A Regular Meeting of the

Lamberton City Council

May 14, 2018

The regular meeting of the City Council of the City of Lamberton was held on May 14, 2018, in the City Office.

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

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

On a motion by Sik, seconded by Bittner, the council voted unanimously to approve the April 9, 2018 city council minutes. On a motion by Knutson, seconded by Sik, the council voted unanimously to approve the April 9, 2018 EDA Board minutes.

Clerk Peterson indicated the claim listing and the financial report look different with the implementation of the Banyon software. On a motion by Bittner, seconded by Sik, the council voted unanimously to approve check #43022 through #43102, #43104 to #43076 and #000037E through #000052E in the amount of $66,053.06. On a motion by Knutson, seconded by Sik, the council voted unanimously to approve the May 2018 financial report approving donations in the amount of $50.00 and no transfers. Peterson suggested the council decline continued membership with Minnesota Association of Small Cities stating we are receiving similar benefits from the League of Minnesota Cities membership.

Wendy and Ryan Wondercheck thanked the council for allowing them to discuss concerns regarding parking on 1st Avenue in front of their business. Although attempts have been made to communicate the issues of parking, oil spills and blocking of their business driveway, the issues are becoming more and more frequent. The issue is allowing truck tractors and or trailer parking for a prolonged amount of time and using First Avenue as a parking lot. The Wondercheck’s were advised to call the police if their driveway is blocked by a parked vehicle.

Lisa Jenniges, LJ’s on Main, was present to discuss her plans seeking approval for a zoning permit to add a patio to the south side of her business. The zoning ordinance does not call for a side yard setback in the commercial district and because there is an existing fence that she intends to replace, a front yard variance will not be required. Motion by Knutson, 2nd by Bittner to approve a zoning permit for the new patio at 106 South Main St. contingent on paperwork and payment.

Clerk Peterson informed the council Anthony Wingert has been inquiring of a zoning permit to put an addition on his residence. Motion by Sik, 2nd by Irlbeck to approve a zoning permit for the addition at 806 South Douglas contingent on paperwork and payment providing the work being done falls within all zoning permit requirements.

Lamoine Nickel asked the council to forgive a snow removal ticket he had been given in April for winter parking. He informed the council his wife had a medical emergency that required overnight, out of town travel. It snowed when they were out of town dealing with the unexpected medical emergency. On a motion by Neperman, 2nd by Sik, to enforce the ticket as issued. Irlbeck, Knutson and Bittner voted against the motion. There were several concerns about setting a precedence regarding waiving fees. The pending question on the floor is “should the snow removal ticket be forgiven?”. Roll call was taken with Neperman and Sik voting no. Irlbeck, Knutson and Bittner votes yes. Motion carried.

Kim Robinson addressed the city council regarding her animals after receiving a letter of violation for not licensing the animals in 2017. Discussion ensued regarding compliance with Section 20 of Ordinance #153. Ms. Robinson had been grandfathered under an exception of the ordinance; however, the ordinance does not extend to additional or new animals beyond the effective date of the ordinance. Ms. Robinson was told she had until June 1, 2018 to license her animals. The council would review the violation after further record confirmation has been performed.

Chief Hacker stated he was informed the hard drive was failing on the mobile computer. The current squad laptop is ten years old. On a motion by Sik, seconded by Irlbeck, the council unanimously authorized Chief Hacker to replace the squad laptop. Chief Hacker asked the council if they considered raising the part-time officer rate. Clerk Peterson will work on a compensation study based on the state job match system. Chief Hacker reviewed the conference he and Officer David attended in Duluth. He said the conference was beneficial to him but not necessarily Officer Davis. When asked if there would be any assistance from Officer Davis’s other employers for training, Chief Hacker state he informed Officer Davis he would have to obtain continued training funding from the other employers as Lamberton has provided all his training thus far. The MN Chiefs of Police Association has awarded the Lamberton Police Department a scholarship in the amount of $850 for the conference attended in Duluth.

Chief Hacker presented a couple different options of door tags as a tool to assist with various violations. He stated a form could be beneficial in assisting with warning people of these violations before physically ticketing. Enforcement of these violations has not been executed unless a request or complaint has been made. Clerk Peterson asked the council to consider other items on the agenda before agreeing to Chief Hacker’s idea. Clerk Peterson informed the council she and Debbie, EDA Coordinator, have put in several hours reviewing the nuisance ordinance after continued public complaints. Both believe it would be beneficial and have asked the council to consider allowing the establishment of a committee to assist with organizing the violations. Clerk Peterson asked that Chief Hacker be part of this committee and suggested his idea of the violation door hangers perhaps be the first step in defining the best way to ease into enforcing the violations. On a motion by Knutson, seconded by Bittner, the council unanimously voted to adopt Resolution 2018-11 Establishing a Public Nuisance Committee. It has been stressed the desire to ease into this because of the lack of past enforcement. It was further stated this in not to pick on people, it is a liability issue and safety concern as well as the right of the city to establish and enforce fair and equal standards for all property owners. It further assists with aiding the community for safety, value and appeal. The key issue is to start the process, be pro-active and promote positive influence. The request to hire a building inspector for the houses that are believed to be condemned or hazardous will be tabled at this time until further details are identified, and different avenues are explored. On a motion by Sik, seconded by Irlbeck, the council unanimously appointed community members Forrest Benz and Lynette Worrell to the committee. Mayor Neperman will be the appointed council member to the committee as well as city employees, Madonna Peterson, Justin Thram, Nick Hacker and Debbie Vollmer. There will be an additional community member appointed. Interest people can inquire at city hall.

Debbie informed the council she has given the EDA Board a few options to fund the update of the website. She asked if the council would consider funding the website if the EDA declines. The council will take this under consideration.

Fire Chief Neperman asked the council to appoint Daniel Kronback to fill the open firefighter position. On a motion by Sik, seconded by Knutson, the council voted unanimously to appoint the hiring of Daniel Kronback as a volunteer firefighter. Chief Neperman informed the council he would be writing a DNR grant for a turnout gear extractor. The anticipated cost is $4,000; however, if the grant is awarded, it would be a 50/50 split. Fundraising dollars would then be used for the remainder of the cost.

Maintenance Supervisor Justin Thram reminded the council the city is on borrowed time with the pool heater. If the heater were to go down, the delivery time could be 3-4 weeks; therefore, Thram is seeding approval to purchase the heather now. Thram said he did not paint the pool this year. Mayor Neperman suggested asking the private pool committee for a contribution. Thram stated he has been approached by a resident seeking the city to contribute to the replacement of a sidewalk where a heaving tree has destroyed it. It has been past practice for the city to remove the tree, grind the stump and contribute 50% of the cost to replace the sidewalk if the tree(s) was located on the right-of-way side of the sidewalk. The sidewalk Thram has been approached about is on private property (or the private side of the sidewalk). Thram denied the request but wanted to inform the council of his decision. Thram also informed the council of his decision to bury the overhead electrical line on 1st Avenue. He said REC was burying all of Meadowlands overhead electrical lines leaving the city’s line being the sole line not being buried.

Justin told the council the new cement pads at Kuhar Park have been poured. In two weeks, the septic will be started so the bathhouse can be constructed. Thram discussed the tower agreement with the council. The agreement calls for a quarterly payment to a private company named Suez. The company then designed an agreement for cosmetic maintenance on both the tower and ground storage tank at specific intervals in the future. Justin is going to review the agreement when he was notified of other cities terminating agreements with Suez.

Clerk Peterson told the council she received the 2017 Financial Statement late in the day from Eide Bailly. She asked the council how they would like the audit presented. Eide Bailly offered three options: for $600, they come to the council meeting to review the statement or, for half the price, Eide Bailly can review the statement over a gotomeeting.com on the internet or the council can call Eide Bailly to discuss any question they may have after receiving the printed statements. The council unanimously chose to receive the printed statement and will ask if they have questions for no cost.

Clerk Peterson said Todd Hagen, Ehlers and Associates would likely be present or on a gotomeeting.com for the June meeting for the council pre-sale review. The bond sale then in July and the closing in August. Todd would recommend moving the assessment hearing and levy up to this year since the bonds will be issued this year. More cities are certifying assessments before rather than after the completion of the projects due to potential appeals. The law has not kept up with the inflation; therefore, a potential appeal to an assessment is likely if the assessment amount exceeds the special benefit to the property. Special benefit is measured by the increase in the market value of the land owing to the improvement. It would save some interest expense by paying on some bond principal a year earlier which is more typical than what the project schedule is showing. It appears to make better sense to certify the assessments after the project is complete, but the city’s obligation is to pay the bonds which will have already been issued the year before.

Peterson did discuss the potential for a change in when the assessment hearing is with Andy Kehren and informed the council to think about this because it will likely come up again. Justin asked the council to think about water and sewer connections for the upcoming street project, specifically, connections to the lots that do not currently need the connection but could in the future. This was discussed with Andy too as more than one person has come forward to say they do not want a service connection. On a motion by Knutson, seconded by Irlbeck, the council unanimously approve all department reports.

On a motion by Sik, seconded by Knutson, the Swimming Pool Wages were approved for 2018. Voting aye were Sik, Knutson, Neperman and Irlbeck. Bittner abstained. The wage assigned to the employee is based on their current certification, not the capacity of which job function they are performing.

Councilman Irlbeck was approached by a resident with a request to have the city split the cost of installing rock to a graveled section of road on west 4th Avenue. Discussion ensued the request is likely due to the parking of a tractor and trailer. The council has declined any cost share of this request.

Councilman Sik said the American Legion, Department of Minnesota is nearing a century old. The 100th national convention will be held in Minneapolis in August. On a motion by Sik, seconded by Knutson, the council unanimously voted to adopt Resolution 2018-12 Declaring August 24, 2018 as American Legion Day.

Thram told the council Greg Benedict has been quoted over $6,000 to get internet to his house in the Southside Addition. Benedict believed to have purchased the property with the infrastructure included. The city has records of the notification to all utility companies when the new division was developed and will assist in providing Greg with these records.

Clerk Peterson told the council a lot has been sold in the Southside Addition for $10,000. On a motion by Sik, seconded by Irlbeck, the council unanimously approved Resolution 2018-09 Authorizing the Sale of Real Property to Martin and Heidi Sarne.

On a motion by Sik, seconded by Bittner, the council unanimously approved to adopt Resolution 2018-10 in Support of the Dam Replacement Project on the Cottonwood River.

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

Respectfully submitted, Approved,

Madonna Peterson, Clerk Terry Neperman, Mayor

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