

**CITY OF EVART
REGULAR COUNCIL MEETING
January 3, 2022 @ 8:00PM
Community Room at the Depot, 200 S. Main Street**

Mayor Chris Emerick called the meeting to order at 8:00pm, then led the assembly in the Pledge of Allegiance.

Present (via roll call): Sean Duffy, Dan Elliott, Mayor Emerick, Matt Hildebrand, Sandra Szeliga

Present (staff): City Manager Pepper Lockhart, Finance Director/Treasurer Jennie Duncan, Director of Public Works Dustin Moma, City Attorney James White, Chief of Police John Beam Jr., City Clerk Kathy Fiebig

Guests: Randy Berger (RCB Contracting), Dr. Steve Kalesperis, Rob LaPeen, Jason O'Dell, Ashley Flachs, Roger Elkins and two unidentified adult males

Citizens' Comments:

Dr. Steven Kalesperis: came in during the work session and overheard several comments that seem to be at odds with the purchase contracts that he has offered. Asked if he was on the agenda tonight? Mayor Emerick told him he was not. Council is still waiting for the financial information that has been repeatedly requested. When that information has been received, discussion will resume. Dr. Kalesperis replied that he can't obtain funding until he has a signed contract.

Ashley Flachs reminded council that she is a licensed realtor and broker and will volunteer her services to review potential property sales.

Roger Elkins: The city website still lists Public Square as a city park although it now belongs to the school district. He noted that the parcel at 7 Mile Road and N. Main Street is restricted to park and recreation use and would like to see language reflecting that.

Jason O'Dell: Mr. O'Dell is a Planning Commission member, and the Commission has briefly discussed the possible division of Lots 6, 7 and 8 in the Industrial Park. He would like to see further discussion on this issue before any decisions are made. He noted that there will be another joint meeting of representatives from Evart City council, boards, commissions, and stakeholders on January 19. This should be discussed then for additional community input. The Commission is currently working on updating the Master Plan, and this matter should be part of that effort, as well.

Ashley Flachs: There are companies that specialize in providing plans and recommendations for marketing industrial parks. They will research the history and protect the town from liability. She can provide contact information.

Robb LaPeen: apologized that the paperwork requested hasn't been submitted; he has been very ill with COVID. They have the necessary funding but don't understand why they have to prove this on property the city may not sell to them. Their development will touch on a number of industries other than marijuana.

Approval of Agenda

Ms. Lockhart added Item J1: Pay Commission recommendation to the agenda.

Motion by Mayor Emerick to approve the agenda with this addition. Support by Mr. Hildebrand.

Motion passed with all in favor.

Approval of Consent Agenda

A. Regular Council Minutes – December 20, 2021

B. Vendor's List \$45,651.17

C. Budget Amendments

Mr. Elliott noted an error in the December 20 minutes: the partial funding for High and River Street will be provided by the Region 8A Rural Transportation Task Force, not the Osceola County Road Commission. Motion by Mayor Emerick to approve the consent agenda as presented with this correction to the December minutes. Support by Ms. Szeliga. Motion passed with all in favor.

Unfinished Business

D. McClellan's Offer to Purchase Lot 2 on the Industrial Park - *postponed*

The interested parties are waiting on the results of a building inspection before submitting their bid. They will also perform a Phase 1 Environmental Study.

New Business

E. Department of Public Works (DPW) Employment Contract

After discussion with the Labor Relations Board, Ms. Lockhart presented a proposed five (5) year contract for Mr. Moma. Mr. Hildebrand requested that "Section 5. Compensation" be changed to reflect Mr. Moma's entire first year, not the six months remaining. Motion by Mr. Hildebrand to approve the contract for Mr. Moma as Director of Public Works/Airport Manager with this correction. Support by Ms. Szeliga. Motion passed. Motion by Mayor Emerick to approve Resolution 2022-01 supporting the above motion. Support by Mr. Elliott. Motion passed with a roll call vote; all were in favor.

F. Compensation (Pay) Commission Appointment – Jim Schwab

Ms. Fiebig advised council that Mr. Schwab is currently a member of the Planning Commission (PC) and serves on the Administrative Review Committee for the PC. Mr. Schwab has agreed to serve on the Compensation Commission as well. Mayor and City Manager support this recommendation. Motion by Mr. Hildebrand to appoint Jim Schwab to the Compensation Commission for a four-year term, beginning in 2021 and expiring in 2025. Support by Mr. Duffy. Motion passed with all in favor.

G. Sale and Split of Lots 6,7 & 8 of the Industrial Park

Ms. Fiebig presented an offer to purchase parts of Lots 6, 7 and 8 in the Industrial Park for an outdoor marijuana grow facility. Mr. White noted that the purchase agreement calls this "Lot 9" and if the offer is accepted, that should be changed to reflect that the purchase is for the southernmost portions of these lots as defined by the legal description. Calling it Lot 9 would require replatting the entire park. Mr. Hildebrand would prefer to have this lot split reviewed by the Planning Commission and a recommendation from them before moving forward. No action taken.

H. Clearance of Trees & Brush – Airport Runway

Mr. Moma reminded council that the brush issue must be resolved by June 1, 2022 or the city will begin incurring substantial fines. Some of the area involved is a wetland so can only be worked when frozen, which narrows the window of opportunity considerably. He presented four bids to council. Ms. Lockhart stated that this project would typically be bid out with a Request for Proposals (RFP) but advised council that Mr. White has confirmed that the City Purchasing Policy gives council the ability to waive that requirement since this must be accomplished in such a short time frame. She also advised council that this expense will come from the general fund balance as it is not in the current budget. Motion by Mr. Hildebrand to accept Estimate #2 from RCB Contracting Services in the amount of \$58,000 for brush removal at the airport. Support by Mr. Duffy. Motion passed with all in favor.

I. Ordinance 2021-02/An Ordinance to Amend the City of Evert Zoning Ordinance

Ms. Fiebig reported that the Planning Commission held a public hearing regarding this ordinance and did not receive any public comments. The Planning Commission voted unanimously to recommend approval. Council noted that although the Ordinance was drafted and discussed during 2021, it would be appropriate to rename it Ordinance 2022-01 to reflect passage in 2022. Motion by Mr. Hildebrand to approve passage of Ordinance 2022-01. Support by Ms. Szeliga. Motion passed with a roll call vote: Mr Elliott voted no, and Mayor Emerick, Mr. Hildebrand, Ms. Szeliga and Mr. Duffy voted yes.

J. Ordinance 2021-03/An Ordinance to Amend Evert City Code Chapter 8

As above, the Ordinance will be renamed Ordinance 2022-02 to reflect the fact that it was passed in 2022. Motion by Mayor Emerick to approve Ordinance 2022-02. Support by Mr Duffy. Motion passed with a roll call vote: Mayor Emerick, Mr. Hildebrand, Ms. Szeliga and Mr. Duffy voted yes. Mr. Elliott voted no.

J1. Recommendation of the Compensation (Pay) Commission

Ms. Fiebig presented Resolution 2021-25 detailing the Compensation Commission's recommendations to council regarding mayoral, council and clerk's pay. Council renamed this resolution to 2022-02 to reflect passage in 2022. Motion by Mr. Elliott to accept the recommendation of the Commission as presented. Support by Mr. Hildebrand. Motion passed with a roll call vote; all were in favor.

Department/Informational Reports

K. Accounts Payable Report (12/21/2021 – 1/3/2022)

L. Payroll Reports (12/21/2021 – 1/3/2022)

City Attorney Report/Comment

Mr. White noted that the agenda reflects much of what he and Ms. Lockhart have been working on. He reviewed the purchase offer for the split of lots 6,7, and 8 and reviewed Mr. Moma's employment contract. He will provide a written report of his monthly activity at the next council meeting.

City Clerk Report/Comment

Ms. Fiebig briefly reviewed the Planning Commission's 2021 Annual Report, noting that there would be several updates regarding actions taken in the last week of December 2021.

City Manager Report/Comment

Ms. Lockhart intends to live stream future council meetings and is looking for information on policies that approve hybrid meeting (in person and virtual attendance). She has hired Lisa Newsome to fill the open administrative assistant position. She is researching cost for colored bridge lights and asked council to give some thought to future bridge lighting. She's working with OHM Engineering for engineering costs for River and High Street.

Finance Director Report/Comment: none

Department of Public Works Report/Comment

Mr. Moma reported that the ice skating rink will be installed soon at the west end of the Skate Park. Dale Martin is spearheading this project. The rink will be sited to avoid moving any of the park equipment.

Police Department Report/Comment

Chief Beam noted with regret that the preferred candidate for the resource officer position has withdrawn his application as he is leaving the area. The new exterior lights have been installed at the police department. Chief has begun the installation of the new security cameras and will continue to work on this project. He is trying to obtain vehicle quotes for the USDA grant.

Downtown Development Authority Report/Comment: none

Evert Area Fire Department: none

Evert Housing Commission: none

Citizens' Comments:

Randy Berger has enjoyed working with DPW Director Moma. He has been impressed with the way Mr. Moma has responded in emergency situations and appreciates the way he approaches the job.

Ashley Flachs seconded Mr. Berger's comments and stated that she believes Mr. Moma cares about his employees and their families.

Jason O'Dell: invited Council and all in attendance at the meeting to attend the next school board meeting on Monday, January 10 at 7pm at the Middle School. He noted that this is an open ended invitation and that the school board would appreciate more community input.

Ashley Flachs suggested that the city consider setting up a land bank in order to more easily facilitate the sale of city properties. She supported Mr. Elkins comments regarding the city property at 7Mile Road and N. Main Street.

Motion by Mayor Emerick to adjourn. Support by Mr. Duffy. Motion passed with all in favor. The meeting was adjourned at 9:13pm.



Kathy Fiebig, City Clerk