

Minutes
Silver Lake City Council
Regular Meeting
6:30pm, August 15, 2022
Silver Lake Auditorium

Mayor Bebo called the regular meeting to order at 6:30pm

Members present: Mayor Bruce Bebo, Councilor Josh Winfrey, Councilor Joanna Jacobs, Councilor Chris Penaz

Members Absent: Councilor Sandie Adams-Bruins

Staff present: Diane Pedersen, Dale Kosek, Jerrod Weckman

Others present: Karin Ramige, City Attorney Ken Janssen, Intern Leo Janssen, Aaron Rasmussen, Attorney Phillip Horsager via phone

Motion by Winfrey second by Jacobs to approve the agenda. Vote for: Unanimous. Motion carried.

Consent Agenda:

1. Approve minutes from July 18, 2022 Regular Meeting
2. Approve minutes from July 26, 2022 Special Meeting
3. Approve Payroll #15 and #16 and July Ambulance
4. Approve Claims

Motion by Winfrey second by Jacobs to approve the Consent Agenda. Vote for: Unanimous. Motion carried.

Public Comment – The Mayor wanted to recognize all citizens that take it upon themselves to help others who are in need.

Old Business:

1. 645 Grand Avenue request to reverse council decision to deny curb cut.
 - a. Mr. Rasmussen owns property in an adjacent township and went through the township to build his home. He would now like a curb cut onto the city street of Grand Avenue because that is the direction he faced his home.
 - b. Phillip Horsager's is asking for a reconsideration on a curb cut for Mr. Rasmussen while making the property useful and meaningful for the city. His options include:
 - i. Allow into the city with a variance.
 - ii. Place a restrictive covenant on the property which would be recorded with the county and run with the land.
 - c. City Attorney differs in opinion on the responsibility of the city regarding this situation. A reasonable access must be provided to a property owner, and it is believed the property does have a reasonable access off Railroad Street.
 - d. The question was raised as to what the goal of the city is.
 - i. City authority over how the property is used.
 - ii. Tax value for having access to a city street – as township property the city will not collect any taxes on the property.
 - iii. Leave the property as it is and it does not become part of the city.
 - e. The City Attorney provided four options for the city to consider:
 - i. Do nothing which would mean the property access would remain off Railroad Street and the council's decision to deny a curb cut would not be reversed.
 - ii. The property owner could request a voluntary annexation into the city. This would include an agreement with terms as to how to get the property up to city code. If the property owner did not comply with the agreement the city would have the option to pursue legal action.

- iii. The property owner and the city could develop an annexation agreement with variances to allow for his mobile home, septic system, and well at this time but would have to be brought into compliance with city ordinance should any conditions change.
- iv. The city could develop a restrictive covenant that would remain with the property. The property would remain in the township but it's use would be restricted to a residential property and any improvements would need to be approved by the city. This option would have to go to the planning commission so a plan could be developed but this option does not bring the property into the city and no taxes or utility use would be collected.
- f. Mr. Horsager suggested that the Planning Commission be asked to work with himself, Mr. Janssen, and Mr. Rasmussen to develop a covenant to determine if that is even a viable option.
- g. The City Attorney commented that as of now the city has no authority over the property nor is it receiving any benefits from the property. He does believe that there is reasonable township access to the property off Railroad Street. He feels it is Mr. Rasmussen's responsibility to explain what the benefit is to the city for granting a curb cut, those benefits being the city having authority over the property, taxation, and the cost of city utilities.
 - i. Two Options
 - 1. Send to the Planning Commission to determine if there is an appropriate option for handling the property that does not require annexation.
 - 2. Voluntary annexation by Mr. Rasmussen. If this were the case, the city could allow time to bring the property into compliance with city ordinances. He does not believe the city wants to pursue an involuntary annexation of the property as that will bring about its own issues.
- h. When permits were pulled with the county and the Grand Avenue address was assigned to the property, the county informed the permit holder that they needed to go to the city to ask for a curb cut onto the city street. That request should have been made prior to any work being done on the property because that work now prevents the property from being annexed into the city due to ordinance violations.
- i. Mr. Rasmussen's future goals for the lot include:
 - i. Building a 40x30 poll barn type shed in the back corner of the lot.
 - ii. Building a new house on the lot behind the current house, that is why the current house is movable and the septic system is oversized. This new home would include three garages with at least one having a driveway off Railroad Street. Mr. Rasmussen confirmed that his future plans include putting in a driveway off Railroad Street thus having two driveways on the property if granted the access onto Grand Avenue.
 - iii. Removing the tower that is currently on the lot.

Motion by Penaz second by Winfrey to not change the council's previous decision to deny the curb cut onto Grand Avenue. Vote for: Unanimous. Motion carried.

- 2. Resolution 22-18 Allocating that portion of 4th Avenue North that lies East of Park Avenue.
 - a. Public Works placed a call ticket on this property. All utilities are in the city right-of-way.

Motion by Penaz second by Jacobs to accept Resolution 22-18 Allocating that portion of 4th Avenue North that lies East of Park Avenue. Vote for: Unanimous. Motion carried.

Department Business

- 1. Public Works Liaison Report
 - a. Drone inspection of the water tower.
 - i. Kevin Kangas, the painter that completed the work, informed Public Works today that he will not paint the inside of the water tower legs, but he would come back sometime this fall to fix the issues on the ladder.
 - ii. The contract specifically states "Repaint complete exterior, including legs, ...". Public Works brought this to Mr. Kangas' attention, and he said he would not paint the insides.
 - iii. According to KLM inspections, the work was done to the satisfaction of the inspector.
 - iv. Viewed Inside Leg videos 414 and 415 as well as Legs-Outside legs.
 - v. Viewed photos of unfinished areas.
 - vi. Contract states "Power-tool clean all rusted areas to bare steel."
 - vii. KLM was invited to attend when the drone footage was completed. The pictures and videos were offered to be viewed to Mr. Kangas when he was here working. KLM was invited to attend this council meeting to be present for the discussion. They refused all offers.

- viii. Mr. Kangas had previously offered to reduce the price of the contract by \$5000 if he didn't have to paint the inside of the legs. The city said no, they wanted all of it repainted per the contract.
- ix. Per the contract, the city must make a written inquiry to KLM by August 18, 2022, disagreeing with the final billing. The inquiry must be done within 15 days of the final invoice which was August 3, 2022. The city will prepare a letter informing KLM that it disagrees with the completion of the project and request that they come and finish the project before payment will be submitted. The checklist provided to Mr. Kangas as well as some of the drone photos will be included with the letter.
- b. Request for Action for approval to have an SEH engineer perform a structural analysis of the pool at a cost of \$3500.
 - i. Discussion was held regarding concrete panels looked at in Hutchinson that do not have cracks like the Silver Lake pool has.
 - ii. The council does not want to spend \$3500 on a structural analysis. Comparisons will be made with other towns that have had concrete work done. If the cracks are found to not be normal wear and tear, it should fall under faulty workmanship which has a longer warranty period.
- c. Last day pool will be open will be 8/28/2022. Horizon Pool has scheduled leak repair after closing. They will be here on 8/29/2022 at 8am.
- d. Request for Action on 5000 feet of sanitary jetting to be done this fall.
 - i. Two Proposals – to be completed in late September or early October.
 - 1. Overline & Son \$3900
 - 2. Empire \$5835

Motion by Winfrey second by Jacobs to approve Overline & Son to perform sanitary jetting of 5000 feet in the fall for a cost of \$3900 open to Public Works discretion. Vote for: Unanimous. Motion carried.

- e. Request for action on quotes for insulating the attic at the east shop. Two quotes received:
 - i. D&J Insolation
 - ii. M&M Insulation
 - 1. Have them come back and give a quote for insulating the city office.

Motion by Penaz second by Jacobs to approve M&M Insulation to insulate the attic of the east shop at a cost of \$4656. Vote for: Unanimous. Motion carried.

- f. Request for action to approve the repair to the cooler in the auditorium by Lee's Refrigeration at a cost of \$2200. The council is going to wait on this request as Public Works is still waiting for a quote from AEM. Council would like to see itemized bills.
- g. Having mechanical issues with the city's 1997 street sweeper. Public Works has a lead on a late 2009 or early 2010 Elgin sweeper for \$26,000. It has 1200 hours and 2200 miles on it. Our current sweeper is about 15 years old, and it will cost around \$2500 to repair the elevator on the city sweeper. Public Works will get the Elgin sweeper and try it out before the September council meeting.
- h. Contacting Borka Excavation on show hauling price.
- i. PeopleService Reports
 - i. O&M Report
 - ii. WO Maintenance Report
 - iii. Quality Flow did install a new program that will send an alarm when there is a malfunction.
- j. Part-time employee
 - i. Would like to keep Bryan Butler on 8 hours per week when needed, more if special circumstances warrant it. Want to use him for tree trimming along the boulevards.

2. Public Safety Liaison Report

- a. Fire Department Report
 - i. Request for Action to accept the resignation and retirements of the following volunteer fire fighters:
 - 1. Matt Foss – resigned as of March 14, 2022

Motion by Penaz second by Jacobs to accept the resignation of Matt Foss from the volunteer fire department. Vote for: Unanimous. Motion carried.

- 2. Brian Nemeč – retiring after 28 years as a fire fighter, EMR, captain and fire relief treasurer. Would like to continue as a part-time volunteer with no PERA benefits to assist with daytime medicals and fire calls.

Motion by Penaz second by Jacobs to accept the retirement of Brian Nemeč from the volunteer fire department with remaining part time to help as needed with daytime medical and fire calls with no PERA benefits. Vote for: Unanimous. Motion carried.

3. Mike Boyer – retiring after 29 years serving as a fire fighter, EMR and safety officer.

Motion by Penaz second by Jacobs to accept the retirement of Mike Boyer from the volunteer fire department. Vote for: Unanimous. Motion carried.

- ii. Two applications have been received for volunteer fire fighters. If these two join, that will put the department right at their 28 members.
- iii. Resolution 22-19 Authorizing the transfer of \$75,000 from the General Operating Fire Fund to the Fire Equipment Trust Fund.
 1. Purpose is to move the funds from the general fund checking to equipment fund savings for replacement of a truck and start savings for a hall update in the future.

Motion by Penaz second by Jacobs to accept Resolution 22-18 Authorizing the transfer of \$75,000 from the General Operating Fire Fund to the Fire Equipment Trust fund savings. Vote for: Unanimous. Motion carried.

- b. Sheriff's Report
 - i. Event type report
 - ii. Police Hours for June

Mayor Bebo called for a two-minute break at 8:45pm.

- iii. 2023 Contract Proposals
 1. Discussion regarding the number of hours and police interactions with the youth in town and having a presence at town functions such as music in the park.

Motion by Penaz second by Jacobs to inform the Sheriff's Department that the city would like to go with the 50-hour per week contract for 2023. Vote for: Unanimous. Motion carried.

- c. Ambulance Report
 - i. Current YTD runs are 93 compared to 66 last year.
 - ii. Fully staffed for Pola-Czesky Days.
 - iii. Two new front tires were put on the ambulance on 8/9/2022 and a tire rotation was done. The old tires were approximately three years old.
 - iv. Currently have six EMR's, six EMT's, and four crews of two members, one EMT and one EMR, with active rotations.
 - v. Have received a request from someone wanting to join the service.
 - vi. Working on fundraising ideas. This year will just be the mailing.

3. Municipal Liquor Liaison Report

- a. Pola-Czesky Days sales were down 3% from last year.
- b. Off-sale will be rearranged and remerchandised.
- c. Bartender meeting was held on August 1, 2022.
- d. Working with Emergency Services, fire dept and ambulance, for a fundraiser on September 10th.
- e. Lots of reorganizing and cleaning up taking place.

4. Community Development

- a. Commissioner's Report
 - i. Campground discussion
 - ii. Highway 7 zoning question from a potential buyer of a piece of property
 - iii. Donation received for the pool
- b. Pool report
 - i. 2021 Budget Revenue \$28,200 Expenses \$90,050 deficit \$61,850
 - ii. 2021 Actual Revenue \$42,863 Expenses \$79,524 Deficit \$36,661
 - iii. 2022 Budget Revenue \$25,150 Expenses \$88,253 Deficit \$63,103
 - iv. 2022 YTD Revenue \$34,154 Expenses \$60,169 Deficit \$26,015

c. Summer Rec report

- i. 2021 supplies figures include salt sales which are not yet recorded for 2022.

5. Administration

a. Clerk's Report

- i. Treasurer's report

1. Will look at transferring funds from checking to savings for several accounts. Current interest rate for checking is .075%, for savings is .10%, and CD's range from .15%-.50%.

- ii. 2023 Salary Rates
 - 1. Proposed 4% COLA increase that each employee receives at the beginning of the year.
 - a. This would be an increase of \$9170 in wages for 2023.
 - 2. Proposed 7% step increase that is received on the employee's annual hire date.
 - a. This would be about a \$20,000 increase in wages for 2023.
 - 3. The 4% COLA and 7% Step increases maintain the wages & benefits percentage of the general fund at the same rate as 2022. Wages are 25.2% and SS, Medicare and PERA are 3.5%.
 - 4. Increase council pay by \$500 per year.
 - 5. 2023 Preliminary Budget
 - a. With the current figures of the 4% COLA and 7% Step increase as well as the 50-hour contract with the sheriff's department, the preliminary tax levy is 10.33%.
 - b. Department heads will review budgets prior to the September meeting where the preliminary tax levy will be set.
- iii. ARPA Funds
 - 1. Total funds received \$88,955.75
 - 2. Funds must be obligated between March 3, 2021, and December 31, 2024.
 - 3. Funds must be expended to cover such obligations by December 31, 2026.
 - a. Projects previously proposed
 - i. City Office upgrades
 - ii. Auditorium Tables
 - iii. Playground Equipment
 - iv. Campground
 - v. LED Sign – WIFI at the city pool
 - iv. One day Gambling Permit and On-Sale liquor license approved for Church of the Holy Family's annual fall bazaar on Sunday, October 2, 2022.

Motion by Penaz second by Jacobs to grant a one-day gambling and liquor license to Holy Family Catholic Church for their Fall Bazaar on October 2, 2022. Vote for: Unanimous. Motion carried.

New Business:

- 1. SafeAssure Service Agreement
 - a. Annual renewal for safety training for city employees. Last year cost was \$2755.79 and this year the rate is \$2810.90, a \$55.11 increase.

Motion by Winfrey second by Jacobs approve the annual service agreement with SafeAssure to provide the city's safety training for 2023 for \$2810.90. Vote for: Unanimous. Motion carried.

Open Discussion

- 1. Thank you to all volunteers for the service they provide to the City of Silver Lake.

Adjourn

Motion by Jacobs second by Winfrey to adjourn the meeting at 9:37pm. Vote for: Unanimous. Motion carried

Diane E. Pedersen, City Clerk/Treasurer

Seal of the City