

Fertile City Council Minutes October 9, 2023

The Fertile City Council held its regular meeting on Monday, October 9, 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. Also present were Carol Swenby, Linda Widrig, Renee Rongen, David and Jeannie Thorson, Heather Larson, Joe Leiting, Dani Nelson, April Swenby, Jamy Fuglseth, Jon and Joan Larson, Cheryl Hegg, Cheryl Reitmeier, Anna Duckstad, Mary Ellen Aakhus, Shelly Broden, and Marsha Donnell.

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 City Administrator Lisa Liden stated that the ARPA funds matter could be tabled for the time being. The agenda was approved as amended on a motion by Council member Massmann that was seconded by Council member Wise and was carried.

Under the Public Comments, Renee Rongen asked to address Council. She began by stating that she was not a voting resident of Fertile but was a huge fan of Fertile and had been asked by someone to attend the meeting. She stated that she was attending the meeting because she still thought something could be gained by sitting across the table and discussing the Fair Meadow situation. Lawsuits can run in the hundreds of thousands of dollars and the matter would continue to divide the community. In looking forward, she was wondering who would be involved in the hiring process for a new Administrator since the Advisory Board was not active. She stated that she would like to see some in the community take part in the decision-making process since hiring the new administrator was a huge decision. She felt group discussions should be held on the position even before the interviewing process was started to determine what was needed in a new administrator.

Rongen went on to state that the person who had contacted her about attending the meeting was an employee of Fair Meadow that she doesn't really know very well. This employee had told her that there were three other employees at Fair Meadow who were considering quitting and Renee was concerned about the impact that was made on Fair Meadow by the decisions that were made by Council. She said that the community wants to be able to trust Council but that the way things were handled was not very good and that Council had likely gotten bad legal advice. She went on to say that she had noted that many had requested that meeting agendas be made available online ahead of the meetings and that the meetings are televised. Given the fact that at least a quarter of the population of Fertile is elderly she felt that televising the meetings was important. She stated again that she would like to get together around the table to discuss what was best for Fair Meadow but most importantly the residents of Fertile.

At the conclusion of Renee Rongen's statement, Council member Massmann commented that office staff had already contacted Garden Valley about televising the meetings. Deputy Administrator Stacy Erickson stated that Garden Valley believed that it would not be feasible for the Council meetings to be live and they recommended recording for broadcast later in the week. She noted it would still cost several thousand dollars as well as staff training to get it done. Further discussion was then held on the various other options that are available for broadcasting the meetings.

The minutes of the September 11, 2023 meeting were approved as presented on a motion by Council member Kiefert that was seconded by Council member Bosman and was carried.

Administrator Lisa Liden gave the Treasurer's Report. Liden reported that under deposits, the City had received \$40,000 from the fire department for the new fire truck and that amount was a pass through. Additionally the City had received \$25,695.50 in fire aid which was also a pass through in addition to an airport maintenance and operations reimbursement in the amount of \$2,666.53. In the check listing, Liden noted the check K & S Construction for \$14,695 for a progress payment on the nature center shop addition, a check for \$7,196.50 to

Pemberton Law, a grant pass-through check to the Polk County Fair Board for \$2,000, a check for \$40,000 to the fire department for the new truck, and a check for \$6,500 to Health Dimensions for the administrator search retainer. Council member Massmann asked about the check to All Flags and Administrator Liden explained that is where the City gets the street pole flags that are put up on holidays. The balance sheet and profit and loss report were also reviewed.

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

Under the airport, Administrator Liden reported that there was a small grant through the State for the chip reader for airport fuel but that we were still waiting to see if the technology was available yet for remote location readers that required dialing up for information.

Under the City Engineer report, Administrator Liden noted that there were three items that needed addressing. The first one was Resolution #10-1-23 which was in regard to the preliminary application process for funding that was available through the Small Cities Development Program. That funding would be for water projects that were in the planning process. The resolution gave the Mayor and City Administrator the authorization to sign the application.

A motion was made by Council member Kiefert to approve Resolution #10-1-23 Authorization to Execute SCDP Documents for Water Project Funding. The motion was seconded by Council member Bosman and was carried.

The next item up under the City Engineer was task order #3 which was for surveying work at the Learning Center. Liden explained that there were two properties adjacent to the City property at the Learning Center and small segments of the Learning Center trails were on those private properties. The owners of the properties were willing to donate those small segments to the City so a survey had to be done to complete the paperwork for that process. The cost of the survey work would be \$3,900.

A motion was made by Council member Massmann to approve Task Order #3. The motion was seconded by Council member Wise and was carried.

The final item for consideration regarding the City Engineer was Task Order #4 which was for the work on the pre-application for the SCDP funding discussed earlier with the resolution. Moore Engineering's charge for the preliminary work was \$3,000 as was discussed at an earlier meeting.

Council member Wise made a motion to approve Task Order #4 and that motion was seconded by Council member Massman. Motion was carried.

Fair Meadow Nursing Home's reports were the next item addressed on the agenda. Administrator Liden read the written report submitted by Sandy Larson. The month began with 41 residents and ended with 39 operating at 95.87% capacity. They had also served 137 home delivered meals. Larson had noted that there were no work comp injuries during the month of September and that as of October 1st the new worker's compensation carrier for Fair Meadow was SFM. The home's previous carrier no longer offered work comp for long-term health care facilities so a new carrier had to be found.

As for Fair Meadow's financial statements, Administrator Liden explained that the only thing submitted for the report was the check listing for September. She explained further that through her work on the financials for Fair Meadow and discussions with Eide Bailly she had learned that there were numerous auditor entries that needed to be made as well as other areas that needed to be cleaned up so that the financials would be fair and accurate. Until those entries could be made, Liden felt it was not appropriate to present financial statements that were inaccurate. Once those entries were made, financials for both September and October would be presented at the November meeting. April Swenby then asked whether the \$1.2 million balance in checking that was shown on the balance sheet the previous month was accurate or not. Liden replied that the amount in checking was affected by the entries that needed to be made yet. Swenby then asked when the bank statements had last been reconciled and Liden noted

that those reconciliations were also not completed due to the entries that needed to be made and some of the errors that had been found. Someone in the audience asked if there was anything in the report about Fair Meadow now being rated at 5 stars. Liden replied that no one at the nursing home was aware that the rating had changed at least as far as she had been told.

Public Works was the next item up on the agenda. Public Works Director Kevin Nephew said that he had very little to report but that he was wondering how to best address cars that were parked on the street for long periods of time since snow season would soon be starting. Nephew noted that letters had been sent out in the past and Liden added that the letters were ignored for the most part. He noted that the worst area of town was Washington Avenue NW with several cars that sit parked for months at a time. Liden noted that Washington Avenue was a County Road and that we could perhaps enlist the help of Polk County if their snow removal was impacted by the cars. Nephew also asked if a notice could go in the Fertile Journal to remind residents that they needed to be aware of where they were parked when snow was predicted in the forecast. Mayor Wilkens asked what the Code said about street parking and Liden stated that the limit for parking on the street was 24 hours. Nephew added that the City never really enforced the 24-hour rule and he didn't think it was necessary to do so but that the cars that stayed parked for weeks and months at a time needed to be moved so the snow didn't build around them all winter long.

Mayor Wilkens asked Nephew if they were busy preparing for winter and Nephew said that they had been busy with mowing, leaf removal, and street sweeping. Nephew noted that they had started on the street sweeping but the sweeper had broken down. The part had come that day, so the sweeper would be fixed the following day so they could resume street sweeping. Liden asked about the campground and whether the water had been shut off. Nephew asked if there were any camping registrations and Liden stated that she didn't believe so. Nephew said that the first predicted hard frost was about seven days out so they would look at shutting that water off in the next week. Council member Bosman asked if there was a scheduled time for that to be done every year and Nephew said that it was dependent on the weather. Liden added that the office let people know when they made camping reservations that any reservations for after October 1st there may be no water service available.

For the City Administrator's Report Administrator Liden reported that in addition to the normal monthly report filings she had also completed the quarterly tax filings and the MnDOT quarterly filing for airport maintenance and operations. She had filed the levy and budget hearing paperwork with the county and had continued her work with the engineers on the community center project. She had also helped Moore Engineering on the paperwork for the SCDP preliminary application and had processed two mortgage satisfactions for the City Attorney's office. She noted that she and Stacy had done further work on the various data requests and had been working with Pemberton Law on pending matters. Liden then detailed the work that she had been assisting with at Fair Meadow including payroll and accounts payable with the resignation of the Human Resources person.

Audience members then had questions on the incentive pay offered to staff to fill vacant shifts and whether that was just for the nursing department or all departments. Liden explained that there had been discussions with the Administrator and that the incentive pay would likely be extended to other departments including dietary. Questions were also asked about the interviewing process for the new Administrator and who would sit in on those interviews. A long discussion was then held on the status of the Fair Meadow Advisory Board and who was actually on the Board. Also discussed was the appointment process and the terms of service on the Board. Council member Kiefert stated that it was time to take a look at the Advisory Board and getting appointments made. When April Swenby commented that the only person currently on the Advisory Board was Michelle Cote, Mayor Wilkens stated that two Council members are appointed every January. Swenby then commented that according to the City minutes the last Council person appointed was Linda Widrig back in 2019. Administrator Liden stated that there are two Council members appointed every January and while all of the appointments for all the various committees may not be spelled out in detail in the minutes that the annual appointments are on the annual resolution of appointments.

Mayor Wilkens then stated that the meeting needed to move on to the next agenda item and audience members voiced their complaint that the matter would have to wait another month. Council member Massmann stated that while there were names submitted the previous month, there wasn't a list of people currently in front of Council to

consider right at the moment. Council member Kiefert stated again that the matter of the Advisory Board needed to be dealt with as soon as possible and Council member Wise stated a special meeting could be held for that.

The next item addressed on the agenda was the Learning Center and the contract with Mutchler Bartram Architects (MBA). Administrator Liden explained that the City had been given a grant by Polk County for expanding the Learning Center building and that MBA was the same firm that the City was working with on the Community Center project. The contract with MBA for the Learning Center addition would include the plans, specs, bidding, and oversight of the project at a cost of 8% of the final construction contract.

A motion to approve the contract with Mutchler Bartram for the Learning Center addition was made by Council member Massmann, seconded by Council member Wise, and was carried.

For the Fire Department Council member Bosman reported that the department had responded to five calls the previous month. There was a tractor fire, two grass fires, a power pole fire, and a car accident. In addition, the fire department had purchased a new pressure washer and they are working with Norman County on a new paging system. They are also waiting for the delivery of two new self-contained breathing apparatuses that they had purchased.

There was nothing to report under the City Personnel Committee.

Under new business, the first item addressed was progress payments on the Community Center project. For Christianson Construction, pay application #1 was \$258,400.95 and pay application #2 was for \$52,740.33 totaling \$311,141.28. For Mutchler Bartram, there were two invoices and the first one was for \$2,791.90, the second one \$2,128.12, totaling \$4,920.02. The total for both Christianson and MBA was \$316,061.30. Liden noted that those funds would come out of the construction reserve fund.

A motion was made by Council member Kiefert to approve payment on Christianson's pay applications one and two and the two MBA invoices. The motion was seconded by Council member Wise and was carried.

Two banking resolutions were the next items up on the agenda. Administrator Liden explained that the first one pertained to Fair Meadow Nursing Home and Council approval was needed to add Stephanie Berhow as an official signer to the Fair Meadow bank accounts. Along with that, Council approval was needed to get two debit cards associated with the Fair Meadow account. One card would be in Stephanie Berhow's name and the other would temporarily be in Liden's name. The third banking item would be to add Deputy Administrator Stacy Erickson as a signer to the City checking accounts. Liden explained that currently the signers on the City accounts were herself and Mayor Wilkens. Liden felt that if anything were to happen to her or if she were to be away on vacation, that it could greatly hamper City operations if a check needed to be written in her absence.

Discussion was then held on why a debit card was needed for Fair Meadow and Administrator Liden explained that there were certain items purchased online, certain monthly service subscriptions that needed to be linked to a card, and online classes that employees needed to enroll in on occasion. Council member Massmann asked if there could be just one card for both the official account signers and Liden explained that with debit cards there was a separate card issued for each of the signers and that the card numbers were even different. Liden also explained that she would only have the card temporarily until a new Administrator was hired.

After discussion of the matter, a motion was made by Council member Massmann to approve adding Stephanie Berhow as a signer to the Fair Meadow account and to approve getting two debit cards for the nursing home. The motion was seconded by Council member Wise and was carried.

A motion was then made by Council member Wise to approve adding Stacy Erickson as a signatory on the City checking account. The motion was seconded by Council member Kiefert and was carried.

Liquor licenses for 2024 were next on the agenda. Liden explained that they were the same licenses that are currently held by the four establishments in Fertile which were The Other Place, Erickson's Smokehouse, Side Street Bar & Grill, and Fertile Wine and Spirits.

A motion was made by Council member Massmann to approve the liquor licenses for 2024. The motion was seconded by Council member Bosman and was carried.

The final item to address on the agenda was in regard to posting draft minutes on the City website. Administrator Liden explained that it had come to the attention of legal counsel when researching the current pending matters that the City had made it a practice for the last several years to publish meeting minutes in draft form on the City website and it was recommended that we research that practice. In researching the matter it was found that while some cities do post draft minutes, the majority do not. Liden stated that the rules for townships even strictly prohibit the posting or dissemination of minutes in draft form. Since the research seemed to advise that posting of draft minutes was not a best practice Administrator Liden wanted Council to revisit the matter. Council member Massmann noted that the minutes are not really an official document until they had been approved by Council.

A motion was made by Council member Massmann to discontinue posting draft minutes. The motion was seconded by Council member Wise and was carried.

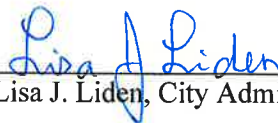
Council member Wise asked to address the matter of the Advisory Board further. He stated that a special meeting could be held within the next couple of weeks to address it. Administrator Liden then explained that in the past it appeared as though the original appointment was made at Council level and then the addition of the second three-year term must have been handled at the Advisory Board level. In order to determine how many vacant seats there were on the board, Liden would have to reach out to the current board members to see if they were interested in serving another three-year term. Liden said she would reach out to the current appointees to determine that so a special meeting could be held.

Council member Bosman then asked about progress on scheduling the auditors for a presentation of both the City and Nursing Home audits. Liden said that a date had not been determined yet since it involved the coordination of both the City and Nursing Home audit teams. Additionally, the Nursing Home audit team was not accustomed to public presentations with graphs and charts so it was taking them awhile to build that data for the presentation. Council member Bosman asked whether that presentation would be during a regular meeting or a special meeting and Liden stated that it would be best to hold a special meeting for that.

There being no further business, the meeting was adjourned at 7:24 on a motion by Council member Wise.



Daniel Wilkens, Mayor



Lisa J. Liden, City Administrator