

PLAINVIEW CITY COUNCIL
REGULAR MEETING
Tuesday September 12, 2023, at 6:00 P.M.

1. CALL TO ORDER- Mayor Luckstein called the Regular Plainview City Council meeting to order on Tuesday September 12, 2023, at 6:00 p.m.

Council Members in attendance: Aaron Luckstein, Holly Reeve, Lindsay Hammer Bartley, Ben Jacobs, and Don Kuschel.

Council Members absent: None.

Department Heads in attendance: City Administrator David Todd, Finance Director Vicki Axley, City Clerk Carol Kujath, Deputy Clerk Kayla Hall, Public Works Director Shane Loftus, Police Chief Jason Timm, and Development Services Coordinator Richard Baker.

Department Heads absent: Library Director Alice Henderson and Fire Chief Ed Jacobs.

Guests in attendance: Shane Zahrt with Flaherty & Hood, Brian Malm with Bolton & Menk, Tim Weaver, Christian Timm, and Richard Johnson.

2. PLEDGE OF ALLEGIANCE-

3. PUBLIC COMMENT – None.

4. APPROVAL OF AGENDA – Mayor Luckstein would like to amend the Agenda by switching 7.F Union Contract IUOE Local 49 and 7.G. Public Works – Working Foreman. Motion by Luckstein, second by Kuschel to approve the Agenda with the amendment of 7.F. being Public Works – Working Foreman and 7.G. being Union Contract IUOE Local 49.
Motion carried unanimously.

5. APPROVAL OF CONSENT AGENDA – Motion by Kuschel, second by Jacobs to approve the Consent Agenda. Motion carried unanimously.

- A. City Council Minutes –August 8, 2023.
- B. Bills
- C. Permits/Licenses/Donations
- D. Department Head Reports and Board Minutes
- E. Maintenance Agreement between Wabasha County and City of Plainview

6. UNFINISHED BUSINESS – None.

7. NEW BUSINESS –

A. CGMC –

Shane Zahrt with Flaherty & Hood gave an update on the legislative session, the impact it has on the Coalition of Greater Minnesota Cities, and on the City of Plainview itself. The LGA for the City of Plainview for 2024 is \$971,892, which is an increase of \$110,448 from the previous year's LGA.
(see attached report)

B. Truth in Taxation and 2024 Preliminary Levy – Resolution 2023-22 –

Minnesota Statute 275.065 Subdivision 1(a) requires that each year, cities shall adopt the preliminary tax levy for taxes payable the following year and certify it to the county auditor by September 30. This proposed levy establishes a “ceiling” for the tax levy and allows the City the opportunity to reduce the levy after the ceiling is set until final certification in December.

The City’s past practice has been to establish the preliminary levy in September, then work through details of that budget in October and November when the Wabasha County numbers, along with the insurance increases, and PERA rates increases have been set. The final budget is then presented for Council approval at the December Truth in Taxation meeting. At this point the levy amount can be reduced from the preliminary levy but cannot be set any higher.

Staff have been working on the draft budget for several months and have met with the Council’s Budget/Finance Committee to review and discuss the preliminary levy. It has been determined that the Proposed 2024 levy should be set at \$2,757,215. This amount reflects an increase from the 2023 levy in the amount of \$180,482 or 7.0%.

Mayor Luckstein thanked City staff for a job well done on their department budgets. Motion by Jacobs, second by Hammer Bartley to approve Resolution 2023-22 setting the Preliminary 2024 tax levy at \$2,757,215 and setting the Truth in Taxation hearing date for December 12, 2023, at 6:00 p.m. at the Plainview Church of Christ.

Motion carried unanimously.

C. Bolton & Menk – 2023 Street & Utility Improvements – Pay Estimate No. 3 –

Pay Application No. 3 from the 2023 Street & Utility Improvements Project has been prepared. Bolton & Menk has reviewed the pay application and recommends payment in the amount of \$660,097.97.

Motion by Reeve, second by Kuschel to approve the Pay Estimate No. 3 from Bolton & Menk to Elcor Construction in the amount of \$660,097.97 for the 2023 Street and Utility Improvements.

Motion carried unanimously.

D. Bolton & Menk – 2023 Street & Utility Improvement Project Change Order No. 1 –

Brian Malm with Bolton & Menk has prepared Change Order No. 1 for the 2023 Street & Utility Improvement Project. The change order includes modifications to the project completion schedule, required to accommodate delays due to private utility relocation, and the addition of planned street maintenance work. The street maintenance includes casting adjustments, concrete repairs, and pavement patches, the costs of which will be covered by budgeted Public Works street maintenance funds.

With this change order, work between 4th Street NW and TH 42 (except for final wearing course), and along 10th Street NW (CR 8) would be fully complete this construction season. Between 6th Street NW and 4th Street NW, and between 10th Street NW (CR 8) and 8th Street NW the curb and gutter, asphalt base course, and concrete driveways will be complete this construction season. All remaining work will be completed in the 2024 construction season.

Motion by Jacobs, second by Hammer Bartley to approve 2023 Street & Utility Project Change Order No. 1.

Motion carried unanimously.

E. Bolton & Menk – Well No. 3 Phase 2 Option 2 –

Brian Malm with Bolton & Menk gave Council a brief review of the work that has been done on Well #3 to figure out where the air is coming from. It has been determined that the air is coming from the aquifer itself. In order to solve this issue an air break would need to be installed to dissipate air in the well water prior to it entering the distribution system. A small, elevated storage tank would be installed as an air break.

Mayor Luckstein opened it up for questions before making a motion. Council members asked multiple questions, which Malm answered.

Motion by Hammer Bartley, second by Luckstein to authorize proceeding with Phase 2-Option 2.

Aye: None

Nay: Luckstein, Reeve, Jacobs, Hammer Bartley, and Kuschel

Motion failed.

Council would like a Scope of Work order before authorizing Phase 2- Option 2.

Motion by Luckstein, second by Kuschel to authorize Bolton & Menk to develop a scope of services, estimate proposal, and bring it back to council for consideration.

Motion carried unanimously.

F. Public Works – Working Foreman –

At the goal setting session for 2023 Council and staff ranked the Working Foreman for the Public Works Department in the top 5 on the list. It was noted that this would not be the hiring of another person for the Public Works Department, but rather to promote a current employee. A job description for the Working Foreman was provided to Council. The Personnel Committee did meet and are recommending the City Council approve the creation and posting of the Working Foreman position for the City of Plainview. If passed by Council, there would need to be a Memorandum of Understanding (MOU) with the Union before it could take effect. Mayor Luckstein would like to see this added to the Union Contract, so the MOU does not go past the end of this year. It was also noted that a salary comparison study would be conducted in the near future for the City of Plainview, as it has been seven (7) years since the last salary comparison study.

Motion by Kuschel, second by Reeve to approve the creation of a Working Foreman within Public Works.

Motion carried unanimously.

G. Union Contract IUOE Local 49 Tentative Agreement–

Administrator Todd explained to Council that a memorandum of a tentative agreement regarding the Union Contract Negotiations is needed to serve as the basis of the agreement reached with the Union and the City. Once the agreement has been ratified by the union members, then it will come before the Council for approval.

Motion by Jacobs, second by Kuschel to approve the Tentative Agreement (TA) with the International Union of Operating Engineers Local 49.

Motion by Luckstein, second by Jacobs to amend the motion to approve the Tentative Agreement with the inclusion of the Working Foreman job and the 5% pay increase.

Motion carried unanimously.

H. Meter Installment–

The water meter installment project was to take four years to complete. However, after three years approximately a third of the water meters have been installed. Public Works Director Shane Loftus requested bids for the water meter install and received the following:

<u>Company</u>	<u>Number of Meters</u>	<u>Bid</u>
Allegiant	876	\$89,362.39
Hydro Corp	876	\$100,350.00

Loftus is requesting approval to hire Allegiant Utility Services to install the remainder of the water meters. The \$89,362.39 price is for labor only. The water meters still need to be purchased at an additional cost. The funds to pay for this project would come out of the water utility fund. Mayor Luckstein has concerns about the added expense as this was not in the budget.

Motion by Kuschel, second by Reeve to approve Allegiant Utility Services to install the remaining meters at a cost not to exceed \$89,362.39.

Aye: Kuschel and Reeve

Nay: Luckstein, Jacobs, and Hammer Bartley

Motion failed.

I. Multiple Pet Permit –

The City received an application for a multiple pet permit from James Haley and Amber Gallie, which house five (5) dogs. Plainview City Code 503.17 states that dogs exceeding the total number of two (2) must be registered with the City under a multiple pet license. The applicants have indicated that all five (5) dogs are registered as emotional support animals. Plainview's City Attorney was contacted and told staff that there is not a provision of law that would provide for service or emotional support animals to circumvent City Code provisions with respect to permitting multiple pets. It was noted that the Plainview Police Department has multiple Incident Reports regarding the applicants' dogs being loose and aggressive towards Plainview residents. The City Code does not provide the option for a variance for more than 3 dogs. It was noted that the applicant has now erected a fence for the dogs.

Motion by Hammer Bartley, second by Kuschel to deny the application for multiple pets.

Motion carried unanimously.

9. INFORMATION ONLY DOCUMENTS –

- A. **Administrator Annual Evaluation 2023** – The Personnel Committee conducted the annual performance evaluation of City Administrator David Todd. The review was positive and future goals were mutually agreed upon.
- B. **Fall Cleanup** – Saturday, September 23, 2023, from 9:00 a.m. to Noon. Informational fliers have been shared on the City's Facebook page and on the City's website. Council members Reeve and Jacobs volunteered to help with the cleanup.

10. COUNCIL COMMENT –

-Kuschel – Would like to thank LaVerne Boyd for his service to the Community of Plainview. Boyd served on the City Council, as a Council member and as Mayor. He also served on the sewer board for many years as chairman. Boyd will be missed.

-Luckstein – Luckstein, Richard Baker, and Shane Loftus have been attending the Safe Routes to School meetings and received a grant application to work through the process to identify improvements to ensure safe access to and from school. This is in partnership with the Plainview Elgin School District, so it also includes the City of Elgin, and the Immanuel Lutheran School.

-Luckstein – Will be attending the Minnesota American Planners Association Conference, which will be hosted in St. Cloud October 4th through October 6th. Luckstein will be in St Cloud October 5th to present on some of the development related efforts that Plainview has experienced.

-Luckstein – Plainview was selected to be part of the Southeast Minnesota Housing Tour on October 4th. The tour will start in Rochester, then travel to Wabasha, and up through Plainview. If anyone is interested in signing up contact Development Services Coordinator Richard Baker. It is free to participate. Thank you to the local businesses that sponsored the tour.

-Luckstein – With September 11th yesterday, a thank you to all our service members, military, first responders, firefighters, all the people that keep us safe. And to remember all the folks that perished on 9/11.

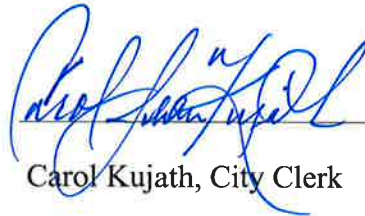
-Kuschel – Complimented Alice Henderson, the City of Plainview's librarian. She is doing a great job.

11. ADJOURN –

Motion by Luckstein, second by Jacobs to adjourn the Plainview City Council meeting. Motion carried unanimously. Meeting adjourned at 7:51 p.m.



Aaron Luckstein, Mayor



Carol Kujath, City Clerk