

REGULAR MEETING MINUTES

Monday, August 7, 2023

CALL TO ORDER AND DETERMINATION OF A QUORUM

The Regular Meeting of the City Council of the City of Olivia, Minnesota, was called to order by Mayor Hawkinson at 5:30 P.M.

Council Members Present: Jon Hawkinson, Matt Baumgartner, Blanca Ferguson and Landon Padrnos.

Others present: Shawn Hanson, Interim City Administrator, Aaron Walton, City Attorney; Jason Krumheuer, Police Chief; Pamela Whitmore, Kennedy & Graven; Tim Seehusen, Fire Chief; Bonnie Schwieger, Abdo; Aaron Clouse, Police Sergeant; Christi Weidemann, PD Admin Assistant; Damon Coots, Patrol Officer; Jo Monson, Utility Accounts Manager; Ross Okins, Renville County Register; Silas Brinkman, Estabo, Frank and Munshower; Mike Grund, resident; Sarah Rose Vasquez (via zoom), Guest (via zoom), Guest (via zoom), Jasmine Miller, Deputy Clerk.

PUBLIC FORUM

Mayor Hawkinson temporarily suspended the regular meeting and opened the public forum at 5:30 P.M. He clarified the amount of time allocated for public comments and the decorum expectations for those who participate in the Public Forum.

Silas Brinkman, an attorney from Redwood Falls, representing the owners of 611 E Lincoln Ave presented that a condemned house was sold to the Avela family who intended to fix the house. Brinkman asked the council to delay demolition to the property to give the new owners a chance to restore the property.

No other public comments were offered so Mayor Hawkinson reopened the regular meeting at 5:35 P.M.

AGENDA

Motion by Padrnos, second by Baumgartner: to approve the agenda with the additions of discussion items L, 611 E Lincoln Discussion; item M, Gambling Permit; and the removal of item I, RFP's for City Attorney. Motion passed unanimously.

CONSENT AGENDA

Motion by Baumgartner, second by Ferguson: to approve the Consent Agenda. Motion passed unanimously.

- Regular Meeting Minutes of July 17, 2023
- Work Session Meeting Minutes of July 31, 2023
- Resolution 2023-72, Update/Amend Emergency Management Coordinator Job Description
- Update Emergency Management Handbook
- Resolution 2023-73, GO Water Revenue Bond 2023A
- Contractor's Application No. 7 for Payment to Hjerpe Contracting, Inc. for DePue Project

- Resolution 2023-74 – Authorizing Additional Annual Transfer for 2023
- July Disbursements

DISCUSSION / BUSINESS ITEMS

Update on Employment Investigation

Whitmore provided an update on the investigation related to the allegations of misconduct against the Chief of Police. Whitmore stated the investigation is now complete from the independent investigator, and none of the complaints or allegations made against the Police Chief have been substantiated or sustained. The smaller committee appointed by the council to review the report received an update from and they do not support a recommendation for further discussion. Whitmore shared that the report is private data, but Council members can review the report at City Hall if they wish because they have a business reason to view it. Whitmore also shared that a formal report on allegations of misconduct against the City Attorney has not been received because of scheduling issues with the investigator. Unrelated performance issues have been discussed with Whitmore and Whitmore recommended City Council do a performance evaluation on the City Attorney. Whitmore reported the investigator is out of town for a couple weeks and not able to provide a hard deadline for the production of the report.

2022 Audit Report - Abdo

Schwieger reported that Abdo provided an independent opinion on the City's financial statements. Audit evidence was collected and findings are disclosed in the report provided to Council. Bonnie reviewed variances in revenues in the general fund, expenditures and transfers. It was noted that the Capital Project Fund balance shows that the DePue Avenue project received reimbursement from a bond issued in 2022. Water, Wastewater, Electric and EDA funds were reviewed. Hawkinson summarized that the audit report had nothing of note or nothing concerning to report.

Sale of 1972 Fire Truck

Motion by Ferguson, second by Baumgartner: to label the 1971 firetruck as surplus and sell it for \$1,500.00. Motion passed unanimously.

Chief Seehusen shared that the Fire Department received an offer to purchase the 1971 pumper for \$1,500.00. The offer came from John Worm, a gentleman that grew up in Olivia and collects fire trucks. The Fire Department recommends the council accept the offer.

Resolution 2023-75, Findings and Order, 802 Walnut Avenue East

Motion by Padrnos, second by Baumgartner: to approve Resolution 2023-75, Findings and Order, 802 Walnut Avenue East. Motion passed unanimously.

Aaron Walton reminded Council that this property was discussed at the previous meeting and the presented findings of fact resolution and exhibits are in reference to that discussion and council's direction. Castillo contacted the property owner regarding the nuisance items. Walton stated that with council approval the property owner will be served with an order, it will be filed with the court and then a notice of pendency will be filed against the property.

Heat Share Program

Motion by Ferguson, second by Baumgartner: to participate in the heat share program. Motion passed unanimously.

Monson shared that she received a packet from Heat Share and needs council approval to order the bill inserts to be sent with utility bills for 15 cents per insert for an approximate total cost of \$192.75. Monson shared that this program gets used a lot in our community and we have participated in the past.

Estimated Public Safety Aid

Hanson reported that the City is estimated to receive special public safety aid in the amount of \$102,134.00 in December 2023. Hanson shared that these funds can be used for community violence prevention and intervention programs, community engagement, mental health crisis response, victim services, training programs, first responder wellness, equipment related to fire rescue and other emergency services or to pay other personnel or equipment costs.

ARPA/CIP Discussion

Hanson shared that the City received ARPA funding from the American Rescue Plan due to the Covid Pandemic in 2021-2022 in the amount of \$255,174. As directed by the Auditor all those funds were shown as revenue in the general fund in 2022 and claimed as being used to cover governmental wages. The money can now be transferred out of the general fund. Previous administration set aside \$75,000 for the comprehensive plan project, and unofficially set aside \$90,000 for Phase 2 of the trail. Hanson suggested possibly using the remaining funds for the fire truck replace fund, the airport CIP shortfall from retaining a tractor and/or City Hall improvement fees. Council requested a presentation on their options at the next meeting along and the current balances in the CIP funds.

2024 Budget Schedule

Hanson requested to set a date for a budget work session. It was determined that Council will meet on August 24th at 5:30pm for a budget work session.

Pickleball Court

Hawkinson informed the Council that the Foundation that is requesting space at Sunrise Park has included the addition of a sport court top, similar to the Nester Park tennis court top, which will virtually eliminate maintenance costs on the equipment. The Foundation is requesting space for the courts at Sunrise Park, naming rights for the court and two benches to be installed. It was reported that Public Works will dig the space and supply fill from the DePue project. Hawkinson clarified that the Public Works Department has agreed to the work that the foundation is requesting of them, and the Park Board is recommending the project to the Council. Padrnos requested the representatives from the Foundation appear in front of Council and make the request themselves. Padrnos clarified that he feels there is a lack of communication and formality. Walton recommended a written agreement be created with details about the project. There was consensus amongst the Council that a Special Council meeting would be held to hear from the Organization and make a final decision, so that the project could move forward.

Tabacco/Smoking Policy

Hawkinson shared that Councilman Ebbers requested the agenda item be added to discuss formal policy regarding smoking cannabis. The City's Tobacco/Smoking Policy does cover smoking cannabis and states that you cannot smoke on City property or in City Parks.

611 Lincoln Discussion - Silas Brinkman

Motion by Padrnos, second by Ferguson: to delay the demolition of 611 E Lincoln until September 18, 2023. Motion passed unanimously.

Walton shared that on July 18, the judge signed the order stating the property owner had 30 days to make repair or removed their personnel property before the City would do demolition. At this time the city has not obtained quotes to demolish the property. Walton recognized that it will cost the city a considerable amount of money to demolish the structure on the property, and thought it would be okay to have a discussion with the new owner who wants to repair the property if he has the means to do so. He clarified that the Council can give a reasonable extension if they wish. Brinkman shared that his client believes that he can fix the property and make it nice, and argued that he thinks Council should give him that chance. Walton clarified that conversations between the property owner, staff and the building official need to take place to determine what is required to repair the house. Israel shared that the house was sold to them

under false pretenses, and he is aware of the problems with the foundation and plans to make the appropriate repairs. Walton asked the property owner if he had obtained cost estimates and if it was within his means to fix the property. Brinkman asked the Council to postpone the demolition of the property so that the new owner could prepare a plan. Padrnos suggested a 30-day extension on the demolition so that the owner could work with planning and zoning and the building official to create plans. Brinkman suggested an agenda item be added to the Council for September 18th to get an update on the property. Consensus of the council to direct staff to delay the demolition 30 days, communicate with Silas Brinkman, Darin Haslip and Marissa Castillo to develop a plan of deliverables moving forward to include getting the property off the blighted list and making it habitable.

Gambling Permit

Motion by Padrnos, second by Ferguson to table the item. Motion passed unanimously.

Walton stated that a resolution was required for the requested permit. A resolution will be prepared and presented at the next meeting.

No additional items or new business items were presented.

REPORTS

Park Board

Hawkinson provided an update from the Park Board meeting stating the Board reviewed their top five priorities for 2023.

EDA

Hawkinson shared that the EDA met on July 26th and discussed the potential sale of real estate.

Other Reports of Council / Staff

Baumgartner shared that he contacted Dave Ervin about the dent meter and expects the testing to happen on Thursday. Hanson shared that the seal coating crew will be working on Tuesday and Thursday. There are “no parking” signs posted on the North side of town where the project will take place. Marcus Construction will be walking through the building later in the week.

No additional reports were presented.

NOTICES AND COMMUNICATIONS

- The design for the new street signs was provided in the packet.

No additional notices or communications were presented.

ADJOURNMENT

Motion by Padrnos, second by Baumgartner: to adjourn the meeting at 7:21 P.M. Motion passed unanimously.

Attest:



Jon Hawkinson, Mayor



Elizabeth Torkelson, City Administrator