

## **Fertile City Council Minutes November 13, 2023**

The Fertile City Council held its regular meeting on Monday, November 13, 2023 at 6:30 p.m. at the Community Center. Present were Mayor Daniel Wilkens and Council members Mary Kiefert, Matthew Massman, Todd Wise, and Amanda Bosman. Also present were City Administrator Lisa Liden, Deputy City Administrator Stacy Erickson, Public Works Director Kevin Nephew, Joe Lancello with KRJB, and Nicole Rivera from the Fertile Journal. Present also was Kendra Olson with Pemberton Law in Fergus Falls in addition to several community members.

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 building permit for a fence that needed to be added to the agenda so she suggested adding that item as the first to be addressed after the meeting resumed following the closed session. Council member Massmann commented that it would be best to add it before public comments.

A motion was made by Council member Massmann to approve the agenda as amended. The motion was seconded by Council member Wise and was carried.

Mayor Wilkens announced that the next item on the agenda was a closed session meeting with Kendra Olson with Pemberton Law. Kendra Olson then made a statement about the purpose of the meeting and that the only thing that would be discussed in the closed session was litigation strategy for a pending legal matter involving the City. She stated that no public matters would be discussed. The meeting was closed on a motion by Council member Wise that was seconded by Council member Kiefert and was carried. The meeting room was then cleared of all members of the public after Mayor Wilkens noted that the closed session would last about a half hour.

The public portion of the meeting was resumed at 7:18 p.m. on a motion by Council member Bosman that was seconded by Council member Kiefert and was carried.

The first matter addressed was a building permit for Vickie Wang to put up a fence in her backyard. Public Works Director Kevin Nephew explained that part of the property included a section that used to be an alley that had been vacated but that there was still a utility easement on the former alley. Nephew explained that Ms. Wang was interested in three different options for where the fence could be located and that the third option would involve fencing in the entire backyard including the former alley area where the utility easement is located. She would have to put in a gate on either side of the fence so that utility trucks could go through if needed for utility work. The other two options wouldn't require Council approval since the fence would be located entirely on her property within the Code guidelines.

Mayor Wilkens asked Ms. Wang which option she was interested in and she stated that she was waiting for cost information from her contractor in order to determine which option would work best. Her preference would be to have the fenced in area as large as possible and that one would require installing the gates. Administrator Liden noted that the City had dealt with a similar request a few years prior and in that instance, there was a legal document drawn up and recorded so that the requirement for the gates in the fence would follow the property in the event the property changed hands in the future.

After further discussion, a motion was made by Council member Bosman to approve Vickie Wang's request for a fence encompassing her entire property with a legally recorded document requiring that

gates be installed to allow for utility truck access. The motion was seconded by Council member Massmann and was carried.

The public comment period was the next item on the agenda. April Swenby asked to address the Council to offer a suggestion that the City Council establish a data practices policy and to define in the policy what a reasonable amount of time is for answering data practices requests. She commented that she made a request back in June that still hasn't been answered. She noted also that she attended a public meeting back in July where the public came up with a list of 47 questions and that those still haven't been answered. Swenby continued on noting the frustration that some in the community are feeling about not getting the answers they want at meetings and also with their data requests.

The next item on the agenda was the approval of the minutes from the October 9, 2023 and November 7, 2023 meetings. The minutes were approved as presented on a motion by Council member Wise that was seconded by Council member Massmann and carried.

Administrator Lisa Liden gave the Treasurer's Report. There were no out of the ordinary deposits to note for the month of October. In the check listing, Liden noted the check to LPL Financial for \$25,695.50 which was a pass through from the State for the fire department pension, the checks to Christianson Construction and Mutchler Bartram Architects for progress payments on the community center project, a check to Polk County for property taxes, and a check to Pemberton law for legal services The balance sheet and profit and loss report were also reviewed.

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

Under department reports, Public Works Director Kevin Nephew was the first to give his report. He began by stating that they had been looking at upgrading the street sweeper. They had the opportunity just that day to see a demonstration of one that they were interested in and Chris Zimmel had the opportunity to try it out. Nephew stated that after looking at the budget that there was about \$25,000 available in the budget for equipment needs and that the new sweeper would be a huge improvement. The capacity was much larger and that it has a power washer and is a sucking vacuum truck so that it could be used for cleaning out manholes and sucking out lift stations.

Chris Zimmel with Public Works then explained the many benefits of the truck as compared to the current sweeper stating that it was a lot easier to operate, it had a different mechanical system so it didn't use brushes and instead used a blower system. Zimmel noted that it would much easier to maintain also.

Discussion was held on the new sweeper, the number of hours on it and Nephew explained that the unit had been completely reconditioned with a new blower system. Also discussed was the value of the current sweeper as well as the money in the budget for the new sweeper. Nephew noted that there was a one-year warranty on the new sweeper.

After further discussion, a motion was made by Council member Massmann to approve the acquisition of the Tymco street sweeper for \$35,000 and to explore the best option for the disposal of the current sweeper. The motion was seconded by Council member Kiefert and was carried.

Nephew then asked if something could go into the Journal about car parking on the streets and Nicole Rivera noted that the office had not sent in any information on street parking that was discussed at last month's meeting.

Mayor Wilkens asked if anything was discovered when the sewers were jetted. Kevin Nephew said that they ran into the usual tree roots but that dealing with roots was a normal maintenance issue. Nephew noted that they had done some maintenance work on the service line that goes in to the nursing home because of the issues with the blockages last summer. The line from the supper club was jetted as well to take care of the grease blockages that occur on that line. Council member Massmann asked if that main is done every year and Nephew said that it is. Even though the supper club uses a degreaser to wash the dishes and a powder degreaser is flushed down the one sink drain every week, there was still a lot of grease that made it into the main and gets built up. He noted that the main by the car wash is also done every year. Nephew went on to say that ideally, he would like for J & R Wastewater to run a camera the full length of the main on highway 32 a couple of years before the road project that MnDOT is planning for. That way if there are any sections of the line that should be replaced the City could make plans to do that at the time the road project is done.

An audience member asked Kevin Nephew about what happened with the Zamboni that the City had purchased for the skating rink and where that was. Nephew replied that it had been sold on auction. The audience member asked how much that had sold for and Administrator Liden commented that she believed it sold for \$5,000. The question was asked where that money went in the budget and Liden answered that the money went into the general fund.

There was nothing to report under the Airport or the City Engineer.

The Fair Meadow report was given next. Liden went over the financial statements for the nursing home and Liden noted that the profit and loss couldn't be broken out between the nursing home and the assisted living due to an issue with either Excel or Quickbooks that didn't allow the report to get exported into Excel to do the breakout. On the profit and loss Liden noted it showed a profit of \$388,000 but that number would likely go down with end of the year entries. Liden also noted the miscellaneous income category and that included in the amount was \$198,430 for the facilities grant that had been received from the state.

Liden then moved on to the balance sheet and she noted that the cash balance of \$601,842 also included that facilities grant amount that is reserved. Also included in that was a retention grant that the nursing home had received for \$173,000. Under that grant, all employees on the nursing home side who made less than \$30 per hour were eligible to receive up to \$3,000 each over the course of the next year. The grant was being paid out at a flat rate to those employees and there were three different levels of the flat rate based on the average number of hours that staff work each pay period. Liden explained that the flat rate would be easier to track than an hourly rate since the maximum amount an employee could receive over the next year was \$3,000.

An audience member then asked about some of the checks in the check register that were written in October for invoices from September and how that would impact the cost report since checks were written after the fiscal year end for expenses during the previous fiscal year. Liden stated that under accrual accounting that expenses were recognized in the year they were incurred and not when they were paid. The audience member disagreed with that and said that the checks had to be written before the end of the year to have them included on the cost report.

Liden reported that the incentive call pay had ended for nursing staff and that the total paid out in incentive pay had been \$10,854.42. She went on to explain that when you divide the total for incentive pay by the \$20 per hour rate that the incentive pay had paid for coverage of 542 hours total. The incentive pay for nursing had ended when two temp staff started at the facility, and using the hourly rate for those staff, the cost of the incentive pay would have only paid for 290 hours for temp staff. While the \$20 extra per hour sounded expensive, it was considerably less expensive than the cost of temp staff.

Liden then went on to clarify the cost of outsourcing the billing to Pope and Conner at their hourly rate of \$125. She had gotten in touch with Pope and Conner to see if they could estimate the amount of time that the billing would take every month to get a better estimate on monthly cost. For the first month or two it would take more time than usual while they were getting set up and doing some look-back to make corrections and pick up some billable costs that had been missed. After the first month or two, they estimated it would only take about eight to ten hours per month to do the billing.

The final item to address with the nursing home was for Council to approve the contract for the new interim administrator through Health Dimensions. Sandy Larson's contract had ended so a new interim had to be found to replace her.

A motion was made by Council member Massmann to approve the contract with HDG for the new interim. The motion was seconded by Council member Bosman and was carried. This was followed by questions about the new interim, the hourly cost for the interim and where the interim costs were shown on the profit and loss.

The City Administrator's report was next on the agenda. Administrator Liden reported that in addition to the regular monthly reporting that she had sent out letters to all households who had participated in the annual lead and copper testing required by the State of Minnesota. She noted that the copper and lead levels were well below the allowable amounts for all of the households that were tested. Liden reported that there had been some plumbing issues in the women's restroom with a couple of toilets leaking periodically. Since the repair of the current toilets would cost almost as much as replacing them with new, it was decided to go ahead and replace all three toilets in the women's restroom. The toilets in the men's room would also be replaced in the near future as well as the water fountain in the hallway. Liden also reported on her continued work with the community center project, with Moore Engineering for the SCDP grant application, as well as continued work at Fair Meadow Nursing Home.

For the Learning Center it was reported that the Board would hold a meeting that coming Thursday.

For the fire department Council member Bosman reported that the department had responded to seven calls. Two calls were for medical, one was for a carbon monoxide alarm, one was for a grain dryer fire, one was for a grass fire, one car accident and one false alarm. The company that built the chassis for the new fire truck had completed their work and the chassis has been delivered to the company that would put in the fire department components.

There was nothing to report under the City Personnel Committee.

The matter of appointments to the Fair Meadow Advisory Board was the next item on the agenda under old business. Administrator Liden noted that in the packets she had included a list of the people who had indicated their interest in serving on the advisory board. She stated that she had spoken with Cynthia Hibbard and that she had indicated she would be interested in serving but was concerned about not being available to meet when she is down south for the winter. Hibbard had noted, however, that she would be interested in participating via Zoom or Teams if that was an option. Liden went on to explain that she had listed all the names of the people who had submitted letters of interest a couple of meetings prior and that the letters were included in the packets. She noted also that she had received a letter of interest via email from Roger Narlock and she briefly went over his experience in working on the financial end of healthcare in his 30+ years at Riverview.

Council member Massmann then made a motion to put forth the names of Cheryl Reitmeier, Cynthia Hibbard, Dennis Hanson, and Roger Narlock to be appointed to the Fair Meadow Advisory Board. Administrator Liden noted that Dennis Hanson had already been appointed at the November 7<sup>th</sup> meeting.

This was followed by discussion on how many seats needed to be filled and also on one name that had been submitted by email but had been missed on the list. The motion was seconded by Council member Wise and was carried.

This was followed by discussion of who would make arrangements for the first meeting and it was decided that the interim could reach out by email with some potential meeting dates. Council member Kiefert asked about some questions that Carol Swenby had left about the advisory board and if now would be a good time to address those. Another audience member read the questions that Swenby had written down and the first one had to do with the job description for the advisory board that she had agreed to try and draft. Now, however, she was concerned because she had just learned that day about the new interim so she had some serious trust issues with the whole process since nothing had been said at the meeting the week before. Carol Swenby was also concerned because she had been approached by a staff member about not being able to cash out sick time and the personnel policy allowed that. This was followed by discussion on cashing out sick time with Administrator Liden reporting that the policy had been changed at the personnel committee level but that it hadn't been changed in the personnel policy.

The next item addressed on the agenda was progress payment #3 for the community center project in the amount of \$86,307.23 and the payment of the invoice to Mutchler Bartram Architects in the amount of \$1,010. A motion was made by Council member Massmann to pay both of the invoices. The motion was seconded by Council member Kiefert and was carried.

The final item addressed on the agenda was the live streaming or broadcasting of Council meetings. Administrator Liden asked Deputy Administrator Erickson to address that matter since she had done the research on that and had been in contact with Garden Valley. Erickson explained that she had been in contact with Garden Valley and had gotten a quote on equipment costs. She had also been in touch with the League of MN Cities and there were some other things that had to be addressed with broadcasting the meetings so it would likely be several months before that could be implemented. Since someone had already contacted the League about televising our meetings and had cited accessibility concerns, there were additional items that needed to be addressed. Audience members who speak would have to have a microphone and the meetings would have to be closed-captioned and there would be costs associated with that. The League also noted that our City website wasn't fully accessible either so that should also be worked on.

Erickson explained that she had talked to Garden Valley and that they could broadcast the meeting but that it would likely have to be recorded for later televising since quite often there were Monday sporting events that would pre-empt the Council meetings. She explained further that the quote from Garden Valley for just the equipment and installation was \$9,147.50.

This was followed by further discussion on data practices requests and how the public can get answers to their questions. The request was also made for the meeting packets to go out on the website ahead of the meeting so that the public had time to review them before the meeting in case they had questions on some items.

There being no further business, the meeting was adjourned at 8:33 p.m. on a motion by Council member Massmann that was seconded by Council member Wise.



Daniel Wilkens, Mayor



Lisa J. Liden, City Administrator