

**MINUTES
CITY OF LONSDALE
CITY COUNCIL MEETING
APRIL 14, 2022**

1. CALL TO ORDER

Mayor Rud called a meeting of the Lonsdale City Council to order at 7:02 p.m. in the City Council Chambers, 415 Central Street West.

2. PLEDGE OF ALLEGIANCE

Everyone stood and recited the pledge of allegiance.

3. ROLL CALL

Members Present: David Webb, Kevin Kodada, Tim Rud, Cindy Furrer, and Scott Pelava

Members Absent: None

City Staff Present: City Administrator Joel Erickson, City Engineer Nick Guilliams and Public Works Director Russ Vlasak

4. APPROVAL OF AGENDA

Mayor Rud asked if there were any corrections, additions, or deletions to the agenda.

A motion was made by Pelava and seconded by Kodada to approve the agenda as presented. Vote for: Webb, Kodada, Rud, Furrer, and Pelava. Vote against: None. Abstained: None. Vote: 5-0. Motion carried.

5. APPROVAL OF MINUTES

Mayor Rud asked if there were any corrections, additions, or deletions to the Minutes.

A motion was made by Kodada and seconded by Webb to approve the Minutes from the March 31, 2022 Regular Meeting. Vote for: Webb, Kodada, Rud, Furrer, and Pelava. Vote against: None. Abstained: None. Vote: 5-0. Motion carried.

6. PUBLIC HEARINGS

None

7. PRESENTATION OF CITIZEN PETITIONS AND COMMENTS

None

8. APPROVAL OF THE CONSENT AGENDA

A motion was made by Kodada and seconded by Furrer to approve the Consent Agenda:

- a. Consider Acknowledgement of a Minnesota Lawful Gambling LG220 Application for Exempt Permit With No Waiting Period Submitted by the Knights of Columbus Council 16225

Vote for: Webb, Kodada, Rud, Furrer, and Pelava. Vote against: None. Abstained: None. Vote: 5-0. Motion carried.

9. OLD BUSINESS

None

10. NEW BUSINESS

- a. Consider Approval of Application for Payment No. 13 in the Amount of \$164,890.55 to Kue Contractors, Inc. for the Police Facility

Melissa Stein of Wold said the project is moving right along. She said electrical work is wrapping up, the garage is painted, interior painting is done for the most part, the bathrooms are complete and they have begun installing the case work. Stein said in the next several weeks, the contractor will be finishing the tile in the breakroom and the front counter area, hanging doors and installing hardware, flooring and weather permitting the remaining exterior brick. Mayor Rud asked if any materials are delayed. Stein said exterior doors will be shipped in late May and the boiler pumps are delayed. Mayor Rud asked when the substantial completion date is. Stein said the building will be completed the first week of June and site work is to be completed by July 1st. Mayor Rud asked if July 1st was the move in date. Stein said yes. Stein said this will be her last meeting because she will be on maternity leave so John McNamara will be taking the lead from here. A motion was made by Pelava and seconded by Furrer to approve Application for Payment No. 13. Vote for: Webb, Kodada, Rud, Furrer, and Pelava. Vote against: None. Abstained: None. Vote: 5-0. Motion carried.

- b. Consider Approval to Make a Conditional Job Offer to Jordan Plotz as Lead Water/Wastewater Operator at Grade 13 / Step 7 (\$38.13/hr.)

Erickson said with the retirement of Dale Furrer, the City advertised the open position. He said four applications were received and all four applicants were interviewed. Erickson said it was the recommendation of the interview committee to make a conditional job offer to Jordan Plotz because he most closely met the minimum requirements of the position, has a Class B Wastewater Certificate, a Class C Water Certificate, a valid Class B CDL and his bio-solids certificate. Erickson said Plotz has 13 years of experience, currently works for the City of Morehead and based on the interview, has a clear understanding of plant operations, maintenance and application of bio-solids. Erickson said he has spoken several times to Plotz and has come to terms pending City Council approval. He said he was recommending a salary of \$38.13/hr. with three weeks of accrued vacation. Kodada asked if the proposed wage fit into the City's pay scale. Erickson replied yes. Rud said Plotz currently works for the City of Morehead and is a good candidate. A motion was made by Kodada and seconded by

Webb to make a conditional job offer to Jordan Plotz at Grade 13 / Step 7 (\$38.13/hr.) with three weeks accrued vacation. Vote for: Webb, Kodada, Rud, Furrer, and Pelava. Vote against: None. Abstained: None. Vote: 5-0. Motion carried.

c. Consider Approval to Make a Conditional Job Offer to Richard Bell as Seasonal Public Works Employee at Grade 1 / Step 4 (\$14.92/hr.)

Erickson said it is that time of the year when Seasonal Public Works employees are hired. He said the positions were advertised and the City received seven applications before and after the due date. He said most of the applications were received after the due date. He said Bell worked for the City last year and was a good worker. Erickson said Bell is excited to have worked for and is looking forward to working for the City again this season. He said since the position is seasonal, Bell can work no longer than six months. Otherwise, the City and Bell will have to contribute to PERA, which was not budgeted for. He said between now and the April 28, 2022 City Council meeting, staff will interview the remaining applicants. Erickson said that \$37,000 was budgeted for seasonal employees in 2022. He said the alternative would be to not make a conditional job offer to Bell. Mayor Rud asked if he was a recommended candidate. Erickson replied yes. A motion was made by Pelava and seconded by Furrer to make a conditional job offer to Richard Bell as Seasonal Public Works employee at Grade 1 / Step 4 (\$14.92/hr.). Vote for: Webb, Kodada, Rud, Furrer, and Pelava. Vote against: None. Abstained: None. Vote: 5-0. Motion carried.

d. Consider Approval to Make a Conditional Job Offer to Jeff Kubes as Seasonal Public Works Employee at Grade 1 / Step 4 (\$14.92/hr.)

Erickson said this item was similar to the last one. He said the Public Works Director and himself interview Kubes last week and he interviewed well. He said Kubes has experience mowing for the Faribault School District, repairing equipment, welding and blacksmithing. Erickson said Kubes is available to work when the school year ends and is available to work 40 hours per week, which the City is looking for. He said the position is seasonal so Kubes can work longer than six months. A motion was made by Kodada and seconded by Furrer to make a conditional job offer to Jeff Kubes as Seasonal Public Works Employee at Grade 1 / Step 4 (\$14.92/hr.). Vote for: Webb, Kodada, Rud, Furrer, and Pelava. Vote against: None. Abstained: None. Vote: 5-0. Motion carried.

e. Consider Approval of Revisions to the City's Personnel Policy Pertaining to Work Hours, Seasonal Employees, Non-Exempt Employees, Call Back, Vacation Leave Schedule and Vacation Earning and Use

Erickson said over the last several months, Public Works staff has reviewed the Personnel Policy and is requesting some changes be made. He said he spoke to Public Works staff twice and the HR Committee on this matter. Erickson reviewed the list of requested changes. He said normal working hours are already addressed in the Policy, in that the supervisor and City Administrator can set the schedule. He said since he has worked here, Public Works normal hours have been 7:00-3:30. Erickson said as proposed hours, worked on weekends would be at 1 ½ time the regular hourly wage. He said as proposed, holidays and accrued time off would be counted as hours worked. Erickson said currently, an employee has to actually work forty hours to be eligible for overtime. He

said if an employee is called back to work, the employee would receive a minimum of two hours at 1 ½ their hourly wage. He said the current practice is to compensate the employee for the actual hours worked if called back in. Erickson said the two hour minimum at 1 ½ is common in the public sector. He said the intention of the proposed policy, if approved by the City Council would be the employee works forty hours plus the minimum of two hours at 1 ½. Erickson said his intention is not to send employees home early during a week they have call back hours. He said he is not recommending the City vest employees in PERA at year two because PERA is a state mandated pension, run by the state. Erickson said he was not recommending language stating that an employee can only be sent home if they agree. He said the City has to maintain a budget and should reserve the right as the employer to be able to send employees home when needed. He said employees should not have an expectation of overtime. Erickson said employees already have the option to choose overtime or comp time over hours worked over forty hours. He said he was not recommending a set time for meeting attendance, rather the employee would be compensated for the actual time spent at the meeting and compensated accordingly for the hours worked that week. He said it was not being recommended that employees receive on-call pay. He said if an employee is called back to work, they would be compensated with call back pay or overtime for hours worked over forty. He said the last proposed change is to allow vacation time to be taken in increments of one hour and not the current four hour increment.

Erickson said the fiscal impact to the City is unknown but estimated at less than \$4,000 annually. Kodada asked if the employee was called back to work during the week there was a holiday or they used accrued time off, would the hours be at 1 ½. Erickson replied yes. Mayor Rud said that seems fair. Pelava asked what the difference was between “call back” and “early report” to work? Erickson said an example of an early report to work would be for snow plowing and a call back would be to replace a stop sign that was damaged. Furrer said she was concerned with employees being sent home early. She said she understands the budget aspect but if allowed to be sent home, the employees does not get the opportunity for overtime after plowing for sixteen hours and then conducting snow removals and sometimes, it is on the weekend, holidays, etc. Furrer said a better way needs to be figured out. Erickson said this was discussed at the staff level and with the snow season hopefully over and everything still fresh in peoples minds, now is the time to review the policy to make operation a changes to see what can be done to lessen the time spent plowing on weekends and holidays. Mayor Rud said if operational changes can be made, they should. Kodada asked if the recommendation for meeting attendance was only for the actual time spent at the meeting. Erickson said yes and furthermore, if the employee is required to be there. Mayor Rud said this has been discussed before and agreed employees should be compensated for attending meetings they are required to attending but not because they just decide to attend a meeting. Erickson said employees are currently compensated for attending meetings. Kodada asked if the proposal has been reviewed by staff. Erickson said yes but not everyone is satisfied. Erickson said what he took away from meeting with staff, was most of staff’s concerns could be resolved by reviewing and making changes to operations. The City Council agreed that the policy is a work in progress and needs to be fair. A motion was made by Kodada and second by Webb to approve the proposed Personnel Policy changes.

Vote for: Webb, Kodada, Rud, Furrer, and Pelava. Vote against: None. Abstained: None. Vote: 5-0. Motion carried.

f. Consider Approval of Resolution 2022-25, a Resolution Appointing Election Judges for the May 24, 2022 Special Primary Election

Erickson with the passing of Jim Hagedorn in February, there is a Special Primary Election to fill the vacancy. He said per state statute, it is the City Council's responsibility to appoint Election Judges for elections held in Lonsdale. He said no training will be provided for this election so only current Election Judges need to be used. Erickson said election judge training will be held this summer and will be effective for two years. He said because the passing of Hagedorn was unexpected, this election was not budgeted for. A motion was made by Pelava and seconded by Kodada to approve Resolution 2022-25. Vote for: Webb, Kodada, Rud and Pelava. Vote against: None. Abstained: Furrer. Vote: 4-0-1. Motion carried.

g. Consider Approval of Resolution 2022-26, a Resolution Approving Sponsorship of the Lonsdale Sno-Wizards

Erickson said this is an annual resolution considered by the City Council. He said the City is responsible for being the pay agent between the State and the Sno-Wizards, which takes about three hours of staff time during the season. Erickson said there needs to be a pay agent and recommended approval of Resolution 2022-26. A motion was made by Kodada and seconded by Furrer to approve Resolution 2022-26. Vote for: Webb, Kodada, Rud, Furrer, and Pelava. Vote against: None. Abstained: None. Vote: 5-0. Motion carried.

h. Consider Approval of Resolution 2022-27, a Resolution Accepting a Donation

Erickson said per statute, the City needs to accept donations by resolution. He said by doing so, both parties know what the intent of the donation is and that it will be used for that purpose. Erickson said Shirley Trcka donated \$50 to the Police Department for Officer appreciation. A motion was made by Webb and seconded by Pelava to approve Resolution 2022-27. Vote for: Webb, Kodada, Rud, Furrer, and Pelava. Vote against: None. Abstained: None. Vote: 5-0. Motion carried. Pelava thanked Shirley Trcka for the donation.

i. Consider Approval to Schedule Special Meetings to Discuss the City's 2023 Annual Budget

Erickson said it is time to begin thinking about the 2023 budget process. Erickson reviewed the dates that are proposed for meeting dates. He said the format would be similar to previous years and the 2023 preliminary budget and property tax levy need to be approved no later than September 30th. Furrer said she did not think those dates would work for her. Mayor Rud suggested setting the dates and making changes as necessary. A motion was made by Kodada and seconded by Webb to schedule special meetings for the 2023 budget as proposed. Vote for: Webb, Kodada, Rud, Furrer, and Pelava. Vote against: None. Abstained: None. Vote: 5-0. Motion carried.

- j. Consider Approval of Application for Payment No. 9 in the Amount of \$30,932.19 to A-1 Excavating, Inc. for 2nd Ave SW Area Street and Utility Improvement Project
Guilliams said the request is to approve the pay request in the amount of \$30,932.19 to A-1 Excavating. He said it contains agreed to quantity adjustments. He said \$9,000 is being withheld until the claim for the driveway damage is resolved, which was recommended by the City Attorney. Mayor Rud asked if there was a way to resolve the matter without attorney's fees. Guilliams said staff has tried hard to resolve this matter internally but neither party is willing to budge. Kodada asked how large of an area needs to be repaired. Guilliams said the owner desires to have the entire driveway repaved. Mayor Rud asked about the actual repair and if there were any liquidated damages withheld that could account for this. Erickson said he has been in contact with the City Attorney, who is contacting the owners attorney to see if they will make a claim with the contractor's insurance company. Kodada asked if the damage was due to the contractor repairing a leaking service and if they acknowledged it was project related. Guilliams said the contractor made the necessary repairs. There was discussion on the exact location of the leak. Vlasak said the leak is on the private side of curb stop. Kodada asked if the City has made an actual claim on the bond or if it was just a notice. Erickson said he is working with the City Attorney and at this time, it is only a notice of claim. Mayor Rud asked if the contractor has been asked to split the cost or if each party is just standing on principle now. Erickson said the cheapest solution is for the City to just make the necessary repair. Erickson said given the location of the leak, based on City Code, the cost of future repairs would be the responsibility of the homeowner. Mayor Rud said that a warranty of six years on the services is pretty good. Kodada asked if there is a different way to pressure test the service lines. Guilliams said it would be difficult. Vlasak said it would be difficult and would need to be tested against a valve in the house. There was discussion of future projects and how to prevent this situation from happening. Vlasak said he has asked the supplier about the fitting and it meets the City's specification. A motion was made by Kodada and seconded by Webb to Application for Payment No. 13. Vote for: Webb, Kodada, Rud, Furrer, and Pelava. Vote against: None. Abstained: None. Vote: 5-0. Motion carried.

11. OTHER BUSINESS

a. Staff Reports

Public Works Director

Vlasak said that Public Works has been flushing hydrant, completed the first round of sweeping and prepping ballparks weather permitting. He said he spoke to the contractor on this years street project about milling the trail north of Willow Creek Dr. SE and the trail south of Fig St. He said the cost would be around \$550/hr. with no mobilization fee. Kodada asked if the ground would support the milling machine. Vlasak said yes because it has large floating tires. Mayor Rud asked what would be done to reduce dust once the trail is milled. He suggested a long term solution/seal so dust does not become an ongoing maintenance issue. Mayor Rud said \$550/hr. is a good deal and it should be done. The City Council agreed the trails should be reclaimed.

City Engineer

Nick Guilliams said the proposal to reclaim the trails would be done before the trail paving is bid. He wanted to make sure the City Council was okay with completing this work prior to paving bids being received. Mayor Rud said a big picture discussion on trail maintenance needs to be held during the budget process. Guilliams provided an update on the 2022 street improvement project and that the pre-con meeting was held last week with construction expected to begin April 25th.

City Administrator

None

City Planner

None

b. Council Reports

Council Member Webb

Webb said the Library Board is meeting next week.

Council Member Kodada

Kodada said the Park Board and Planning Commission are meeting April 25th.

Council Member Furrer

Furrer said the EDA will be meeting next week.

Council Member Pelava

Pelava said the first meeting on creating a Community Foundation was last week and there was a meeting this week. He said hopefully it takes off and will be a good asset for the community.

Mayor Rud

Mayor Rud wished everyone a Happy Easter.

12. ADJOURNMENT

A motion was made by Kodada and seconded by Furrer to adjourn the meeting. Vote for: Webb, Kodada, Rud, Furrer, and Pelava. Vote against: None. Abstained: None. Vote: 5-0. Motion carried. The meeting ended at 8:05 pm.

Respectfully Submitted:

Joel A. Erickson, City Administrator