

Minutes
Silver Lake City Council
Regular Meeting
February 19, 2019

Mayor Butler called the meeting to order at 6:30pm.

Members present: Mayor Dorothy Butler, Councilors Josh Winfrey, Brenda Fogarty, Chris Penaz and Nolan Johnson

Others present: Jon Jerabek, Clerk/Treasurer; RJ Cripps, Police Chief; Karin Ramige, McLeod Publishing; Bruce Bebo, Cory Behrendt, Public Works Supervisor (PWS) Dale Kosek, Brent Posusta

A motion was made by Councilor Fogarty seconded by Councilor Johnson to approve the agenda.

Vote for: Unanimous

Motion carried.

Consent Agenda:

1. Approve minutes from January 22, 2019 Regular Meeting.
2. Approve minutes from February 6, 2019 Workshop Meeting.
3. Approve payroll #3, 4 and January Ambulance.
4. Claims to be paid: \$24,071.56 (January EFT)
 \$13,925.86 (1/31/19)
 \$20,909.24 (2/8/19)
 \$22,904.43 (2/15/19)

A motion was made by Councilor Fogarty seconded by Councilor Winfrey to approve the Consent Agenda.

Vote for: Unanimous

Motion carried.

Public Comment: Comment was given by resident regarding the Council handling of a sewer backup.

Old Business:

1. Sewer backup at 216 Summit Ave. The Council reviewed the second denial claim from the City's insurance provider for a sewer backup at 216 Summit Ave.

A motion was made by Councilor Winfrey seconded by Councilor Johnson to table a decision on compensating the property owner at 216 Summit Ave until after it is turned in to the homeowner's insurance provider.

Vote for: Unanimous

Motion carried.

2. McLeod County Sheriff's Office(SO) Contract Review. The Council reviewed the costs of the McLeod County Sheriff's office proposal with McLeod County Attorney covering prosecutions and the 2019 PD budgeted expenses and revenues.

	2019 Expenses	2019 Revenues	2019 Total Cost
McLeod County SO/Attorney	\$255,685.12	\$12,500	\$243,185.12
Silver Lake Police Department	\$251,301	\$39,700	\$211,601

A motion was made by Councilor Winfrey seconded by Councilor Fogarty to keep the current Silver Lake Police Department and move forward with the hiring process for a full-time officer.

Vote for: Unanimous

Motion carried.

New Business:

1. Business Owner to Address Council on Main Street Lots. Brent Posusta, owner of Custom Installations Inc., presented plans for constructing a flooring store with a showroom and warehouse on the two, west lots that the City currently owns on Main Street. The plan would be to have the building constructed and operational in 1.5 years. Posusta requested to be placed on the agenda for the next Planning Commission meeting.
2. Resolution 19-05: Resolution Approving Workers' Compensation Premiums. The premium for 2019 is \$34,603 with \$34,940 being budgeted for 2019.

A motion was made by Councilor Fogarty seconded by Councilor Johnson to approve Resolution 19-05.

Vote for: Unanimous

Motion carried.

3. Resolution 19-06: Resolution Approving Property/Casualty Insurance Premiums. The item was not discussed.
 4. Resolution 19-07: Resolution Approving to Not Waive the Monetary Limits on Municipal Tort.
- A motion was made by Councilor Fogarty seconded by Councilor Johnson to approve Resolution 19-07.*

Vote for: Unanimous

Motion carried.

Department Business:

1. Public Works – Councilor Winfrey and PWS Kosek reported the following:
 - a. PWS Kosek received two quotes for 5,625 feet of sewer main televising and cleaning.
 - i. Visu-Sewer: \$1.40 per linear foot based on 5,625 linear feet. If additional clearing of line is needed the City will be billed at \$260 per hour.
 - ii. American Environmental: \$1.85 per linear foot based on 5,625 linear feet. If reverse inspection is needed the City will be charged a reset fee of \$200 per reset

A motion was made Councilor Winfrey seconded by Councilor Fogarty to approve Visu-Sewer's quote for televising and cleaning at a rate of \$1.40 per linear foot and \$260 per hour for additional line clearing.

Vote for: Unanimous

Motion carried.

- b. The tandem plow truck repair cost is estimated at \$5,000-\$6,000. Nygaard Industrial Painting is currently leasing a truck to the City for an amount to be determined by the

City Council. The Council discussed waiting until this summer to look at purchasing a different truck.

A motion was made by Councilor Winfrey seconded by Councilor Fogarty to approve an hourly lease rate of \$40 with negotiation power to increase it up to \$50.

Vote for: Unanimous

Motion carried.

- c. Public Works staff member is on medical leave until at least late March.
 - d. The City and McLeod County discussed options for the City taking over the County shop and property at a meeting on February 19, 2019. County Engineer John Brunkhorst and Clerk Jerabek would be meeting to review options.
 - e. Snow events have gone well and staff will be working to clear fire hydrants.
 - f. PeopleService reports for November and December reviewed.
2. Public Safety – Councilor Fogarty, Chief Cripps, and Chief Kosek reported the following:
- a. Chief Kosek requested approval to purchase an extractor/washer and dryer for the Fire Department turnout gear. The department was awarded \$14,275.76 in a grant from MN State Fire Marshals Office. The department would be responsible for the remaining cost of \$1,586.20.
A motion was made by Councilor Fogarty seconded by Councilor Johnson to approve \$1,586.20 to be used toward the fire department extractor/washer and dryer.
Vote for: Unanimous
Motion carried.
 - b. Request from Harvey Mikolichek for the City to pay \$800 toward a total of \$1,136 in invoices from Mikolichek Plumbing and Heating. A heater was disconnected that was located above the Police Department office and caused the air conditioning in the office to run through the winter.
A motion was made by Councilor Winfrey seconded by Councilor Johnson to approve paying \$800 for the disconnection of the heater.
Vote for: Mayor Butler, Councilors Winfrey, Johnson, Penaz
Vote against: Councilor Fogarty
Motion carried.
 - c. Chief Cripps requested to hire Ian Coates as a full-time officer. Chief Cripps, Mayor Butler and Officer Anderson interviewed Coates. Coates currently works at the McLeod County Jail.
A motion was made by Councilor Fogarty seconded by Councilor Winfrey to approve hiring Ian Coates as a full-time officer at an hourly rate of \$18.38 pending background check and drug testing.
Vote for: Unanimous
Motion carried.
 - d. The Police Department will be purchasing an office computer and laptop under their capital improvement budget.
 - e. Police Department call activity and arrests were reviewed.
 - f. The one-way portions of Lake Ave and Gelhen Drive were discussed as there have been issues with drivers traveling the wrong way.

- g. The Council evaluated Chief Cripps for his annual review. The Council advised Chief Cripps to monitor the budget, work on training the new full-time officer, and continue to communicate with the public on issues.
A motion was made by Councilor Fogarty seconded by Councilor Johnson to approve the annual review of Chief Cripps and to retain with a two step wage increase to \$24.41.
Vote for: Unanimous
Motion carried.
- 3. Municipal Liquor Store (MLS) – Councilor Penaz and Clerk Jerabek reported the following:
 - a. Request to approve Andrew Auld as a part-time bartender. Auld was interviewed by Interim Manager Kaczmarek and Liaison Penaz and approved for hire by the Personnel Committee on February 4th.
A motion was made by Councilor Winfrey seconded by Councilor Penaz to approve hiring Andrew Auld as a part-time bartender at an hourly rate of \$10.27.
Vote for: Unanimous
Motion carried.
 - b. Reports for December 2018 and January 2019 were reviewed. Clerk Jerabek informed the Council that these numbers will change as the inventory numbers that were used for the reports will be adjusted by the auditors as they were found to be inaccurate.
 - c. The MLS will be charged an additional \$500 by the audit firm for a third inventory check.
 - d. The City received four applications for the MLS Manager position. Interviews will be conducted by the Personnel Committee. The Council set a special meeting date for Tuesday, February 26, 2019 at 6:30pm to review the candidate recommended by the committee.
- 4. Community Development – Councilor Johnson and Clerk Jerabek reported the following:
 - a. Planning Commission did not meet in February.
 - b. Wingert Reality inquired if the City would be interested in purchasing 7.65 acres of land for \$30,000 near the City’s sewer treatment ponds. The land has a radio tower located on it and an easement to continue to operate the tower would be needed. The Council stated there was no interest in purchasing the property.
 - c. Fees for summer recreation and the swimming pool will be reviewed before the March regular meeting.
- 5. Administration – Clerk Jerabek reported the following:
 - a. January’s Treasurer’s Report was reviewed.
 - b. Clerk Jerabek, Mayor Butler, and Chief Cripps met with Ken Janssen of Gavin Law Firm to discuss rates for services provided by the City’s attorney office. Gavin Law Firm presented an option to pay \$1,850 per month for an annual cost of \$22,200 for prosecutions and a rate of \$125 per hour for general city work. They also offered an option for \$125 per hour for both prosecutions and general city work and a prosecution cap of \$25,000. Both options would be set for two years.
A motion was made by Councilor Fogarty seconded by Councilor Johnson to approve the option to pay \$125 per hour with a cap of \$25,000 for prosecutions and for the amounts to be set for two years.
Vote for: Unanimous
Motion carried.

- c. The Council reviewed Clerk Jerabek's pay increase while assisting with the MLS until a manager is hired.

A motion was made by Councilor Johnson seconded by Councilor Fogarty to review the pay increase at each meeting moving forward until it is deemed unnecessary.

Vote for: Unanimous

Motion carried.

Open Discussion:

1. Councilor Winfrey stated that water pipes had burst at the Hutchinson Event Center and the City should check into events that may need to be relocated. The Auditorium could be an option for these events.
2. Councilor Winfrey noted that residents might be more interested in purchasing the apartments/condos rather than renting as proposed by the Yates' on Main Street.

A motion was made by Councilor Fogarty seconded by Councilor Winfrey to adjourn this regular meeting of the Silver Lake City Council.

Vote for: Unanimous

Motion carried; meeting adjourned at 9:28PM.

Jon Jerabek, Clerk/Treasurer

Seal of the City:

**CITY COUNCIL
CITY OF SILVER LAKE**

**RESOLUTION 19-05: RESOLUTION APPROVING WORKERS'
COMPENSATION INSURANCE PREMIUMS**

WHEREAS, The City of Silver Lake has recognized that as a responsible employer it needs to provide certain benefits and insurances for its employees, and

WHEREAS, Workers' Compensation is designed to protect employees and employers for costly workplace accidents, and

WHEREAS, The City has participated in the League of Minnesota Cities Insurance Trust's Group Self Insured Workers' Compensation plan for numerous years, and

WHEREAS, The premium for 2019 LMCIT Workers' Comp Insurance is \$34,603 and the budgeted amount for 2019 was \$34,940.

THEREFORE BE IT RESOLVED, by the City Council of the City of Silver Lake that the 2019 LMCIT Workers' Comp Premium of \$34,603 with the LMCIT is hereby approved for payment.

Adopted by the Council this 19th day of February, 2019.

Dorothy Butler, Mayor

Seal of The City:

Jon Jerabek, Clerk/Treasurer

CITY COUNCIL
CITY OF SILVER LAKE

**RESOLUTION 19-07: RESOLUTION APPROVING TO NOT WAIVE THE
MONETARY LIMITS ON MUNICIPAL TORT LIABILITY**

WHEREAS, the City of Silver Lake has liability insurance through the League of Minnesota Cities Insurance Trust (LMCIT), and

WHEREAS, the LMCIT requires that members must decide each year whether to waive the statutory tort liability limits to the extent of the coverage purchased, and

WHEREAS, the limit for an individual claimant would be \$500,000 on any claim to which the statutory tort limits apply and the limit for all claimants for a single occurrence would be \$1,500,000 to which the statutory tort limits apply, and

THEREFORE BE IT RESOLVED, by the City Council of the City of Silver Lake that the City of Silver Lake does not waive the monetary limits on municipal tort liability established by Minnesota Statutes, Section 466.04.

Adopted by the Council this 19th day of February 2019.

Dorothy Butler, Mayor

Seal of The City:

Jon Jerabek, City Clerk/Treasurer