September 11, 2012

Regular Council Meeting

Pledge:

Mayor Juanita Mitchell and Council Members Alex Weego, Darlene Fah and Alice Melzer, and Jim Opelia were present.

Minutes: A motion was made by Jim to approve the minutes without change, seconded by Alice, all in favor, motion carried.

Financial Reports: Juanita asked if the amount paid to Tri-City Paving was the amount of the bid. Barbara stated it was and that she had posted the handicapped portion to the Fire Department and the balance was paid from the general fund.

Darlene commented that the water bills are looking really good. Juanita agreed.

A motion was made by Alex to refer to audit, seconded by Jim, all in favor, motion carried.

Maintenance Report: Aaron has been working in the shop painting and rearranging. There has been some mowing done. Juanita asked about the lift station problems. Aaron stated that they used the new hoist for the first time. There are a few changes that will need to be made to it, but it had worked well. Juanita asked if they could tell what had plugged the system. Aaron stated that it was not distinguishable; it was too matted up to tell.

They will be doing samples this week and Aaron is hoping that they might get by without discharging this fall. He will have to do some calculations to be sure.

Aaron requested vacation time for October 8th – 12th and October 29th – November 2nd. Darlene asked if Adam or Shaun had agreed to cover the time. Aaron stated that they had. Darlene asked if he had the vacation time. Barbara stated that he does.

Darlene asked if they were ready for snow removal. Aaron stated that they were not ready for that yet.

Alex asked when the water tower will be due for renovation. Aaron stated that depends on what they would want done. There is not a set schedule for painting. The City does have a biannual contract with Maguire’s for interior inspection. They will be doing that next year. Alex stated that the Council will need the information on what Maintenance will need for next year for the budget meeting. He asked if Aaron would be attending that meeting. He asked when it would be and Alex stated that it would be determined later in the meeting.

Aaron stated that the exterior of the water tower is starting to show signs that it needs painting relatively soon. It was determined that it has not been painted for over 10 years.

Juanita stated that anyone who hasn’t seen the painting completed in the shop should take a look after the meeting. She also stated that Aaron was able to obtain the paint for only $5.00 per gallon which was a huge savings.

Juanita requested that a maintenance inventory be completed and the shop be put in order before winter.

Clerk’s Report: The bills paid prior to the Council meeting were: Barter Fest (approved at the August meeting), BP, Petty Cash was replenished, Senior Center – water, Hewitt Service Center, Minnesota Energy, Minnesota Power and Verizon.

The Fire Department requested a letter be sent to the Chromeys stating that if their fire call is not paid by October that it would be sent to Todd County and placed on their assessments. There has been no response to the letter at this time.

The letter was sent to the Church of the Nazarene for the purchase of the property. There has been no response to the offer. Roger Miller stopped in yesterday representing the church asking if he could break up the cement pad on that property, dig a hole and bury it. Barbara checked with the State and was told that they can if they apply for a Permit by Rule, however if they do bury the cement nothing can ever be built on the site of the burial, not even a parking lot, and vegetation must be planted on that area. It also needs to be recorded with the Assessor’s office so that it is attached to the property and anyone who would buy the property would be aware that nothing can be built on the property. Juanita wondered if the tanks from the gas station had been removed from the property. Alice said that she thought that they had.

Alex commented that by doing so would be ruining a prime piece of commercial property. Alex asked if the City has an option to tell them they can’t do it. Barbara stated that we do not have an Ordinance that says they cannot do it and if the State approves it she doesn’t think the City has any authority over the issue.

Darlene stated that she hopes he will present the information to the Church so that they understand that if they bury the cement that the property’s value would be decreased. Barbara stated that she had told Roger Miller that if they bury the cement the property is basically not going to be worth anything since nothing can be built on the Commercial property. Alex asked if there should be a meeting with the Church before they do this. Barbara is to contact Larry Schultz and make sure that the Church is aware of the situation if they bury the cement on the property.

Regional Meeting in Perham: Barbara asked if any Council Members had decided if they are attending besides Alex. Jim asked if there is a fee to attend, Barbara stated the cost is $40.00. Alice asked what day it is to be held. Thursday September 20th. Darlene will not be attending, Jim will not be attending, Alice will attend, and Juanita will not be attending. Barbara will make the reservations for Alex and Alice.

Memorial Dedication: Barbara asked if a time had been set on September 22nd for the dedication. Juanita stated that it will be at 11:00 a.m. Juanita asked if all the Council Members would be able to attend the dedication.

Barbara has been updating the forms from the website. She will send the new forms to Karin to repost on the website. She also found a policy that will cover the Petty Cash portion of the letter from the OSA. She will try to have that ready for approval by the Council at the next meeting. Juanita asked if all the Council Member’s had received their letter from the OSA. Alex stated that he had not received his yet; however he hadn’t checked his mail today. If he doesn’t receive a copy Barbara stated that he could come in and she would make him a copy. Juanita stated that the letter is the reply for the investigation that was being done. Barbara stated that the Council needs to adopt the records policy.

Dan had sent the Ordinances back to the City. There are several Ordinances that were missing from the book that they did the review on so Barbara has been looking for the last Ordinance for each of the missing areas. She will be them to Dan for review. They are included in the Index.

There is a Worker’s Comp. audit on September 18th.

Michael Olander had asked if the City is going to want to replace the other shop this fall he will need to know soon and which option they are choosing as his schedule is getting very full. Aaron stated that he thinks he can manage with the existing shop for this year. Aaron is checking on getting bids to heat the existing shop. It isn’t determined yet if they will use the old heater (electric) from the other building or have a new gas unit installed. The building that houses the generator has to be heated. Alex asked if sewer funds could be used for the installation of the heat for the existing shop since the reason it has to be heated is for the generator.

New Business: Diana Lewis – Building Permit: The garage has already been started to be built on an existing cement pad. Jim made a motion to approve the building permit for the garage, seconded by Alex, all in favor, motion carried.

Diana Lewis – Fence Permit: Juanita asked if Diana knows she needs to call Gopher One for the fence. Barbara stated she did. The fence will be 4’ chain link behind the house. Jim made a motion to approve the fence permit, seconded by Alex, all in favor, motion carried.

Todd County Development Corp. Meeting: Juanita felt that Alex should attend. He said he would. Alice also stated that she will attend the meeting on September 24th.

LMCIT – 2012-2013 Liability Premium Rating Changes: Information only. Alex feels that we may have a price reduction since we do not have a police force since this policy covers the liability of having a police force.

2013 Budget: Juanita stated that we need to set our Levy for 2013. Alex has verified with Todd County that the tax capacity has dropped to $68,900. Barbara stated that we do need to complete the Resolution at this meeting as she has to submit it by the 15th. Alex stated that we can decrease the amount that we submit in September, but we cannot increase that amount. Alex made a motion to submit the initial submittal at $60,000.00 with the understanding that we cannot increase this amount, but can decrease the amount, seconded by Jim, all in favor, motion carried.

Fence Permit Ordinance: Alex requested that the Ordinance be submitted to the Council to be reviewed. He wanted to be sure that item 9 on section 3 only referred to privacy fences. No changes are necessary at this time.

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Unfinished Business: Thomas and Jeannette Meszaros Fence Permit: Juanita met with Dan on the previous submittal and he came up with an alternative plan that was sent to the Meszaros for review. They returned the alternative plan as unacceptable and they were withdrawing their permit until spring. They have now submitted a new fence permit on Monday the 10th, and that was late and the Council just received this new submittal tonight. Juanita will need to furnish the new submittal to the City’s legal counsel for review, so this item will be tabled until the next Council Meeting.

Doug Carter – Removal of Mill per Re-Zoning Approval: Doug stated that he is now disabled and is not able to do the work to get the metal off the building. He has ladders to do the work now, but is not able to get them up to do the work. He has contacted the Amish to see if they will do the work for him, but they have not been able to do any of it yet. Doug has rented a storage space to move all of his things to. He has been out of work for several months and is still waiting on Social Security at this time. He will continue to try to find help to get the building down. Doug stated that he is hoping that the possibility of a Controlled Burn is an option once he gets the metal off. Alex stated that he thought that power lines had been a problem when this was discussed before. Alice stated that the State had said no on the first request for the Controlled Burn on the house that was done this year, and this year the Fire Department did get permission to do that burn. Juanita mentioned that Michael Dagen had said not to get rid of the mill due to its historic value. Doug stated that the building is not worth trying to restore due to the wood inside starting to rot. Jim asked if he would be willing to sell the building if someone wanted it. Doug stated only if they would take it down. Darlene stated she didn’t think that they allow Controlled Burns on commercial property. Darlene stated that she understands the disability problem, but that this was supposed to be down two years ago. Alex will check with the Fire Department on the possibility of a Controlled Burn and let Barbara know the findings. Doug is to get the rest of his property out of the building.

Chris Kludt – Weed Complaint – 308 E. Third Ave.: Juanita asked why this item is still on the agenda. Barbara stated the issue has not been resolved. Barbara has tracked down the Attorney for Bank of America and sent them the Noxious Weed form, to which he replied that it was not a demand to have the clean up done. The second form in the serious was them sent to the Attorney giving them until September 6th to have the weeds taken care of. There has been no reply to that form as of today. Barbara stated that next step is to issue the 3rd form, which does need to be signed off by the County also. Then the City could go onto the property to clean it up after the few days of waiting. Juanita does not feel that the city can expect the Maintenance Department to do the cleanup of this property. It would need to be done by hand, you couldn’t mow it. Alex asked if the cleanup can be charged back to the properties assessments. Barbara stated that it can, but that the City would not recoup the costs until the property is sold. Jim had heard that the house is listed for $80,000 or $90,000. Barbara stated that the house is not listed on any of the websites. It is not even on the Bank of America’s repossessed properties. Juanita stated that the property also has a sewer problem as they would have an outhouse in the front of the house part of the time. Barbara stated that she understands why they feel that no one should have to do this cleanup, but how would it be to be the people living next door that has filed the complaint. Juanita asked about the skunk issue with this property, Barbara stated that they had not been seen again for awhile. Alex suggested that we could find an outside company to do the work and then charge it back to the property. Darlene stated that would be quite expensive. Alex suggested that we do the next form. Darlene stated that the City needs to agree that we are going to be paying this expense and not receiving repayment for some time. She also stated that if we do this that something needs to be done to insure that the property is then maintained so that we do not have to do this again. Barbara stated that she can send a copy of the Ordinance to the Attorney that states that the grass cannot be over 12” high. If it is the City has the right to go onto the property and clean it up and bill the property owner through their assessments. Darlene suggested that possibly the neighbors on each side would split the property’s maintenance to keep it up. Juanita asked Barbara to send next form to the Attorney. Barbara stated that this form does need to be signed off by the County also.

Snow Removal Posting: Adam didn’t have time to respond to the Council’s questions from last meeting. It will be postponed until next Council Meeting.

Open Forum: Alice questioned if a sealer should be put on the new parking lot. There are already indentations in the pavement from where people have parked. Also she voiced concern that the edges of the parking lot even with the dirt put around it will break down as the dirt will wash away. Alice said a suggestion was made to put white fine sand on the pavement to help reflect the heat. Darlene questioned if that would make the pavement slippery. Jim stated that if on a motorcycle you hit sand it is very slippery. Alex questioned the painting of the handicapped area with the sand on the pavement. Juanita stated that she feels the contractor should inform us what needs to be done to maintain the pavement. Alex also asked Aaron to call and let them know that we have tire indentations in the new pavement already and what needs to be done to maintain it. What needs to be done to stripe the handicapped area was discussed. Aaron is to get with Adam on what needs to be done.

Alex stated that the Methodist Church also has requested that the City do handicapped painting for them also when they do the City Hall and Post Office. It was determined that the Maintenance Department could do that, but that there would be a charge for the service.

Able Company 407th Civil Affairs Battalion – Certificate of Appreciation: Barbara will frame and put the original up in the office.

Budget Meeting Scheduling: Barbara stated that final date for submittal of the final Levy for 2013 is December 28th. It was asked if everyone is available in October. Barbara stated that Aaron will be gone on vacation for part of that time. Jim asked if we could start next month’s meeting at 6:30 to do the budget portion. Juanita stated that the meeting would not be completed until around midnight. Alex asked about the week of the 15th. The meeting will be October 16th at 7:00 p.m.

Alex asked about the changes to the Meszaros permit. Juanita stated that she is following the advice by of the attorney and the legal issues for the City of protecting their easement. Alice stated she doesn’t understand why there is a problem with the easement. Juanita stated that the fence on the other side of the building does not allow for the easement. Alice asked if they leave the fence where it is but leave a 3’ opening on each side would that be an option. Juanita said she doesn’t think they will move the fence over with a 3’ opening. Juanita told Alice that the next time there is a meeting with Dan she should go so that she understands what he is telling the City. Alice said she understands but it their property. Darlene stated that it is their property but all parties has to adhere to the agreed upon 3’ easement. Juanita stated that this is going to go back and forth until they agree to do it the legal way. Alice stated that she feels the reason they are so determined is that the first time they address the Council when the issues started 5 years ago they were rudely disregarded. Jim stated that if the problem comes from 5 years ago they need to get over that and deal with the issue at hand. Darlene agreed that all parties need to move on and not take it out on Council Members that were not even involved with the issues from 5 years ago. Darlene stated that this needs to be done legally. If we don’t everyone in town will want to do whatever they want. Juanita stated that when she became Mayor she stated that when these issues came up she would consult with the attorney and do whatever they advised. Alex asked if they moved the fence out 3’ would the permit be acceptable to all members of the Council. No final approval was made without further legal advice.

A motion was made by Darlene to adjourn, seconded by Jim, all in favor, motion carried.

Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mayor, Juanita Mitchell

Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City Clerk/Treasurer, Barbara Holmes