

The Pledge of Allegiance was recited by those in attendance.

The regular council meeting of the City of Browns Valley, MN was held at City Hall. Council members present were Mayor Harold Hansen, Mike Heck, Neil Madison, and Tony Miller. Also in attendance were Matt Brandenberger and Kelly Metz of Wheaton-Dumont Coop Elevator, James Miller, Richard Krensing, Tina Erickson, Richard Johnson, Bob Goodhart, Librarian Bernice Piechowski, Public Works Director Tony Serocki, City Attorney Matt Franzese, and City Administrator Tom Schmitz. The meeting was called to order at 5:30 p.m. by Mayor Hansen.

Administrator Schmitz asked if there were any objections to him running the meeting in order to keep the meeting running in an orderly fashion due to the large amount of items that need to be covered. Being there were no objections, Schmitz noted the meeting rules on the attendees' chairs and asked that anyone wanting to address the Council to raise their hand to be recognized and come forward. The speaker will then be given three minutes to address council members.

Sheriff Wright provided an update regarding the upcoming law enforcement contract. He presented the City's offer at the last County Board meeting. The Board wasn't receptive to the offer by the City, but would like to negotiate further to establish a contract that is agreeable to both parties. The committee will identify a date and time for further contract talks.

Matt Brandenberger and Kelly Metz, Wheaton Dumont Coop Elevator, asked the Council to designate Third Street between First and Second Avenue as an addition to the truck route so that they can maneuver around the bins, thus alleviating the need to back trucks up onto the avenues. Upon a motion by Heck with second by Madison, the Council unanimously approved designating Third Street North between First and Second Avenues as an addition to the truck route.

Richard Krensing approached the Council regarding his neighbor's dog. The dog mauled Krensing's cat and the cat died the next morning. Franzese said that the City is powerless to seek restitution on his behalf, and explained the process that Krensing would need to take through the court system to obtain restitution.

Jim Miller approached the Council to express his concern regarding the street(s) added to the truck route.

Bob Goodhart stated that the demolition contract identifies the removal of the building at 329 W Broadway as of August 31. He stated that he had taken on other jobs while waiting for a notice from the city that he could start removing the building. He asked for an additional three weeks so that he can complete the other work that was contracted. It was briefly discussed how the building would be taken down. Upon a motion by Miller with second by Heck, the Council unanimously approved the additional three weeks in the demolition contract to allow Goodhart to remove the building at 329 W Broadway.

Additions to the Agenda

Additions to the agenda were:

- WidsethSmithNolting Confirmation of Request for Engineering Services, to create bid documents for the water tower controls
- Proposal and Acceptance from Serocki Excavation to excavate old asphalt, install 400 feet of drain tile, and backfill trench along Second Avenue South.
- Proposal and Acceptance from Serocki Excavation to prep and pave area listed above.

Upon a motion by Heck with second by Miller, the Council approved the additions to the agenda 4-0.

Consent Agenda

Upon a motion from Madison and seconded by Miller, the council approved 4-0 the minutes of the July 23, 2018, Regular Council meeting with corrections.

Bills

Following presentation and discussion of prepaid claim, claims to be paid, and employee wages, upon a motion by Madison and a second by Hansen, the Council unanimously passed the following resolution:

BE IT AND IT IS HEREBY RESOLVED by the Council of the City of Browns Valley that the payment of the following city bills and payroll be and is approved as presented.

Prepaid claims: \$0.00 Claims for approval: \$20,543.39

Building permits

Motion by Heck with second by Madison, council denied 4-0 to Wayne Hoffart to build or move in a 12' X 24' storage shed.

Correspondence

- Franzese reviewed items in the City's purchasing policy with the council.
- Schmitz explained the Department of Human Services Ambulance Supplemental Payment program.

Unfinished Business

Schmitz reported that he had contacted David Dombrowski to get a copy of his bid to replace the roof on the shop and the west side of the Laundromat. The bid was to include tearing off of the shingles, valley, and asphalt product on the north half of the shop. As of this meeting Schmitz hadn't received a copy of the bid. A few weeks ago, Mayor Hansen noticed a roofing contractor working, Utne Construction and Roofing out of Watertown, in town and asked them to look at the shop roof, valley and roof of the Laundromat. Hansen then asked them to forward the bid to Schmitz at City Hall. Discussion of whether the bid from Utne Construction falls under the rules of the City's purchasing policy. Franzese was asked if the bid from Utne could be used as it was sent to Schmitz. Franzese stated that since the bid was sent to Schmitz, it satisfied the process enough so that the City could overlook the process at this time, but directed the Council that in the future if they see someone working in town that may be able to assist the City with a project, they should have them talk to Schmitz directly. Franzese explained that if the bidding process isn't followed, and a bidder is not awarded the bid, the bidder could come back stating that it was an improperly let bid. Hansen asked what if the City advertises for letting bids before the first bid was received. Franzese stated that due to the bid being less than \$100,000, Schmitz could contact, through direct negotiation, at least two contractors requesting that they bid on the project.

Tina Erickson interjected that the bids that have come in to the City for this project do not include removing the existing layers of roofing to eliminate a new coating being three layers. Erickson stated that she was informed by Nobel Roofing that it is illegal to apply a third layer onto a roof due to the weight of the product being too heavy. She asked if the City had identified what the code states regarding layers of roofing. She said, "That we need to be careful doing these bids. If these bids are gonna come in and they're adding a third roof and I know it's illegal to do that it ain't happening and I'm not gonna agree to it. Because I'm not gonna have a third roof put on weight wise. We got buildings that are in bad shape and we're gonna put a third roof on plus the weight that goes with that and an already bad roof if it's not legal. That's something to take into consideration when you're getting these bids."

Heck asked if the Council plans to repair the existing shop or build new. He said, "It's no use of going through this stuff if we're going to tear it down."

Johnson said, "If there's any way of saving it, the building should not be torn down. They're an asset of the City."

Erickson again interjected, "My building keeps getting worse, my roof keeps getting worse. This was left to you guys in May."

Heck commented that, "It's both of our roofs are causing the problems. Don't point back to the City quite so fast."

Hansen stated, "The building was leaking the day you bought it."

Heck stated, "I think there are too many issues with the old shop. We should look at building."

Madison stated that he was, "on board to put a new place up."

Warren had emailed Schmitz with his thoughts for this meeting. He said that he "wouldn't put another dollar into it."

The Council discussed whether to build in 2018 or 2019. Example of future taxes due to the activity in Washington DC and the increase in the cost of materials.

The building committee has one bid from Structural Buildings, Becker, Minnesota, for a 70' X 132' X 16' pole building with a concrete slab and apron in the amount of \$268,984.00. Schmitz has spoken to another pole building company, Lester Buildings, regarding a building of the same size. He was sent an estimate for the amount of \$177,052.19 for just the building. The salesman hadn't gotten a cost for the concrete or someone to pour it. Both building estimates were compared. Hansen stated that we should have all of the costs up front before they make a decision. Schmitz was asked to contact Structural Buildings to identify the cost of the building with the sales tax removed. Heck also noted the size and spacing of posts being used between the two pole buildings.

A motion was made by Heck with second by Madison to approve the building quote from Structural Materials minus the sales tax. The motion passed 3-1, with Hansen voting no. Hansen expressed his concern that the process was properly done.

Mayor Hansen then stood up from the table and said, "I've had some health problems and kind of failing myself, I think I'm going to resign, as of right now. . ." "I think we're looking at spending twice as much as our first anticipation." Schmitz asked if Hansen could hold on and give us a written resignation at the next meeting. Hansen commented, "I think that I'm just going to pull the pin."

After Hansen had left, Franzese stated that the council could accept Hansen's resignation today or say that he was having a bad day and wait. Heck suggested that they should wait a little while. Madison asked if Hansen could finish out his term as councilman and someone step in as mayor. Franzese explained the process should the mayor or a council member resigns their position and how the position gets filled. Upon a motion by Miller with second by Madison, the Council accepted Hansen's resignation as mayor 2-1 with Heck voting no. Upon a motion by Miller with second by Madison, the Council approved the appointment of Mike Heck as Acting Mayor 2-0, with Heck abstaining.

Erickson was asked and agreed to contact David Dombrowski to identify a date that he will be in the area so a special meeting can be scheduled.

Upon a motion by Madison with second by Heck, the Council unanimously approved tabling the discussion in the alley behind the Curt Powers residence.

New Business

Upon a motion by Heck with second by Miller, the Council unanimously approved hiring Amber Metz as

ambulance manager.

Upon a motion by Heck with second by Madison, the Council approved Invoice #'s 0039370 and 39855 from Houston Engineering for professional services from April 29, 2018 to June 2, 2018. Motion passed 3-0.

Upon a motion by Heck with second by Miller, the Council unanimously approved the Confirmation of Request for Engineering Services from WidsethSmithNolting to create bid documents for the water tower controller.

Due to time restraints, the Proposal and Acceptance from Serocki Excavating, Inc was tabled until the next regular council meeting.

Attorney's Report

Franzese stated that he had just checked with state statute, and Hansen would need to resign as mayor only through a written resignation stating so. That being the case, the motions and approvals accepting Hansen's resignation is declared void. At this time Mike Heck is Acting Mayor. At a later date, the Council can declare a vacancy and appoint someone to be mayor if Hansen does not come back. Since Hansen did not provide a written resignation, he has the ability to come back any time prior to the General Election.

Franzese reported that Reiner Contracting, Inc. was sent a letter notifying them that the City is no longer waiting for them to finish the items on the punch list and will be hiring contractors to do this work. Money that was retained from the wastewater project will be used to pay for these items.

Administrator's Report

Schmitz reported that he had asked the building inspector, should the City build a new shop building, if the public works guys could build the interior office, bath and shower areas. The building inspector replied that he had no issues with that arrangement.

Schmitz will be working on the preliminary budget as it is required to be approved by the end of September.

Schmitz will be attending an insurance meeting in Fergus Falls on August 22nd.

Moved by Heck to adjourn the meeting at 7:17pm.

Minutes submitted by:

Approved by:

Thomas A Schmitz, Clerk

Mike Heck, Acting Mayor