**CITY OF VERNDALE**

**WADENA COUNTY, MINNESOTA**

**REGULAR COUNCIL MEETING MINUTES**

**Monday October 2, 2017**

**6:00 p.m.**

**Verndale City Hall**

**101 Brown St. SW**

**MEMBERS PRESENT:** Raye Ludovissie, James Ackerson, Ardith Carr, Tara Erckenbrack

**MEMBERS ABSENT:** Jim Runyan

**STAFF PRESENT:** Barbara Holmes, City Clerk/Treasurer; Gary Rosenthal, Liquor Store Manager; Michael Madsen, Fire Chief; Matt Uselman, Public Works Manager

**STAFF ABSENT**: Cory Carr, Police Chief

**VISITORS PRESENT:** Marlo Benning, Verndale Sun; Kevin Wernberg, WSN; Joeb Oyster, Moore Engineering; Dennis Zimmermann, Connie Putz, Donald Weniger, Edward Masog, David Gould, Sandra Gould, Elena Sharma, Janet Kiley, Melissa Current

**OPENING PRAYER:** The opening prayer was led by James Ackerson.

**CONSIDERATION OF MINUTES AND SEPTEMBER PAYABLES**

A motion was made by Carr to approve the September 5th, 2017 Regular Council Meeting Minutes as written, seconded by Ackerson. AIF/MC

A motion was made by Carr to approve the September 25th, 2017 Final Assessment Hearing and Special Council Meeting Minutes as written, seconded by Ackerson. Erckenbrack abstained. Voting in favor were: Ackerson, Carr, and Ludovissie. None were opposed. MC

A motion was made by Erckenbrack to approve the October payables in the amount of $23,456.83, seconded by Carr. AIF/MC

A motion was made by Ackerson to approve the Variance requested by Verndale Alliance Church, seconded by Erckenbrack. Ludovissie abstained. Voting in favor were: Ackerson, Carr, and Erckenbrack. None were opposed. MC.

**ACKNOWLEDGE VISITORS**

**Kevin Wernberg-WSN-** Progress Report #53 – Wernberg stated that the assessment hearing is done and he has all the drawings. Wernberg thanked the City for utilizing WSN for this project. Wernberg stated they will still be around if the City has any questions or concerns.

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**Joeb Oyster - Moore Engineering:** Oyster stated that he needs the EJCDC contract and Task Order #1 signed. Oyster stated he’s not asking the Council to vote on it tonight, the City can have their attorney review it. Oyster stated Uselman and himself got some water samples taken and sent off. Oyster stated it takes 2-3 weeks to get an analysis on those back. Oyster stated Task Order #1 covers alternative analysis on the options per tube based on what the City gets back for results, test drilling holes, test pumping. Oyster stated it gets the City to a point to make a decision on which way to go. Ludovissie asked Oyster if this is just a contract between Moore Engineering and the City that things keep moving along. Oyster stated yes, if the City wants more time to review it, that’s fine, he’ll just keep moving along. Ludovissie stated he didn’t see anything that was concerning. Holmes stated it is a standard Engineering Agreement, it’s a template that they all use. Holmes stated Moore Engineering was only asking $59,155 for Task Order #1. Oyster stated that they will send the City monthly statements, but they don’t expect payment until the City gets funding. Ackerson asked when the City would know about funding. Oyster stated the City should know by January of next year. Oyster stated that it is just Exhibit C of the contract that would need to get paid if the project stops for any reason or if no payment has been made before January 1, 2019.

A motion was made by Erckenbrack to approve Task Order #1 in the amount of $59,155, seconded by Ackerson. AIF/MC

Oyster stated he would bring a formal copy to the City with their signatures already on it to sign also. Holmes stated Oyster also needs the Engineering Agreement approved and signed. Holmes asked Council if they want to wait another month to read the 70 pages. Holmes stated it is a standard licensed agreement that all the engineers have. Carr asked if the City attorney needs to read through it. Holmes stated that’s up to the Council. Ludovissie asked what has been done in the past, has the attorney read through it. Holmes stated no.

A motion was made by Ackerson to accept the EJCDC Engineering Contract, seconded by Erckenbrack. AIF/MC.

**Betty White- Wadena Humane Society**: Ludovissie stated no one from the Humane Society was at the meeting. Tabled until the next meeting.

**Elena Sharma-19 1st Ave SW – Building Removal**: Sharma stated she sent a letter, did everyone get to read it. Council stated yes. Sharma asked if there were any questions. Ludovissie stated when this was started, the tear down was the main focus. Ackerson asked when this was started. Erckenbrack stated this started with the order for the building to be torn down and the acceptance of that by the owner. Sharma asked which one. Erckenbrack stated the

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previous owner. Ludovissie asked when Sharma bought the property did she go through a purchase agreement or a real estate agent. Sharma stated no, she went through Harry Taves. Ludovissie asked if he did the legal work on that. Sharma stated yes. Ludovissie stated the City would have had a resolution filed against that property. Sharma stated she has searched twice for the resolution and could not find it at the Courthouse. Erckenbrack stated that it was ordered in 2016 to be torn down. Carr stated that the City has it in the minutes that she could stop in and pick up the Resolution from the City Office. Sharma stated she got one in May. Holmes stated that Sharma just came and picked up another one. Sharma stated yes, because the one she picked up in May she gave to the person who was moving the building. Sharma stated that the building didn’t get moved and in August she was back at square one. Sharma stated that the original Resolution stated that the owners of the building could fix the building to bring it back up to code. Sharma stated she didn’t know that was an option, she just came to know about it last week. Sharma stated that she has reviewed the statutes and she would like to take the chance and repair the building. Sharma stated she has had 4 contractors come out and see the damage and they said there is nothing impossible about fixing the building. Ackerson asked Sharma why she was doing this. Sharma asked doing what. Ackerson stated trying to save the building. Sharma asked if anyone had been inside the building. Ackerson stated he has and Ludovissie stated he has seen pictures. Sharma presented her pictures to the Council. Sharma stated that the building is a pretty solid building on the inside except for the lean-to. Sharma stated there are a couple spots that need to be repaired and the building will be functional again. Sharma stated she would like to use the building for warm storage. Ackerson asked Sharma to define warm storage, anything that needs to be kept warm. Sharma stated yes. Holmes stated it would be a heated storage building. Erckenbrack asked Sharma if she had a contract with someone that was looking for warm storage. Sharma stated herself. Ackerson asked where the furnace was in the building. Sharma stated there are two electric heaters. Ackerson asked on the wall. Sharma stated yes. Ackerson asked does that suffice for the building. Sharma stated yes, the building is pretty small. Ackerson asked where is the plumbing, there’s no plumbing, do you need plumbing. Sharma stated no, she has talked to her inspector and all that is needed for the storage that she needs is washable surfaces for the floors and walls. Ludovissie asked doesn’t there need to be water and sewer hooked up in there. Holmes stated Sharma has told her she has been told no. Holmes stated it depends on if she is ever going to have customers come in to pick anything up in the store, then yes, it does. Sharma stated it’s not going to be a store. Holmes stated therefore it is a storage building that is in the commercial zone. Sharma stated she is a partner in Brambleberry Farms and she is responsible for the production of most of the jams and jellies and fruit syrups and they have been running out of space. Sharma stated when she talked to her inspector she said yes, it would be fine as long as she ha washable surfaces. Ackerson asked Sharma what kind of money did the contractor say it would take to restore the building. Sharma stated less than it would take to tear it down. Ackerson asked what about the roof. Sharma stated the roof on the main building is fine, there’s no leaks what-so-ever, she checked. Sharma stated that the lean-to. Ackerson stated that the shingles are horrible. Sharma stated they looked

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fine to her, and there’s no leaks and it is replaceable as well. Carr stated the structure though, on the bottom on the front, she picked up a board with nails that was laying on the sidewalk. Sharma stated oh, that’s where that went, she was wondering where that went. Ackerson stated that the building is made of stucco, aren’t there parts that need to be repaired on the stucco. Sharma stated yes, on the stucco just on the bare bottom. Ackerson asked how will that get done. Sharma stated she talked to the same contractors, they had a couple ideas, she’s going to let them go with it. Ackerson asked ideas. Sharma stated on how to repair it. Ackerson stated he has a stucco home and it is not easy to repair stucco. Sharma asked is it possible. Ackerson stated it’s possible because he’s done it. Sharma stated there you go, if it’s possible she can do it or a contractor can do it as well. Ackerson asked if it’s rotten under the building. Sharma stated no, they actually made a hole in the floor and they had to go through very thick wood boards that were perfectly dry and there is dry dirt underneath. Ackerson asked if there was dry rot. Sharma stated no. Carr stated there is something that is rotted because part of a board fell off and unto the sidewalk, where is that from. Sharma stated she didn’t know, the back, the lean-to yes, it will have rotten boards. Erckenbrack asked Sharma if she had letters from her contractors stating that the building is secure. Sharma stated no, but she has their estimate of what it would take to fix the lean-to. Erckenbrack asked Sharma why the Council is just hearing about this now, since she knew it needed to be torn down or something needed to be done since May. Sharma stated that she didn’t know the option to repair it was possible. Erckenbrack stated it was talked about in the May meeting. Sharma stated she did not like the way the building looked and she thought the only option to deal with that property was removal. Sharma stated that Holmes told her it was on the Condemned Buildings List, she did not have the Resolution stating the property could be brought up to code until last week. Holmes stated that back in December when Sharma partitioned to have the parcels merged it was discussed that the reason the Council would combine the parcels was because Sharma was agreeing to take that building down. Sharma stated she would have merged the parcels even if there was a nice-looking house as well, it just makes sense taxes wise. Holmes stated Sharma maybe would have got to, but the Council might not have approved it. Erckenbrack stated that the approval of the parcels being merged at that time was because the building was being torn down, so Sharma knew many, many times that the building needed to be demolitioned. Erckenbrack stated it was talked about in May. Kiley stated that Sharma didn’t know she had the option to repair the building. Erckenbrack stated it was talked about in May, her options. Sharma stated yes, there was talk about a storage building that’s when it occurred to her that she could perfectly use it for what she does. Holmes asked what the minutes say about using a commercial building for storage. Erckenbrack stated that the minutes stated that storage does not fall under commercial use. Kiley stated that it may be in the minutes but where is it in your ordinances. Holmes stated that in the minutes it states where Uselman read from the Ordinance that storage does not fall under Commercial Use. Kiley asked for a copy of the Ordinances. Ludovissie stated the City is not going to break those out again, the Council has been through this three times. Sharma stated the previous two times were for an extension, they were working with someone who would not return their calls. Ludovissie stated

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to get rid of it, the extension was for time and the Council has given you time. Sharma stated she was asking one last time for a chance to make it look nice. Sharma stated she lives here too and she doesn’t want to live amongst things that look terrible. Sharma stated that this building is worth saving, if anybody has been inside and seen it, not just in pictures, yes, the lean-to might look terrible, but that is what she’s trying to fix. Erckenbrack asked Sharma what her estimated time frame to have this fixed was. Sharma stated she is short on weather so she’ll start tomorrow if she can. Ludovissie asked Sharma what she is fixing, just the lean-to. Sharma stated well, that needs to be fixed, personally she thinks the windows need to be scraped and painted, the storm windows need to be put in, the whole structure needs to be painted and there’s a couple spots where the big trucks have touched the corner of the roof, that needs to be replaced, it’s just a piece of facia board. Holmes asked about the foundation where all the stucco is broken off. Sharma stated the foundation is fine, the stucco is repairable. Sharma stated if the contractors can’t do it, there are other people that work with stucco. Carr stated that the Brown’s do. Holmes asked Sharma with all that said when would it be done. Sharma stated the contractors are booked up until the middle of November and now they are pushed back with the rain. Ludovissie asked Sharma if she had anything from a contractor stating that they did an estimate other than they looked at it. Sharma stated yes, she does. Ludovissie asked Sharma if she had the contractor’s estimate. Sharma stated that the contractor said he would calculate, he came out last week. Holmes stated the Council is asking if she has anything in writing. Sharma stated she has it on her phone as a text message. Carr stated that the Council has a paper saying the property is sold and it will be gone in writing. Carr stated the Council’s concern is, does Sharma have the contractor’s and will it be taken care of, or will the next time she comes will there be another reason that it isn’t taken care of. Carr asked Sharma if she understood where the Council was coming from. Sharma stated yes. Erckenbrack stated it is zoned to be an office building so it needs a bathroom and running plumbing. Sharma stated the building would not be used as an office and for the needs that she has the purpose for it, it does not require plumbing. Holmes asked the Council if it would require a CUP to be done in order to change to a Conditional Use. Erckenbrack stated it would need to have one. Holmes stated the building does not fall within the Zoning Ordinance. Erckenbrack stated Sharma would need to request a Variance for the Zoning Ordinance to create a different building within that area. Ludovissie stated that if a bathroom isn’t put in and Sharma keeps the building, when Sharma goes to sell the building the next people would have to put one in. Sharma stated she is not selling the building. Ludovissie stated it is always about future use. Sharma stated she has future use for it, she has a couple businesses. Erckenbrack stated she understands Sharma wanting to save the building and fix it and have it be a usable part of our community. Erckenbrack stated her problem is that the Council has been dealing with this property for a year now and the claims being made, she is having a hard time seeing any follow through since it’s already been a year. Sharma stated that when she bought the place she had it for 2 weeks until she gave the property away so it was out of her hands, she could not do anything until it was moved. Sharma stated it was out of her control to do anything. Sharma stated at the end of August the property came back to her, that’s when she started working on it, it’s her problem. Sharma stated that’s when she went through all

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the papers and discovered the option to bring the building back up to code. Holmes stated you got a copy of that in May. Sharma stated she didn’t keep it because she wasn’t dealing with it. Holmes stated she did get a copy she should have at least looked at it before she left. Sharma stated she read it through. Holmes stated ok, so then Sharma knew back in May. Sharma stated as far as she knew the building was going, it was leaving. Carr stated except you told the Council you didn’t know about it. Sharma stated she didn’t know about it, she started reading it. Sharma asked the Council if they have read the Resolution. Sharma stated this is all new language to her besides the fact the English is her second language. Sharma stated she had to read this and really, really study. Erckenbrack asked Sharma when she purchased the property didn’t she purchase it knowing it needed to be removed. Sharma stated she knew it was on the Condemnation List, that’s what she knew and it was rubble. Holmes stated Sharma knew when she came to request merging the properties into one parcel that it needed to be removed. Sharma stated she knew that it was ready to be demolitioned. Ludovissie stated that that is what the Council agreed to. Sharma asked why it was not in the Resolution. Holmes stated it was in a later Resolution that merged the properties. Sharma stated that this is the original Resolution so this is what she’s going off. Sharma stated that not much has changed to the building since the original Resolution was drawn. Holmes stated except the building has deteriorated even more. Sharma stated well she didn’t know, has anyone seen it in the last year. Holmes stated she walks past it almost every day. Sharma stated she walks past it every day too. Holmes stated on the inside if you look in the windows it looks nice. Sharma stated well, that’s what she’s saying, all it needs is a face lift and she’s able to do it. Sharma stated she will have a use for it too, it won’t sit empty or it can be removed and all you’ll see is the back alley with all the holes filled with water right now where people don’t know how to drive through. Sharma stated that that is another concern. Carr stated she personally doesn’t have an issue with the face lift, she would just feel more comfortable if she knew there was a contractor and a deadline. Erckenbrack stated the Council has had other properties verbally promise to do something and it doesn’t get done. Ludovissie stated Sharma didn’t have a contractor. Sharma stated yes, she does. Ludovissie stated it sounds like Sharma is doing all this work herself, so how. Sharma stated no, some things she can do, but there are some things that do require a more professional person. Sharma stated she can paint, she cannot do the carpeting and that’s where the guys come in. Sharma stated she talked to two guys and told them she might need to get it done by the end of October, so then they called the other two and they said maybe they could put it all together and get it all done in one day, the four of them. Carr asked Sharma if she’s telling the Council this could get done by the end of October. Sharma stated no, she’s not saying that. Sharma stated the contractors work in the open weather, the more rain falls, the farther back their schedule gets pushed. Sharma stated that that was her deadline to them, they said they are booked until the middle of November, that’s when her turn would come in. Holmes stated that in November there’s the start of Winter and then she’d be pushed back to Spring. Sharma stated that meanwhile the painting and the face lift on the front of the building would be done because if she says it, she is responsible. Holmes stated that Sharma wouldn’t want to paint until after the stucco is repaired. Sharma asked why not, the stucco is only on the bottom. Carr asked if the

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City has inspectors or does the City look at it to make sure it is up to code when it gets all done. Ackerson stated the City doesn’t have a code. Erckenbrack stated the City follows Minnesota Statutes and uses their codes. Ludovissie stated the City doesn’t have anyone that enforces those codes. Sharma asked for 60 days. Holmes asked Sharma what happens if it’s not done in 60 days. Sharma asked what are the options. Ludovissie stated that it is removed because that is what was originally agreed to. Sharma stated that the City could serve her and say she’s in trouble and this is what’s going to happen and she will act on that. Ludovissie asked Sharma if she understood that when the City serves her, that means that the City is tearing down the building and she is getting billed for it. Sharma stated no, the City has to get her consent on that too, she thinks. Holmes stated no, the City goes through the lawyers and the court system and the court system will tell Sharma that the City is going to tear it down and she’s going to get billed for it. Sharma stated then they’ll work with that. Ackerson stated he thinks it’s good that the City gets some teeth in this agreement. Erckenbrack stated that Sharma’s plan doesn’t account for the fact that it’s not zoned for Commercial Use. Erckenbrack stated the Council has to deal with that before the Council gives the ok for the face lift. Sharma asked what do you mean it’s not zoned Commercial. Erckenbrack stated the building is not zoned for storage, it’s a Commercial building which means it needs plumbing and a bathroom to be a suitable Commercial building. Sharma asked how has it been where it is at for so many years. Holmes stated because it was before there were any ordinances that the building went in there, so it’s been grandfathered. Holmes stated now it’s been sold. Sharma stated the City of Morris had a lawsuit, City of Morris vs Michael Sacks. Kiley stated the lawsuit stated the City cannot require a property owner to make improvements above and beyond what is City Code for that era. Holmes stated Sharma is the new property owner so the City couldn’t make the original property owner make those improvements, but the City can make a new owner make those improvements. Carr stated it’s like if you would have owned the building before the Ordinance came in then it would be grandfathered, now that owner has given up that right. Ludovissie stated that Sharma is the new owner. Holmes stated the Ordinance was in place when she bought the property and she knew that. Sharma stated no. Ludovissie stated the Council talked about it at the last Council meeting. Ludovissie stated Sharma’s whole goal was to get rid of it. Sharma stated yes, because she didn’t like the way it looked, then she went inside. Sharma stated when she had 2 people come to look at it to take it down, one of them said it would be a shame to take it down because of the inside. Ludovissie stated he thought if Sharma wanted to try to keep the building she would need to get it up to the City’s code for Commercial, she would have to put in a bathroom and get hooked up to water. Ludovissie stated if Sharma did not want do that then she would probably have to remove the building or sell the building. Ludovissie stated if Sharma decides to turn it into a storage and decides to go with a bathroom, he doesn’t think the Council will be too opposed to that. Sharma stated a bathroom is not required for the storage. Erckenbrack stated that for the zoning ordinance it not a storage building it is a Commercial building. Sharma asked Holmes about something they had talked about earlier. Holmes stated that would be a Conditional Use Permit to change the zoning of that building from being just a Commercial building to a Special Use building. Sharma stated right. Holmes stated that would

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only be if the Council chooses to allow that. Sharma was looking for the different options she had for permits. Kiley stated that the paper that Sharma was holding in her hand right now, highlighted in yellow, is the action that should have been taken by the City and that was not followed. Kiley stated she had been to the Courthouse looking for a record of this Resolution to be attached to the property from when David owned it and from when Sharma owned it and it was not properly filed. Kiley stated Sharma spent hours at the Courthouse looking for that as well, it was not properly filed at the Courthouse, if it was, Sharma would have had it in her hands. Carr asked Sharma if she went to a lawyer to purchase that building. Sharma stated yes. Holmes stated that the lawyer should have called the City because that is part of their due diligence. Holmes stated that maybe the Council should turn this over to the City attorney. Ludovissie stated the City could. Kiley stated that it would be better for the Council to look at options to keep it on the landscape, there is enough tin buildings in this town, and this one has some historical significance. Carr asked Kiley if she was Sharma’s lawyer. Sharma stated Kiley was her support group. Uselman stated that Commercial district will not allow a storage building for Conditional Uses. Uselman stated that Condition Uses can be multi-family dwellings, industrial uses and adult uses. Carr stated that the City brought this up last time. Holmes stated that Sharma’s option is to make it a Commercial building that is suitable for Commercial use, meaning water and sewer, and bringing the building up to a suitable code. Kiley asked what about an accessary permit because it is part of her property. Ludovissie stated that the building is part of Sharma’s property because of part of a deal the Council made to have the building removed. Kiley stated that it the parcels were previously combined as well. Sharma stated yes, at least on two occasions it has come up as the same parcel, in fact all those 3 lots were combined together. Sharma stated that at some point they were separated but now it is back to its original shape, so to speak. Carr stated that combining a separation of parcels comes and goes. Ludovissie stated that he thought Sharma was going to come with a good plan. Ludovissie stated he thinks the Council could give Sharma the option, he didn’t know if everyone was in agreement with this or not, to either put a bathroom in it, make it an up to code Commercial building and keep it or tear it down. Ludovissie stated a timeline would be needed on top of that. Kiley asked since this is more work than Sharma thought it would be coming here, what is the best possible deadline out further than 60 days. Erckenbrack stated that she was okay with tabling this until November, but if Sharma comes to the November meeting with a written estimate from the contractor stating their timeline, what’s going to happen and when. Sharma asked the contractor doing what. Erckenbrack stated to bring it up to code, all of it, bathroom, water, sewer, stucco, the roof, everything. Carr asked Erckenbrack if she was saying it didn’t need to be done by then. Erckenbrack stated she wants a written timeline that the City isn’t going to be left in the wash. Ludovissie stated the City would go by that timeline and move forward after that. Erckenbrack stated that would give Sharma time to think about yes, she wants to put in the bathroom and fix this building or come November 1st nope she’s not paying that extra money the building will be torn down. Erckenbrack stated a decision needs to be made by the November meeting. Erckenbrack stated the Council needs a concrete guideline or an agreement to tear the building down. Sharma asked is there any chances of keeping the building

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the way it is without a bathroom. Erckenbrack stated no, because it’s not up to Commercial Code, that’s whole problem the Council had with the building to begin with.

A motion was made by Erckenbrack that a decision be made about the property by the November 6th meeting, either a written agreement with contractors showing they are moving forward, including a timeline or an agreement that the building be taken down, seconded by Carr. AIF/MC

Ludovissie stated that if Sharma and Kiley bring lawyer information in to the meeting, the City will go to its lawyer and it will not be discussed. Ludovissie stated that if Sharma and Kiley bring the City of Morris into this or something they don’t understand into this, the City will drop this and take it to a lawyer. Sharma stated she has talked to the City Inspector that works with the small cities, explained to him the situation. Ludovissie stated he wants them to understand exactly what he just said there. Ludovissie stated that the Council would love to work with Sharma, and the council has been working with her for how long. Sharma stated that all the extensions were out of her control. Erckenbrack stated that they were not because she was the owner. Ludovissie stated as long as Sharma is the owner it is under her control.

**DEPARTMENT REPORTS:**

**LIQUOR STORE- GARY ROSENTHAL-MANAGER**- Rosenthal stated that the net loss for the month was $750. Rosenthal stated that Pizza sales were a positive at $1411.38. Rosenthal stated he will have hunters coming up in November. Rosenthal stated that Texas Hold-Em started on September 5th, he had 7 players the first night then 11,14 and 12. Rosenthal stated he does have a different crowd this time. Rosenthal stated the wedding in the Community Center had sales of $1360. Rosenthal sated that there would be no Vegas Night this year so there will not be a bar there like there’s been in the past. Rosenthal stated there will be a Halloween party on October 28th with Jason Neurerberg doing karaoke. Carr asked if the Liquor Store is in the hole for the year now. Rosenthal stated no, the Liquor Store is $1287 to the positive for the year.

**FIRE DEPARTMENT- MICHAEL MADSEN- FIRE CHIEF-** Madsen stated that there were 4 medical and 1 fire call for the month. Madsen stated that at their last meeting they voted in favor of recommending Derek Witthuhn to be accepted to join the department so they need Council’s approval on Derek. Erckenbrack asked if the Fire Department has that opening. Madsen stated yes. Carr asked since the Fire Department okayed it, then Witthuhn has met all the requirements. Madsen stated yes.

A motion was made by Erckenbrack to accept Derek Witthuhn as a member of the Fire Department, seconded by Carr. AIF/MC

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Madsen stated that Vegas Night has been changed to a fish fry and gun raffle giveaway. Madsen stated dinner will be from 5:00pm – 8:00 pm at the Community Center. Madsen stated the cost will be $10 a plate to cover the cost of the fish. Carr asked Madsen to tell her how that looks, just anybody can come between 5 and 8. Madsen stated yes, the gun raffle tickets are presold, need not be present to win. Madsen stated they haven’t decided if they are doing any

door prizes during the night. Ackerson asked what kind of fish they were having. Madsen stated Alaskan Pollock. Madsen stated that will be October 14th. Madsen stated the rescue van is ordered and expected to be delivered in the beginning to middle of February. Holmes asked Madsen if he had started to work with the lease purchase company, she hasn’t gotten anything from them yet. Madsen stated yes, he talked to him a couple times and they are emailing back and forth. Madsen stated he would get the leasing company to get ahold of Holmes. Madsen stated Fire Prevention week is October 8 -14th, they will be doing a drill at the school about 1:00 pm and inviting the grade school down to the Fire Hall for a presentation in the afternoon. Carr stated she has witnessed it a couple times and the Fire Department does a really nice job. Madsen stated the Family Life Church has asked them to do a drill at the church on October 11th, but he hasn’t confirmed that with them yet. Ackerson stated that that was a Wednesday. Madsen stated yes, they wanted to do it on a Wednesday.

**POLICE DEPARTMENT- CORY CARR- POLICE CHIEF-**  Ludovissie stated that Chief Carr was absent.

**PUBLIC WORKS- MATT USELMAN-MANAGER-** Uselman stated that he found a map dated 1892. Uselman stated he didn’t know if it was an original or a copy. Ludovissie asked if it was signed by an Epsen. Uselman stated no, it’s probably a copy. Ackerson asked how do you preserve something like this, put it in a certain kind of glass or something. Holmes stated she thought so and it will maintain it. Uselman stated that Thompson Street on the map doesn’t make any sense the way the actual town is laid out now. Uselman stated it didn’t make any sense where the roads are. Ackerson asked Uselman where he found it again. Uselman stated it was in with a bunch of the City maps. Holmes stated Uselman finally got one of the architecture file cabinets. Uselman stated the maps could be laid flat, and when he was going through all the rolled-up maps he found this one. Holmes stated Uselman asked her if he could donate it and she told him he’d have to ask Council.

A motion was made by Erckenbrack to approve the donation of the map to the Historical Society, seconded by Ackerson. AIF/MC

Uselman stated there are several curb stops with rods on them that are either broken or don’t turn at all. Uselman stated back in 92’ the County came through. Ludovissie stated they cut them all off. Uselman stated he didn’t know if they cut them all off or who did what, but they are cut, and welded and the welds are pretty much gone now. Erckenbrack asked isn’t this a process, hasn’t the City been replacing them as they are found broken. Uselman stated yes, the City has, but

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does the City want him to dig up sidewalks in front of businesses. Carr asked Uselman is that where he found it, in front of businesses. Uselman stated there are 4 of them downtown and then there are others throughout Brown St. Erckenbrack asked Uselman if he talked to Oyster about putting them in our project. Uselman stated yes, Oyster is going to check in on it, but it’s if the City can get funding for maintenance items, if not, next Spring it will get done. Ludovissie

asked if someone comes to fix it how much that was going to run. Uselman stated he didn’t know. Ludovissie asked over $1,000 each. Uselman stated yes, he would guess. Ludovissie asked Uselman if he knows how many are broken for sure, just 7. Uselman stated he knows of 12 or 13 that were checked as part of County project. Erckenbrack asked Uselman if he was trying to tell the Council that he is changing his budget. Uselman stated he doesn’t think he necessarily needs to. Holmes stated that that would come out of the water budget and that won’t affect the levy, it just affects water rates. Uselman stated that he is trying to get this as part of the water project. Erckenbrack asked if the Council had to approve the DOT inspection. Holmes stated no she didn’t believe so, it’s not going to cost enough, it’s less than $750 to do it. Erckenbrack asked Uselman if he had funding for his fence repair. Uselman stated yes, it’s ongoing. Uselman stated that he was reading that there is non-conforming structures and uses Ordinance. Uselman stated that if a non-conforming structure is damaged by any cause to the extent where the repair costs exceed 50% of its assessed value immediately prior to damage then the structure or its replacement shall therefore conform to this Ordinance. Ludovissie asked so if it’s damaged significantly it has to conform to the new Ordinance. Uselman stated yes, that means Sharma’s building can’t sit where it’s sitting, it is too close to the alley. Uselman stated so there’s another twist, but whatever the value is. Uselman stated he knew he read it somewhere and he had to find it, but he didn’t find until after Sharma was gone. Carr asked but that’s if it’s damaged over 50%. Uselman stated 50% of the assessed value prior to damage, so what’s the prior damage. Erckenbrack stated at this point it’s not like a bus hit it and there’s damage. Ludovissie stated that for Sharma’s building the damage depends on how bad the roof has been hit by those trucks. Erckenbrack stated but that’s over time, it’s not one single incident that caused the property to decrease by 50%. Ludovissie stated he didn’t think this falls into what is being talked about, this would open up a whole different can of worms to get in trouble with. Erckenbrack stated the building is zoned as Commercial and needs to be brought up to Commercial code to remain standing.

**CLERK/TREASURER- BARBARA HOLMES-** Holmes stated that not included in her report, Steve Maxfield stopped in and he would like to do a flag disposal in the park on Nov. 13 about noon since that is the same day the Veteran’s Day program is at the School. Holmes stated he would like to use the grills, put charcoal in and burn the flags. Carr stated no, he couldn’t do that. Ludovissie stated not on the grills no. Holmes stated Uselman objects to Maxfield using the grills. Ludovissie stated no, he wouldn’t use the grill, what if he took the grates off. Uselman stated no, food is prepared there, there’s not going to be polyester and nylon burned on it. Erckenbrack asked can Maxfield bring his own grill. Ludovissie asked what if he brings a barrel or something. Erckenbrack stated then Maxfield would have to protect the ground it is

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sitting on, there can’t be a burn spot in the grass. Ludovissie stated he could put some brooks on it and put it up. Holmes stated that this would be the day City employees would be off for the holiday. Carr asked about putting the barrel on the street. Ludovissie stated that cars will hit it. Holmes stated that the pavement would get damaged. Ludovissie stated how about the City just turns the flags over to the VFW and they take care of it, they burn them anyways. Holmes stated she tried to get Maxfield to contact Family Life Church who was working with the Legion a year ago and Family Life Church was willing to do one. Holmes stated that Maxfield was not open to that, he wants to do it in the park. Ludovissie stated that’s not going to work, not when there won’t be anyone here. Carr asked if there needs to be a permit to burn flags. Holmes stated no, it just needs to be done in a respectful way.

A motion was made by Erckenbrack to approve the flag burning ceremony as long as Steve Maxfield brings his own equipment, he is not allowed to use the grills within the park, and if there’s any property damage to the grass or anything else, he will be fined for the property damage, seconded by Carr. AIF/MC

Erckenbrack stated if Uselman comes in on Tuesday and sees the grills have melted polyester all over them, that is damaging City property and the grill will be replaced.

Holmes stated there were 3 properties that need to be removed from the assessment because they have already been assessed and the Family Life Church was assessed for the wrong amount. Holmes stated that the Council heard at the Final Assessment hearing that there were this many feet that the City was assessing and a dollar amount was given per foot. Holmes stated that the City will not be assessing 326 feet and so the City will have $18,526.50 that the City will not be able to assess and the City will have to figure out a way to pay for that. Holmes stated she is stating this because the Council has the Resolution to approve later for the assessments so the Council will be approving with these changes in place. Holmes stated she needs a date for the next budget meeting. There was discussion about dates and times. Holmes stated that the Truth and Taxation meeting is set for December 4th so the budget needs to be done before then. The budget meeting was set for October 19th at 5:30 pm.

**OLD BUSINESS:**

1. Gould Protest Assessment

Ludovissie asked the Gould’s if they are protesting the storage unit that there was a service put in. S. Gould stated actually there is not a hook-up on there. Holmes stated that is because you asked not to have one put there. D. Gould stated that he was told it would be a lot cheaper if he didn’t put it in there. Holmes asked who told you it would be cheaper. D. Gould stated the guy that came over and asked if he wanted a service put in there. Holmes stated he didn’t tell you accurately. D. Gould stated that whether he was accurate or not, that’s what he said. Holmes asked Uselman who would have told him that. S. Gould stated one of the engineers working on

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it. D. Gould stated he has 3 lots and was asked how many lots do you want service to. D. Gould stated he asked what are the options. D. Gould stated he was told if he was going to use the lot he would have to put one in on that. D. Gould stated he’s not going to have a bathroom in a storage unit because it’s just a storage unit. D. Gould stated he was told if he didn’t put the service in it will be a lot cheaper. D. Gould stated now he is assessed the same as if he had put the service in. D. Gould stated he thought the City screwed up and said the service was going to

have to go in there. S. Gould stated there will never be a house built on there because it is too narrow for a residential building to be placed on there. Uselman stated no it’s not. Erckenbrack stated you are being assessed for the frontage of the property, not the fact that there’s going to be building in the future. Uselman stated that lot is 160’ wide by 180’ deep that is plenty big enough to put a house in there. S. Gould stated that they have been talking about building another storage unit on there and it has to be wide enough so people can back things in and back out. S. Gould stated that there are many conditions on how and where you can build on there. Erckenbrack stated that unfortunately they are not being billed on the extension, they are being billed on the frontage of the property. Erckenbrack stated that the amount of property they own, whether it’s trees, or commercial building. Erckenbrack stated that they saved the City a couple bucks by not putting the service in but it didn’t change their property any. Erckenbrack stated that the City just didn’t get charged for that extra fitting. Holmes stated it reduced the overall assessments by the cost of one so it probably saved everyone a nickel per foot. S. Gould asked if all the property across from the road from them also has $9,000 assessment. Erckenbrack stated that unfortunately that is not one property owner, the Gould’s are the ones that own the majority of the property. Erckenbrack stated that everybody is assessed exactly the same amount of money per foot, the Gould’s own the most footage. S. Gould stated that each lot is $9,000 and they are the same size lots across the road. Erckenbrack stated they are being charged the same amount but they are owned by different people. Holmes stated that Bounds is assessed on the short side because he is a corner lot. D. Gould stated Bounds owns as much as he does but didn’t get assessed for it. Uselman stated he owns that swamp too and that’s not buildable. Erckenbrack stated that if they defer the payments they need to be paid when they croak and she sells the place, so they have that option. S. Gould stated they were considering it. Holmes stated that the Gould’s could only defer the payments for the parcel that they live on. Holmes went over the deferment policy. Ludovissie asked if there needed to be a motion on this. Holmes stated the Council either needs to accept or reject.

A motion was made by Carr to reject the Gould’s protest on their assessments, seconded by Ackerson. Erckenbrack abstained. Voting in favor were: Ackerson, Carr, and Ludovissie. None were opposed.

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**NEW BUSINESS:**

1. Resolution 17-1002B – Adopting Assessments for Wastewater Improvements- Year 3

A motion was made by Carr to approve Resolution 17-1002B – A Resolution Adopting Assessments for Wastewater Improvements- Year 3 with the changes that were discussed earlier, seconded by Ackerson. AIF/MC

1. Resolution 17-1002- Resolution Accepting a Donation

Holmes stated this is a donation for a manhole cover that was not usable, it was scrap metal. Holmes stated someone wanted it. Ludovissie asked so they’re buying it. Holmes stated they are not buying it. Carr stated that they are donating $25 to the City and in return they’re taking home a manhole cover. Erckenbrack asked what is the manhole cover worth if the City were to take it in for recycling. Ludovissie stated like $12. Uselman stated he didn’t know. Erckenbrack stated she was wondering if it would be more than $25. Uselman stated he would guess no. Uselman stated they are worth more, but they are not usable, there is a whole big pile sitting out at the pond.

A motion was made by Carr to approve Resolution 17-1002- A Resolution Accepting a Donation from Phillip and Jan McFarland in the amount of $25 for receipt of an unusable manhole cover, seconded by Erckenbrack. AIF/MC

1. Resolution 17-1002A- Approving Lion’s Raffle

A motion was made by Ackerson to approve Resolution 17-1002A- A Resolution Approving The Lion’s Raffle, seconded by Erckenbrack. AIF/MC

1. Resolution 17-1002C- Setting Guidelines for the Program for Deferment of Special Assessments for Senior Citizens or Disabled Citizens on Homestead Property for Wastewater Improvements-Year 3

Holmes stated this is the same as it was for year 1 and year 2, but it needs to be filed with the County for year 3.

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A motion was made by Erckenbrack to approve Resolution 17-1002C- A Resolution Setting Guidelines for the Program for Deferment of Special Assessments for Senior Citizens or Disabled Citizens on Homestead Property for Wastewater Improvements-Year 3, seconded by Carr. AIF/MC

1. Resolution 17-1002D- Resolution Accepting A Donation from the Verndale Fire Relief Association

Holmes stated that’s the $5000, like they gave the City last year for equipment.

A motion was made by Erckenbrack to approve Resolution 17-1002D- A Resolution Accepting A Donation from the Verndale Fire Relief Association in the amount of $5,000 for the purchase of equipment by the City of Verndale. AIF/MC

1. Resolution 17-1002E- PERA- Police Officer Declaration- Derek Huotari

Holmes stated there was one more Resolution, it’s a resolution to add Derek Huotari to the PERA Police Department.

A motion was made by Ackerson to approveResolution 17-1002E- A Resolution of Public Employee Retirement Association- Police Officer Declaration for Derek Huotari, seconded by Carr. AIF/MC

**OTHER BUSINESS:** None

A motion was made by Erckenbrack to adjourn the meeting at 7:22 pm, seconded by Ackerson. AIF/MC

**Submitted by: Attest:**

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Melissa Current, Deputy Clerk Ray Ludovissie, Mayor