

**Osakis City Council – Regular Meeting
February 5, 2018
7:00 PM**

Present: Jerry Olson, Keith Emerson, Jim Snyder, Justin Dahlheimer
Absent: Randy Anderson

Others Present: Angela Jacobson, Julie Didier, Greg Gottwald, Travis Middendorf, Chad Gulbranson, Mark Grinstead, Sheila Krohse, Sharon Fredrickson, Lee Lueth, Paul Hartmann, Robbie Schultz, Jeff Bertram, Don Williamson, Howard Swenstad, Matt Kruse, Lil Ortendahl, Alan Larson, Dave Pease, Danny Dillabough, Beth - Osakis Review

Meeting called to order by Mayor Keith Emerson at 7:00 p.m.

Pledge of Allegiance was spoken.

Motion by Dahlheimer, seconded by Olson, to approve the agenda as presented with the addition of the Community Center First Aid. All Ayes Absent: Anderson

Motion by Snyder, seconded by Dahlheimer, to approve the general consent items, including the January city bills in the amount of \$554,539.08, January 8th, 2018 and January 24th, 2018 meeting minutes. All Ayes Absent: Anderson

Project #24: Liquor Store

Julie Didier was in attendance. Council received the January Liquor Store reports.

- Revenue for Off-Sale \$28,370.69
- Expenses for Off Sale \$41,904.20
 - Total Off Sale -\$13,533.51

- Revenue for On-Sale \$16,846.78
- Expenses for On-Sale \$20,411.33
 - Total On-Sale -\$3,564.55

Council received a Whiskey inventory list that was completed on January 18, 2018.

Inventory for January is \$69,266.75. This was a \$6,900 increase to inventory.

Council received an Over/Short spreadsheet for January.

Didier presented a bullet point list for February with changes and promotions that she will be doing.

Didier would like to request that next year, the inventory be counted by bar staff to get correct Inventory counts. This year there were many discrepancies.

The auditors stated that because of the amount of inventory counts that were off when testing, they cannot give an opinion in our city audit. This means we can either do a count of inventory again or have no opinion in the audit. It is not known at this time what a “no opinion” means.

Didier informed the council that June 23rd there will be a street dance and band at the Liquor Store. Didier wants to remind everyone that money spent at the Liquor Store goes back to the community and helps keep taxes down.

Project #73: First Responders

Jason Schultz was not in attendance. Council did receive the run report for January. The First Responders had 12 calls with 2 that were no shows.

Council received the January totals for the first month of run payments.

Council was also informed that Donkey Ball raised a total of \$7,616. Cost for the Donkey Ball program was \$2,925.

Project #74: Fire Department

Travis Middendorf was in attendance.

- 6 calls in January – 2 extrication calls, 1 chimney fire and 1 trailer fire.
- Applied again for the FEMA grant – hoping to receive funds to pay for new air packs and a compressor in the amount of \$120,000
- A meeting will be held on February 21st with the Townships. Mayor Emerson and Clerk Jacobson will attend.

The Red Cross will be teaming up with the Police and Fire Departments to check and install smoke alarms in homes. This will be for those that request them to be put up.

Project #76: Police

Chad Gulbranson was in attendance. Council received the January police report.

Gulbranson stated that the calls are up from January 2017.

Olson questioned what calls are included in this call number. Are they all calls, small or large – no matter what level?

Gulbranson said that if they go to the school, it is logged as a call and activity.

Olson stated he felt it was important the police were out, seen and present at the school when the students are coming and going.

Olson just didn't want to see what he calls "nuisance" calls count like other calls.

Gulbranson stated the detail report gives a breakdown of the calls.

The DARE program has been started for this year. Officer Grinstead is running the program this year with no help from the county.

Gulbranson presented a letter to the council with a quote for a 2018 Ford Interceptor SUV. The bid is for \$29,643.

Quotes have been received for the following:

- New lights, console and cage - \$10,032.76
- Installation cost for the lights, console and cage - \$1,750
- Graphics - \$800

Discussion was brought up if 3 police vehicles are needed. Is it cost effective to purchase another vehicle?

Gulbranson stated if on-call officers need a car to respond, there wouldn't be a cost savings. There is still more maintenance not having to replace vehicles.

Dahlheimer doesn't think that the need is necessary to have 3 vehicles.

Dahlheimer stated that if we are worried about maintenance and mileage, then the extra mileage should not be put on leaving town. This could save mileage, wear and tear on the vehicles.

Olson just didn't feel it added up. 3 officers and 3 cars isn't necessary.

Motion by Dahlheimer, seconded by Olson, to approve to purchase a new vehicle and go down to 2 squad vehicles. Ayes: Dahlheimer and Olson Nays: Emerson, Olson Absent: Anderson Motion fails for lack of majority

Paul Hartmann questioned if we have a strong/weak mayor system.

Clerk Jacobson stated we have a weak mayor system and the mayor can vote. Clerk Jacobson will double check the rules and inform the council if there is a change but the motion stands as decided at this time.

More discussion was held regarding having 2 or 3 vehicles.

Gulbranson felt it was necessary to get a new one ordered now and not wait for another month.

Snyder felt that the money is there, it has been budgeted for, trust in the police chief, so why not order it?

Motion by Snyder, seconded by Emerson, to purchase a new 2018 Ford Interceptor SUV at a quote of \$29,643 and to discuss 2 or 3 police vehicles at another meeting. All Ayes Absent: Anderson

Project #205: City Crew

Greg Gottwald was in attendance. Council received the January public works report.

Gottwald informed the council that the warranty damage claim on the breakaway arm banners was approved for downtown. The company will be replacing them.

Olson would like to see the city guys go plow Lake Street more often and push the drifts back if needed.

Project #191: Skating Rink

Gottwald was in attendance and presented information regarding the skating rink.

Gottwald asked the council what type of degree of maintenance are we looking for?

Council responded that they would like to see low maintenance to keep the cost down. Equipment that can flood and/or shave the ice on the rink that is cost effective.

Gottwald will work on this matter.

Project #471: Decorations

Gottwald was present and informed the council on the Christmas Decorations for the downtown.

Gottwald stated he was concerned about the Christmas lights but Kurt Haakinson was working on them when he left. There was no time to plan for them before Christmas last year.

No funds have been budgeted for replacement. Gottwald and Clerk Jacobson will work on designs and cost.

Gottwald said that the decorations are expensive and they will look at options for funding.

Project #444: Wastewater Project

Council received a bill from Hall & Associates for his time working on the MPCA Wastewater law suit in the amount of \$324.64.

Council received a letter dated January 17th, 2018 from the MPCA with a response to our point trading request from October 5th, 2017. This letter has many questions on the cattle locations on the farm and how they would potential effect the water. Many are hypothetical questions with no good answers. Our attorney seems to feel this is just a stall tactic on moving forward with the point trading system.

We are still pursuing a contested case hearing for this issue.

We took samples of water from Faille Lake and it showed good quality. We showed the numbers to the MPCA but have not had a response from them yet.

The city received a call from Commissioner of the MPCA's office, Mr. Stein would like to meet with Mayor Emerson.

Dahlheimer stated that he would also attend the meeting.

Motion by Dahlheimer, seconded by Snyder, to approve the payment to Hall and Associates in the amount of \$324.64. All Ayes Absent: Anderson

Project #460: Downtown Project

Sheila Krohse from Bolton & Menk was in attendance.

No pay applications have been submitted for January.

Council received the Downtown Grant and Housing Grant information for January.

Krohse updated the council regarding the following:

- The brink will be done at 21 Main Street East.
- 2 lights are not working properly. Will call the supplier to fix the lights. They may need to be replaced.

Krohse brought up the bill from Robbie Schultz in the amount of \$1,840.

The bill is for the gravel and work done to Howard Swenstad's shop after water ran into his building after the project was completed.

Kurt Haakinson, Krohse, Swenstad, and Jonas met about the issue and they decided it had to be fixed. Krohse thought it would be \$500 to \$600.

Schultz was not part of the discussion and had not been told an amount.

Schultz stated that he talked to Haakinson and he had wanted to tile it but I did not see where that needed to be done. It needed to be drained west instead of east because of the height of the sidewalk.

Schultz feels it was installed correctly.

Howard Swenstad spoke – The sidewalk is 6 inches higher than it was before. Bolten and Menk had to take our part of that side and replace it because it was too high. Swenstad had wood that had gotten wet and did not put in a claim. Swenstad just wanted the drainage issue taken care of.

Motion by Dahlheimer, seconded by Olson, to pay Schultz's bill in the amount of \$1,840, funds will come out of the project retainage and Schultz should receive a check from C & L Excavating. All Ayes
Absent: Anderson

Clerk Jacobson informed the council that she has had multiple phone calls and emails from Jeanna Barnes regarding the foundation damage to her house. Barnes believes the damages were caused from the Downtown Project. Barnes is convinced that we hold retainage for the project and should then fix her basement that she believes was damaged from the project.

Clerk Jacobson has spoken with our insurance company, League of MN Cities, C & L Excavating's insurance company and Mark Lee's insurance company. All had reviewed the claim for her property last year.

After Barnes' calls and emails, Clerk Jacobson had C& L Excavating's (general on the Downtown Project) insurance company, United Fire Group open and review the claim for Barnes' property and asked them to give the city a statement of their decision. Clerk Jacobson talked with them last week and they stated that after reviewing the claim, their position remains the same, that there is no negligent liability from C & L Excavating for the claimed damage and if Barnes believes that it was caused by the project then she would need to get an attorney.

Clerk Jacobson asked that they send a letter acknowledging that they opened the claim and reviewed it. Clerk Jacobson also asked that the letter includes that their opinion remains the same and they are not liable for the damage. Barnes has not received the letter, but when she does, Clerk Jacobson will give her a call to explain the decision. Barnes may not be happy with this decision and the council members may be getting a call from her.

Krohse stated they have tried to get in to remove the crack tape and have not yet. She was told there was no change in the size of the crack.

Krohse doesn't feel the project had attributed to the damage.

Krohse discussed Robbie Schultz's access to his property. It has drive over curb which works for everyone else on his side of the street but Schultz does not feel it works for him with driving his trucks in and out of his lot.

Krohse – Problem is, this was brought up after the final wear course is down. The concrete will have to be removed and replaced along with patching the street. The cost to do will be about \$2,500.

Schultz spoke – He was sold on the drive over curb and found it didn't work for him. Schultz talked to Haakinson about replacing it when Main Street was being done. At that time, he could not get out of his property so Haakinson said it would be fixed. Swenstad and Sam Converse are fine with the drive over curb. Schultz stated he should have a driveway.

Krohse stated the work should have been done before the wear course. Krohse doesn't know what Haakinson said until after the wear course was done.

Motion by Olson, seconded by Dahlheimer, to replace Schultz's drive over curb and put in an apron.
All Ayes Absent: Anderson

Project #467: 2017 Project

Snyder and Krohse continue to discuss the clock issue.

Project #468: Special Event

Matt Kruse from knights Pub & Grub was in attendance. Kruse is requesting approval of a special event to be held on June 16th, 2018. The special event is for the 1st Annual Rib Fest. The event includes live music until 11 p.m.

Kruse is not asking to block any streets but informed the council that 2nd Avenue East will be used for parking.

Kruse is requesting approval for a One Day Liquor License for outside on his property starting at 5 p.m. until midnight.

Kruse informed the council that alcohol sales will be controlled with wrist bands and a fence for checking ID's as people enter the Rib Fest area. Ordinance requires Kruse to have one Safe Server certified employee present at all times during the event. No alcohol will be served on a public area.

Kruse stated that next year he may expand events to include dragon boat races on Lake Osakis.

Kruse informed the council that he currently has 8 vendors signed up for Rib Fest.

Emerson raised a concern that this is a week earlier than the Liquor Store street dance that is planned in June. This event will not help the street dance.

Motion by Dahlheimer, seconded by Snyder, to approve a Special Event License and a One-Day Liquor License for Knights Pub & Grub for June 16th, 2018 provided that Liquor Liability Insurance is provided to the city and one member is safe server certified during the event. Ayes: Olson, Snyder, Dahlheimer
Against: Emerson Absent: Anderson

Project #80: Garbage

At the January meeting, the council discussed getting together with Jeff Bertram to discuss the details of renewing the garbage contract.

Emerson, Snyder and Clerk Jacobson met with Bertram and Don Williams regarding the details of renewing the garbage contract.

The council was presented with a 7 year contract proposal.

Discussion was held regarding the fee for the cleanup day. We discussed a maximum fee of \$1,000. If this fee is approved, this would cut into the amount of funds for the fireworks. More donations will then be needed to put on the fireworks display.

The city would continue to do the billing and charge a fee for that. Currently, the fee is \$.50 per garbage container which we could increase at the time of the contract renewal.

Discussion was held that we would pay them for the payments we have collected instead of what we bill out monthly.

West Central Sanitation will also help in the cost to get out the recycling collection calendar with our spring newsletter each year.

If the council does not renew the contract, the deadline to decide to go out for RFP is February 9th.

Jeff Bertram and Don Williams were in attendance. West Central Sanitation has served Osakis for 11 years. Most contracts are from 7 to 10 years. There are costs to plan for and a longer contract helps to run the business and plan for equipment costs.

Motion by Olson, seconded by Snyder, to approve to renew the contract with West Central Sanitation for 7 years as proposed. All Ayes Absent: Anderson

Project #147: First Avenue East (Truck Route)

Discussion was brought up at the EDA meeting regarding the truck route on 1st Avenue East that goes by the public school. The EDA members wanted to see if the council would look at changing the designated truck route so it does not go on 1st Avenue East.

Council discussed the following:

- Route goes past the school.
- The trucks backup traffic when turning.
- County will have to have input regarding this issue because it is a county road.
- 2nd Avenue East sees truck traffic.

Motion by Snyder, seconded by Olson, to approve to look into an alternative truck route for County Rd 3 for truck traffic.

Lil Ortendahl was in attendance and said when she was on the school board they had signs put up for an alternative truck route.

Project #203: Snow Removal Ordinance

At the last council meeting, Alan Larson was in attendance regarding snow removal on Nokomis Street (Co Rd 82) and 1st Avenue East (County Rd 3).

The council wanted to continue the discussion when Gottwald was in attendance.

Gottwald explained that we are only responsible for our city lots. We aid in the downtown snow removal, County Rd 82 and County Rd 3. It works well for the city crew, there is no overtime to plow.

Residents have 72 hours to remove snow from the sidewalks.

Gottwald presented numbers on the costs for snow removal and said it would affect the snow removal budget at the previous meeting.

Now, if the city removes the responsibility from 100 property owners, it goes to just 3 people heard from that are complaining.

The county has not reimbursed for snow and will not in the future. The county feels it is the owner's responsibility for clearing their sidewalks.

Vote to keep it the same and have it done the same as when Haakinson left.

Alan Larson was in attendance and would like the snow removed off of the sidewalks. The property owner's shouldn't have to remove snow that is put on the sidewalks by the county or city. Dahlheimer stated what if there was no sidewalk enforcement or propose to have a fee assessment to have the snow removed.

Emerson left the meeting at 8:50 p.m. Acting Mayor Jerry Olson took over the meeting.

Discussion was held on removal, costs and time to remove the snow.

It looks as if removal is part of the reason you want it cleaned.

Motion by Dahlheimer, seconded by Snyder, to remove the ordinance to not enforce the sidewalk cleaning ordinance and encourage community groups to find solutions to keep sidewalks clean if they want to. All Ayes Absent: Anderson, Emerson

Project #42: Clean Up Day

The past 2 years, the city wide cleanup day was held on fishing opener weekend because the hazardous trailer was available. Clerk Jacobson was informed that the only Saturday in May that the trailer is available is May 5th.

Council discussed this matter and would like to see the cleanup day held on May 12th or 19th. Can look again to see when the hazardous trailer is available.

Council received the cost sheet from last year's cleanup day. This may change based on the garbage renewal contract.

Project #60: Ordinance Changes

Council received their copies of the ordinance changes adopted in 2017.

Project #43: Board of Review

Information to the council:

- Board of Review is set for Tuesday, April 10th, 2018
 - Todd County is at 9:00 a.m.
 - Douglas County is at 10:00 a.m.

Project #22: Clerk

Clerk Jacobson is requesting approval to attend the Clerk's Conference in March. The cost of the conference is \$325 and will be held in Bloomington. Council is ok with Clerk Jacobson attending.

Open Floor

Danny Dillabough asked is the Liquor Store still losing money and why not close the On-Sale and keep the Off-Sale open?

This matter will be discussed at a public hearing.

Dillabough would like to see a speaker and microphone. Clerk Jacobson will check.

Paul Hartmann commented about the Police Department vehicles – The black truck is out of town and the Crown Vic was going 80 miles per hour to West Union.

Gulbranson stated that these are public assists to the county and we are the closest officer to assist.

Dave Pease would like to see an ordinance regarding sump pump discharge into the streets. He stated that 505 Main Street East discharges into the street and the street becomes icy. City staff will check into this and get back to Pease.

Lil Ortendahl spoke about the cows in the lake. Tried to get it stopped when she was working to clean up the lake.

Meeting adjourned at 9:22 p.m.

Mayor – Keith E. Emerson

Admin/Clerk/Treasurer – Angela A. Jacobson