A Regular Meeting of the

Lamberton City Council

March 12, 2018

 The regular meeting of the City Council of the City of Lamberton was held on March 12, 2018, at the Community Center.

 Members present for all or part of the meeting were Councilmembers Terry Neperman, Lydell Sik, Dave Irlbeck, Darrell Knutson, Leah Bittner and Clerk Peterson.

 Members of the public present for the public hearing were Sue Nelson, Eric Satterlee, Thomas Anderson, Linda Horning, Lynette Worrell, Kelly Arndt, Nick Hacker, Karl Dagner, Randy Hammerschmidt, Tim Bird, Noel and Carol Wetter, Roger and Sandy Polkow, Darrel and Cathy Graff, Tony Sauer, Jane Zimmermann, Darrell and Jeannine Holmberg, Tim Conyers, Willis Meyer, Jeanette Meyer, Shirley Mattison, Jay Lessman, and

Jim Eykyn.

 Mayor Neperman called the meeting to order at 7:00 pm.

On a motion by Irlbeck, seconded by Sik, the council voted unanimously to approve the agenda as presented.

On a motion by Sik, seconded by Knutson, the council voted unanimously to approve the consent agenda minutes which included the February 12 and February 15, 2018 city council meetings and March 8, 2018 Library board meeting.

On motion by Sik, seconded by Irlbeck, the council voted unanimously to approve claims #15433 through #15468 in the amount of $22,057.39.

 Clerk Peterson asked about spring cleanup and appliance pickup. She received authorization to secure dates for this year. It was suggested to try and get the same date for both events.

 A resignation letter from Tony Sauer was accepted. Discussion ensued regarding posting the position as well as what the duties and qualifications would be. Could the city use the applications from when Tony was hired? City Attorney Paul Muske indicated the city should modify the job description and repost the opening after listening to what was being debated.

On motion by Irlbeck, seconded by Bittner, the council voted unanimously to enter into the Plum Creek Library Agency Agreement as recommended by the Library Board. The Library Board requested a council member be appointed to the board. President Jane Zimmermann encouraged the council to become involved with the activity of the library. She stated the board meetings are held the second Thursday of every other month. The next meeting would be held in May at 6:00 p.m. at the library. Mayor Neperman suggested a representative of the board give a report to the city council like the other departments do.

The public hearing was opened. Andy Kehren, Bolton & Menk, Inc., stated this meeting was to hold the required Improvement Hearing now that the council has called for the improvement of full reconstruction of surface, with curb and gutter and utilities on 3rd and 4th Avenues to be done this summer. No design or survey work, sketches, or assessment amounts will be completed for this improvement unless the council orders the improvement after the hearing. Assuming the project is to move forward, all costs discussed tonight are estimated based on recent project. The actual assessment costs will be determined at the required future Final Assessment Hearing targeted for October 2019. Andy stated this hearing will outline what “full reconstruction” entails as well as estimated project and assessment costs with a timeframe for the project.

The project will entail full reconstruction of surface with curb and gutter, watermain and storm sewer improvements on 3rd Avenue from Ilex to Ash Streets and 4th Avenue W from Ilex to Douglas Streets with one exception, storm sewer improvements on 4th Ave W will only between Grove and Douglas Streets (with the storm sewer connecting to the large diameter pipe that runs down Douglas Street. There will also be one block of sanitary sewer on 3rd Ave W between Douglas and Birch Streets (CSAH #106). Most of the improvement will occur on residential streets; however, there will be a portion of the established truck route on 3rd Avenue that will be assessed differently due to the street having a stronger surface. The street widths are all 40’ from the back of the curbs except on the truck route. Because there is diagonal parking on the truck route, the street is a little over 50’ wide. During the February public hearing, the public voiced the need to do the project right by rebuilding the road and not cut corners. Andy stated there are only about 6” of blacktop left on the residential streets today. The improvement on the residential streets would be 14” of aggregate base; 2” of which would be the bottom layer and 1½” would be the top layer or wear course mixture for a total of 3½” of blacktop. Edge drains will be installed on the back of the curb for a couple of reasons. Edge drains provide a place to help dry the sub grade and keep the moisture low in the street area to help prevent the frost heave issue we have today. The other reason is to provide an outlet for sump pump which will help save the street over time because sump pumps are very tough on the pavement. The improvement on the truck route will be similar with the difference being an additional 1½” of bituminous surface. Of that additional 1½”, the bottom layer will be 3” of non-wearing and 2” of the top wearing layer.

The estimated project costs are $1,990,350 and broken down as follows:

Street construction $1,210,100

Sanitary sewer construction $ 40,100

Water main construction $ 411,450

Storm sewer construction $ 328,700

The breakdown of where the funding would come from is broken down as follows:

General fund-streets $745,000

Sanitary sewer utility fund $ 30,000

Water utility fund $370,650

Storm water utility fund $328,700

Special Assessment charges $516,000

 For the city to ensure consistency and equally assess improvements to all tax payors year after year with special assessment charges, the city developed a Special Assessment Policy years ago. When applying the policy to the costs for this project, approximately $516,000 will be paid by special assessment charges to the property owners who directly benefit from the improvement. The $30,000 for the sanitary sewer will be paid by the sewer fund (which means this money is being collected on utility bills as sewer charges). The $370,650 for the water utilities will be paid by the water fund (which means this money is being collected on utility bills as water charges). The $328,700 for the storm sewer improvements will be paid by the storm sewer fund (which means this money is being collected on utility bills as storm sewer charges). The $745,000 for the streets will be paid out of the general fund (which means this money is collected on property taxes). Of the $1,990,350 estimated price tag, the entire community is paying for the improvement except for the approximate $516,000 that will be specially assessed to specific property owners.

 The following explains the Special Assessment Policy further and identifies the estimated cost in an alternative format for understanding:

* For street reconstruction, 32% of the street costs will be charged (or assessed) to the directly benefits property owners based on lot size. The other 68% will be paid from the general fund (general money is collected from property taxes). Corner lots are assessed differently. On a corner lot, the short side of the property will be assessed the 32% and the long side of the lot will be charged 16%. In addition to the street itself, other miscellaneous expenses are part of the street costs like removal of existing infrastructure, driveway approach aggregate, landscaping, intersections, etc.
* For curb and gutter, 50% is assessed to the property owner. The other 50% is paid by the general fund.
* For driveway approaches, service and boulevard walks, 100% is assessed to the property owner.
* For the sanitary sewer main and service connection to the main, 25% is assessed per connection. The other 75% will be paid from the sewer fund.
* For watermains and service connections to the mains, 25% is assessed per connection. The other 75% will be paid from the water fund.
* For storm sewer improvements, 100% will be paid by the storm sewer fund.
* Lots that do not have service connections currently may be assessed for sewer and water connections which will be decided by the council and is based on the reasonable likelihood of any future development needing the connection.

Andy stated to remember when replacing sewer and water mains, larger pipes may be used; however, the assessment for residential properties will be based on the maximum size of an 8” diameter pipe. If a business requires pipes larger than the 8” diameter, they will be assessed for their need. Residential properties along the truck route will pay residential rate and only non-residential properties will pay the higher commercial rate for the thicker layer of streets. He also reminded residents the community will pay for community owned properties (such as parks).

The estimated assessment rates for the properties to be assessed are as follows:

Truck Route Street Surface Front Lot $60 per linear foot

Truck Route Street Surface Side Lot $30 per linear foot

Residential Street Surface Front Lot $38 per linear foot

Residential Street Surface Side Lot $19 per linear foot

Curb and Gutter $ 9 per linear foot

Driveway Approach $10 per square foot

Concrete Walk $ 8 per square foot

Sanitary Sewer & Service Connection $2,050 per connection

Watermain & Service Connection $1,900 per connection

Storm Sewer $ 0.00

 If the project moves forward, preliminarily the construction could begin as soon as the first week in June with substantial completion of the work in October 2018 which would include the first lift of blacktop. The road base would settle over the winter with completion targeted for June of 2019. The final assessment hearing would likely occur in October of 2019, so the council can certify the assessment roll in November of 2019. The first installment for the property owner assessed would then occur in conjunction with their property taxes due in May 2020.

 After a question from the public, Andy concluded with calculating a sample assessment for someone with a 100’ residential property as follows:

 One sewer service connection $2,050

 One water service connection $1,900

 Residential Street Surface @ 100’ $3,800 ($38 per linear ft)

 Curb & Gutter @ 100’ $ 900 ($9 per linear ft)

 Driveway unsure

He said the total without driveway would be about the $7,000 range; however, Clerk Peterson corrected the $7,000 to be about $9,000.

 Typically, there is no grant opportunities for street or storm sewer infrastructure. Generally, water and sewer work qualify for funding either through grants or loan interest loans but with the water and sewer equally roughly 20% of the project, it is unlikely funds would be granted. Andy said there are multiple programs for assistance; however, Lamberton does not meet the criteria for some of these funding sources.

 Clarification was requested on side versus front yard assessments. A corner property being assessed will be charged for the footage of the shortest side of the lot at 32%. If this corner lot was being improved on both sides of the lot, the longest side would then be assessed at 16% for the longest side in addition to the 32% for the shortest side. Another explanation was requested for how intersections would be handled because some of the intersections involved have not met their life expectancy yet. Andy stated the intersections will have to be dug up and replaced because catch basins and storm sewer work will be done through the intersections. He also said there is no intent to tear out something that has a good life yet; however, it is what is being done with this improvement that makes the difference.

A question was posed as to why, if the entire community uses all the streets, why individual properties would be receiving an assessment. Andy said the assessment policy the city has adopted is meant to distribute the cost fairly and evenly to the entire community and for the city to borrow money for the improvement, Chapter 429 of Minnesota Statute require a city to assess benefited property owners at least 20% or the city cannot borrow the money.

There were multiple questions asked regarding curb, gutter and sidewalks. The reason curb and gutter are being improvement is because all have depreciated overtime with alignment and elevation. The scope of the project does not include tearing out and replacing sidewalk except for where water and/or sewer construction is being done or to match something up with the driveway. If there is existing sidewalk, it will be replaced as necessary. The scope of the work is not to put in new sidewalk if there is currently not sidewalk present. Other questions or concerns with sidewalks or other issues are to be brought to the attention of the city council if the project commences.

 Mayor Neperman asked those present if the city should pursue the improvements discussed tonight. The public responses were all yes. Several concerns were then voiced over heavy vehicles ruining the streets and why the city was allowing these trucks and semis to park on the streets. The council does not believe they can restrict the parking on some of these roads as they are county roads. A community member asked if the city has approached the county to ask this question. Another community member stated their concerns with safety issues and these trucks parking near a school crosswalk. There was also a concern with kids riding bikes to and from the pool in the summer. Another community member is frustrated why the city is not enforcing the city’s parking ordinance and why these heavy trucks are being allowed to use the city street that are not a truck route. Clerk Peterson was asked to contact County Commissioner Jim Salfer to discuss the parking issue with him. The council will give Chief Hacker direction on enforcement as they would like him to talk to the truck drivers first before ticketing them.

 Mayor Neperman closed the public hearing portion of the meeting. On a motion by Irlbeck, seconded by Sik, the council voted unanimously to Order the Improvement and Preparation of Plans for the 2018-2019 Infrastructure Improvements – 3rd and 4th Avenue. The resolution is to be drawn up for approval at the next city council meeting.

The city is considering opening a job for a maintenance worker. They believed to have a job description that required the employee to have EMT certification and to cover ambulance duty while they are active in the maintenance department; however, these requirements are not listed as such in the current job description. Because of the number of hours currently is over a 40-hour work week, there is some confusion with overtime laws. City Attorney, Paul Muske, was present to clear up this confusion. Muske stated the city could change the job description to make the ambulance duties a requirement. He also said if the hours go beyond 40 hours, the city is required to pay overtime on the hours over 40. The overtime would be paid at the rate in which the hours occur. This would not be the same for an employee who was a fireman and was called into service because being a fireman is not a requirement of the job description. If the city is requiring the duty, they must pay overtime. Muske explained nominal compensation as being $1 and $2 “on call” and “not active”; therefore, if an employee is on call and not actively working they are being paid nominal compensation. When an employee is being nominally compensated, overtime law does not have to be paid. It was asked if a maintenance worker could be required to work a regular 40-hour work week and be required to work an additional 20 hours of call time for the ambulance. Muske said the city could require it but the question is whether that call time is nominal or if it is an extension of his duties. This poses a risk to the city. The state regulations have hurt volunteer participation and presented hurdles for ambulance squads throughout Minnesota because of the time commitment now required of EMT’s. The Fair Labor Standards Act prevents the city from paying most employees on a salary basis because of the lack of activities the employees are performing such as supervisory duties or executive duties. The duties of the clerk position are clearly a supervisory or executive position. The duties performed by the police chief may qualify for salary but because the city has paid the position on an hourly basis, it would be difficult to switch it according to Muske. Muske does not believe salary pay is necessary for Lamberton.

Ambulance coverage was discussed. Efforts will continue to obtain day shift coverage. Options are being sought to keep the ambulance department operating as it has.

 On a motion by Bittner, seconded by Sik, the council voted unanimously to update the personnel policy to remove Library personnel under the employment scope and as follows:

EMPLOYMENT SCOPE

These policies apply to all employees of the City. Except where specifically noted, these policies do not apply to:

1. Elected Officials
2. Consultants and Contractors
3. City Boards
4. Volunteers, except as specifically noted for paid per-call-firefighters.
5. ~~Library personnel~~

Tim Conyers asked the council why the men were eliminated from the pool of candidates for council appointment and only the women’s names were drawn from a hat. Mayor Neperman stated he reviewed the applications just like the rest of the council did. Everyone who applied was considered. Gender was not a consideration even though several community members view it that way. Attorney Muske surmised Mayor Neperman made a choice to narrow down the list of candidates who happened to be women, not because they were women. Neperman made the appointment and the council voted on it. Attorney Muske is comfortable the council did not discriminate.

On a motion by Knutson, seconded by Irlbeck, the council voted to approve the purchase of Banyon Financial Software as requested by Clerk Peterson at a cost of $7,723. The current financial software is setup for a cash basis of account reporting. Because of the state and/or federal requirements of various funding sources the city uses like PFA or USDA, an accrual basis reporting is required. The new software will offer technical options that are not supported in the current software like direct deposit and PERA and unemployment reporting directly through the software. All voted in favor of the motion except Sik. Motion carries.

Clerk Peterson informed the council she received correspondence from Redwood County Assessor regarding assessing services. Redwood County does charge for these services. Councilman Sik stated we should stay with Scott Hammerschmidt this year.

Clerk Peterson and EDA Coordinator requested ideas for updates to city hall offices to accommodate both positions in the same office. The council will take this into consideration.

 On a motion by Sik, seconded by Knutson, the council voted unanimously to approve the March 2018 financial report approving donations, transfers and payment of between meeting bills in the amount of $121,889.87. Clerk Peterson notified the council the report has expenses that were not being approved. The attached pages include all payroll and direct payments that were not had not yet been approved in 2018 as pointed out by the auditing firm.

 The high usage water bill for Jason Schultz was discussed. Neither the water nor sewer were used, instead a pipe burst. On a motion by Sik, seconded by Bittner, the council unanimously agreed to write off half of the overage.

 On a motion by Irlbeck, seconded by Sik, the council unanimously voted to post an opening for a Maintenance Worker until March 31, 2018. The job description will be modified to adjust the following:

 **>**In the Essential Duties and Tasks Section, add 7.

7. Required to serve on the Lamberton Ambulance Service as driver and EMT as scheduled.

**>**In the Necessary Qualifications Section, add requirement

* Applicant is required to have current EMT certification.

**>**Final page, add date of update.

03/13/2018

 Debbie Goblirsch, EDA Coordinator, was present to report she has been updating and organizing revolving loan funds to familiarize herself with this EDA activity. She has been reviewing the website and comparing ideas from other websites. The council would like to see the EDA reach out to the new owners of the Valley View Apartments to see if Debbie can assist as it could be beneficial to the city and the nursing home.

 Justin Thram, Maintenance Supervisor, reported he went to water class in St. Cloud and received a variety of beneficial information. He talked with the Department of Health representative about possible grant dollars to help seal the wells. Justin will be reviewing and possibly submitting the grant application if the wells meet the criteria. He renewed his water license with the hours he received for attending the classes and said he hopes he can attend every year as you learn very useful tips and tricks from the presenters and colleagues. Justin reported the water that sits in the alley by the legion is due to a catch basin that freezes. He said it will be his priority to thaw and pump the water out to eliminate the water sitting in the alley. Justin notified the city his EMT license will be expiring. He will not be renewing unless the council feels a need for him to do so.

 Nick Anderson, Ambulance Director, stated he went to the Long Hot Summer training in the cities put on by North Ambulance. He feels he received a lot of useful information and it was beneficial to attend. Four of the six EMT’s going through the training have now passed their skills testing and are now in the process of scheduling their written tests. Nick is excited about the potential of this group and looks forward to leading them.

 A couple of citizen complaints were brought before the city council. One of the complaints is the condition of the blighted properties in town. The citizen stated they would not buy a house in town knowing what it looks like with all the needed cleanup. New business and new people are not going to want to come unless these nuisances are taken care of. The town should not allow this. The citizen thinks the case by case basis is unfair to the rest of the town citizens. When there is a rule, everyone in the town should stick by that rule. One persons property can be a mess, but another’s property cannot. One person doesn’t have to pay their bill, but another does. Ordinances should be on the website, so everyone can see them, and they should be kept up to date.

Another citizen complaint is regarding semi’s and trailers using city streets. If the large trucks are using the streets for a service to our businesses and citizens, that’s one thing; but when they are using the street for their personal use it is something different. If we are going to being allowing semi’s full use of our residential streets, we should not be fixing our streets, so these trucks can destroy them. Another citizen complaint is in regards activity of the police as seen by the public. The city council discusses all personnel issue in closed session.

There being no additional business, on a motion by Irlbeck, seconded by Knutson, the voted unanimously to adjourn the meeting.

Respectfully submitted, Approved,

Madonna Peterson, Clerk Terry Neperman, Mayor

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