled until the budgeting process.

A motion was made by Erckenbrack to adjourn the meeting at 8:03 pm, seconded by Ackerson. AIF/MC.

**Submitted by: Attest:**

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Melissa Current, Deputy Clerk Ray Ludovissie, Mayor