

September 9<sup>th</sup>, 2024  
City of Gladstone  
Budget Hearing  
Gladstone City Hall  
5:45pm – 6:00pm

Present: Randy Wyatt, Niki Larson, Bill O'Connor, Darrell Sadowsky, and Paul Reinbold.

Also present: City Attorney Christina Wenko, City Engineer James Kiedrowski, City Inspector Mel Zent, and City Admin Tabitha Brawner.

Mayor Randy Wyatt called the meeting to order at 5:47pm.

Randy read the Preliminary Budget Meeting Minutes aloud.

Motion to approve the Preliminary Budget Minutes and the 2025 Budget was made by Bill, seconded by Darrell, and carried unanimously.

Motion to adjourn made by Darrell at 5:56pm, seconded by Niki, and carried unanimously.

--- Meeting Minutes Approvals ---

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Maria Kolling, Auditor

Date

Randy Wyatt, Mayor

Date

September 9<sup>th</sup>, 2024  
City of Gladstone  
City Council Meeting Minutes  
Gladstone City Hall  
6:00pm – 8:22pm

Present: Randy Wyatt, Niki Larson, Bill O'Connor, Darrell Sadowsky, and Paul Reinbold.

Also present: City Attorney Christina Wenko, City Engineer James Kiedrowski, City Inspector Mel Zent, and Office Admin Tabitha Brawner.

Mayor Randy Wyatt called the meeting to order at 6:00pm.

The Council reviewed the Preliminary Budget Meeting Minutes.

**Motion to approve the Minutes made by Bill, seconded by Darrell, and carried unanimously.**

The Council reviewed the August City Council Meeting Minutes.

**Motion to approve the Minutes made by Bill, seconded by Niki, and carried unanimously.**

The Council reviewed the July bills.

**Motion to approve the July bills, contingent upon the auditor's review of the MDU bills, was made by Bill, seconded by Paul, and carried unanimously.**

### **Public Meeting:**

Randy discussed the City needing someone to monitor the landfill when it's open and suggested a group effort by him, the councilmembers, and their families volunteering time.

A Second Reading of the proposed Midco Franchise Ordinance (Ordinance #2024-05) was approved.

**Motion to approve the second reading of Ordinance #2024-05 was made by Bill, seconded by Darell, and carried unanimously.**

The Final Passage of Ordinance #2024-04 to change Lots 9, 10, 17, and 18 of Block 22, which are in the south park, from R1 to Rec, was approved.

**Motion to approve the second reading of Ordinance #2024-05 was made by Bill, seconded by Niki, and carried unanimously.**

### **Sheriff Report:**

The City's agreement with the Sheriff Dept is now in effect. All animal nuisances should be reported directly to the Sheriff's Department now by calling the non-emergency line at 701-456-7610.

## Attorney Report:

Condemnation of mobile home at 140 Walnut Street.

- Christina talked to Mr. Parker's attorney, who advised that Mr. Parker is requesting to have until September 1, 2025, to have the mobile home removed and property cleaned up. Christina advised the cost of condemnation would be avoided if the Council chooses to accept his proposal.
- Bill suggested giving him until June of 2025 rather than September; the Council agreed September is excessive. Niki recalled the Council previously agreeing to December 31, 2024, as the deadline. Further discussion followed.

Motion to enter into a written agreement with Mr. Parker stating that he has until June 1<sup>st</sup>, 2025, to have his mobile home and accessory buildings removed or he waives all rights to the property and the City will have it removed, was made by Bill, seconded by Niki, and carried unanimously.

## Engineering Report:

North park resurfacing project.

- Randy requested a cost estimate for resurfacing the park to be provided at the October meeting. He also requested James to calculate the square footage. Tabitha stated that has already been done for us at no cost by the contact she's been working with to help navigate the process.

Water service line issues.

- The Clean Water State Revolving Fund was discussed, and it was stated that the City's water line size issue does not meet the requirements for funding.
- James created a map of the water lines and sizes. The Council discussed the undersized lines in town and agreed some need to be replaced.
- James will reach out to the Corp of Engineers for more information and Randy will look for resources to reduce costs and/or pay for ground penetrating radar.

## Maintenance Report:

Maintenance Department changes.

- Randy and Paul attempted to talk to Wendy about suspending her employment but were unable to meet so Paul wrote a letter which was provided to her instead that stated reasons for her suspension and the effective date of immediately. Wendy wrote a letter to the Council in response, stating the majority of reasons listed were not accurate. She turned in her keys and was assumed to have resigned.
- Randy and Paul met with Tony to discuss his performance and also presented him with a letter stating areas of improvement. Tony turned in his keys and immediately resigned. Randy stated that he and Paul talked to Tony about accountability of hours and tracking at the beginning of August but there were still discrepancies.
- Jamie also resigned from his maintenance position.
- Christina advised against discussing details without Tony or Wendy present and suggested to move on. She also suggested the Council request a meeting with her to confirm her resignation.

Landfill attendants to be onsite in the interim until someone is hired.

- Tabitha volunteered to do Wednesday evening. The Council will rotate covering the weekends and also look for volunteers. Jim Leintz was in attendance and volunteered to cover Saturdays; he also stated he'd be interested in applying for a part-time position to cover both days it's open each week.

Curb stop repair list.

- Tony had previously created a list of the top five curb stops needing repair. Cost estimates will be requested prior to repairing them.

Dump truck repairs.

- Randy advised the repairs were made and we receive the bills.

Sewer flushing.

- Paul and Randy are interested in learning how to flush the sewers and would like to have someone training them, possibly Denny Enger as he has experience.
- Bill recalls there being a sunken line near the last manhole on River Street that may cause issues up the line, which Josh with Unplugged had discovered last year.

Map of private and city owned lots that the City mows.

- Paul advised he is working to finalize a new map showing all lots the City mows.
- BNSF mowed their property after Maria reached out to the local contact. We're waiting to hear back on their interest in contracting the City to mow for them for an agreed upon price.

Standard Operating Procedure (SOP) book for the Maintenance Department.

- Paul is working on putting together an SOP that's specific for Gladstone. He is going to contact Denny to verify some things and then will finalize it for future employees and councilmembers to utilize.

## **Old Business:**

Roof repairs at 405 Cliff Street (old city hall).

- Mel is going to donate a piece of Ice Shield to patch the roof before winter.

New water meters.

- Loren with Ferguson will come test five meters with Maria and schedule a presentation.
- Mel Zent recommends the City take immediate action to avoid further revenue loss.
- Jim Leintz asked how the City will cover the cost of new meters.
- Niki agrees that more accurate testing should be done on the existing meters.
- Paul would like to talk to the Core & Main rep again and requested we have him attend another meeting.

Tabitha's performance review and wage increase.

- Maria and Niki met with Tabitha and completed her review.

**Motion to approve increasing Tabitha's wage to what was agreed upon at the time of her employment was made by Bill, seconded by Niki, and carried by an all-aye vote.**

## New Business:

Water meter issue at Kevin Steed's residence.

- Niki advised that Tony had communicated with Kevin about his meter not working and needing to replace it. She also recalls that he discovered the curb stops are being shared in that part of River Street.
- Christina suggested we send a letter to Kevin regarding theft of water.

Dumpster removal and redelivery for delinquent accounts.

- Christina will look into the legality of this and advise at the October meeting.

The agenda item to discuss changes in late fees was tabled until October when Maria is present.

Interest was expressed by the Pub to purchase the city lots to the east of their building to use as a parking lot initially but with plans of potentially expanding in the future.

- Tasha was not able to attend due to an emergency but will keep in contact with Maria.
- Randy said Shawn reached out to him about purchasing the lots and Mayor Chase Fred had advised him the City would sell them for \$2,500 per lot. Randy advised Shawn that the City paid a significant amount of money to acquire the lots and take the building down. Randy will research the exact amount the City paid and then work with Christina and the Council to set a minimum bid before posting. Mel will complete an assessment of the lot.

Direct deposit for employee paychecks.

- A quote from Banyon for \$700 to purchase the direct deposit module for our existing payroll software was provided.
- The Council would like to see if we can set it up directly with our bank for a lesser charge.

Maria was not in attendance but provided the Council with a written statement explaining why.

- Christina suggested a special meeting be scheduled to discuss it further and encouraged the councilmembers to reach out to Maria directly to get her account of what transpired as they have an obligation to hear both sides. The Council agreed.

**Motion to approve a Special Meeting on Monday, September 16 at 6:00pm was made by Darrell, seconded by Bill, and carried unanimously.**

**Motion to adjourn was made by Paul at 8:22pm, seconded by Bill, and carried unanimously.**

### End of August Account Balances:

### August Payroll: Total \$5,269.71

General Checking:	\$ 329,384.08	CD #0832:	\$ 50,298.18	Tabitha:	\$ 895.00	Tony:	\$ 242.60
Park Checking:	\$ 45,469.77	CD #9423:	\$ 105,414.79	Jamie:	\$ 230.00	Wendy:	\$ 517.11
ARPA Funds:	\$ 24,091.88			Maria:	\$ 2,394.00		
Prairie Dog Fund:	\$ 40,870.13			Timothy	\$ 80.00		
Legacy Hwy Fund:	\$ 5,181.88						

August Bills:

A-1 Sanitation	\$270.00	North park clean out and south park rental
BEK	\$11,504.11	146 Cliff emergency water repair
Boss	\$699.00	printer
Dakota Sports	\$37.50	Mower blade
DSG	\$93.68	Valve box top for 8th Ave road project
Ferguson	\$2,138.50	7 meters
Jordan Ridl	\$700.00	Council meeting and meeting prep, phone meeting w/ Maria to go through budget, payroll questions
KLJ	\$3,000.00	Survey
Mackoff	\$2,862.08	August service
MDU City Hall	\$136.05	August service
MDU North Park	\$58.86	August service
MDU Old City Hall	\$72.96	August service
MDU Skating Rink	\$8.93	August service
MDU Street Lights	\$750.39	August service
MDU Water Tank	\$119.60	August service
MDU Well Pump	\$177.70	August service
MDU X-mas Lights	\$0.00	August service
MDU Yellow Shop	\$68.22	August service
MGM	\$4,678.62	Aug Service
Midco	\$172.34	July Service
ND Chem Lab	\$183.52	TTHMS testing
Nelson International	\$454.76	Dump truck repair
Nelson International	\$494.55	Dump truck repair
Oil Worx	\$103.25	Used oil disposal
One Call	\$15.00	10 tickets @ \$1.50 each
Park Acct	\$1,097.79	July State Aid & Oil and Gas
Park Acct	\$1,158.17	Aug State Aid & Oil and Gas
PNR	\$150.00	Street sweeper a/c recharge
Railroad Management	\$379.14	License Fees
Rath & Mehrer	\$7,500.00	2022&2023 audit (already approved)
Runnings	\$175.23	Curb paint and supplies
SW Dist. Health	\$25.00	August testing
SW Grain	\$529.44	fuel
SW Water	\$6,402.99	1,090,800g purchased; 762,958g sold. 30% loss.
Therapy Solutions	\$275.00	Ergonomic grant assessment
Visa - Maria	\$102.61	notebooks, mowing masks, email bills
Visa - Tony	\$100.60	Fuel
Western Dakota Energy	\$494.91	Yearly membership

--- Meeting Minutes Approvals ---

September 16<sup>th</sup>, 2024  
City of Gladstone  
Special Meeting Minutes  
Gladstone City Hall  
6:00pm – 7:30pm

Present: Randy Wyatt, Niki Larson, Bill O'Connor, Darrell Sadowsky, and Paul Reinbold.

Also present: City Auditor Maria Kolling and Attorney Stephen Fetch standing in for Christina Wenko.

Paul Reinbold called the meeting to order at 6:00pm.

City operations regarding city employees and workplace concerns were discussed.

Randy read a statement he had written in preparation of the meeting. He also provided the Council and Maria with some documents supporting the claims in his statement. His statement claimed Maria has been paying herself a higher wage than she was approved to be paid and has been working more hours per week than was approved by the Council and stated that working over 30 hours per week puts the City at risk of consequences should we be audited as it constitutes full-time employment.

Maria provided documents and Minutes to the Council in advance of the meeting, which confirmed the Council approved the wage she's being paid. She stated Randy approved her to work 35 hours a week in a private meeting. She also reminded the Council that Randy had requested her and Jordan to look into the full-time vs. part-time laws about a year ago, right before he approved her to work 35 hours a week. She said her research confirmed there are no federal guidelines defining what constitutes full-time vs part-time; it is defined by the employer unless there are State regulations, which North Dakota does not have. She also advised that because we have less than 50 employees, we are not regulated by the Affordable Care Act so we are not required to offer benefits which would be the main reason for defining full-time vs part-time.

Randy and Maria both gave their accounts of the interaction that transpired between them on Monday, September 9th, which led to Maria's initial statement of concern regarding Randy's conduct with city employees and citizens. The four city employees who resigned each stated his conduct was the reason, and Maria claimed to have experienced it herself in their interaction. She also expressed concern with Randy holding private meetings with employees without the Council knowing or contributing their opinion to the subject being discussed. Randy denied meeting privately with employees, but Tony, Wendy, Tabitha, and Maria all claimed to have been pulled aside into a private meeting, with or without Paul present, in which the rest of the Council was not informed of before or after the meetings. All city employees also claimed Randy had presented them with false accusation in the private meetings. Maria commented that nothing discussed in private meetings is documented in the Minutes, such as the approval she claims Randy had given her to work 35 hours a week.

Maria left the meeting at 6:45pm stating changes need to be made or she will resign.

The meeting was opened for public comment regarding the agenda topic only.

**A motion to adjourn was made around 7:30pm and carried unanimously.**

--- Meeting Minutes Approvals -----

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Maria Kolling, Auditor

Date

Randy Wyatt, Mayor

Date

September 23rd, 2024  
City of Gladstone  
Special Meeting Minutes  
Gladstone City Hall  
6:00pm – 7:30pm

Council Present: Randy Wyatt, Niki Larson, Bill O'Connor, Darrell Sadowsky, and Paul Reinbold.  
Also present: City Auditor Maria Kolling and City Attorney Christina Wenko.

Randy Wyatt called the meeting to order at 6:00pm.

After the September 16<sup>th</sup> Special Meeting, Maria requested the Council officially confirm how many hours a week the City approves her to work, and what responsibilities will be hers to complete in the allotted time.

Christina led the discussion by having Maria first list the tasks she's currently doing. The tasks include several things in the departments of accounting, utility billing, maintenance, water testing and reporting, and website/app/portal management. In addition, she's answering phone calls and assisting visitors at City Hall each day. Maria provided a rough estimate of the time commitment required for several of the tasks, as well.

Maria reminded the Council that she agreed to take on the water testing and reporting tasks to save the City the cost of AE2S providing the service which was \$600-\$700 each month. She confirmed Cal with AE2S provided her with the necessary training and resources to take it over.

Christina asked if utility billing has always been the Auditor's responsibly; Maria advised it was a separate position when she started working for the City and, as far as she knows, was for many years prior to that. It was combined with the Auditor tasks when she took over as Auditor, then separated out again when Tabitha was hired to assist Maria.

Maria expressed needing at least 35 hours a week to complete her tasks and do them well; she does not want to jeopardize the quality of her work by reducing the hours but not the workload. She explained that many of her tasks require research and/or time to ensure accuracy. Finding grants and resources for the City to utilize also takes time. She reminded the Council that she's discovered things such as the water loss issue, which has been obvious in prior years' budgets, but has never been caught because the auditor position was not set up in a way that allowed the auditor time to review and analyze things.

Randy expressed his concerns with the cost of wages and claimed the City will have to raise taxes to pay wages if we stay on the same trajectory as we were on before four employees quit. Maria disagreed with it requiring the city to raise property taxes. Christina reminded everyone that the funds allotted for AE2S's professional services can be moved to the wages fund.

Randy suggested hiring an auditor to do the work remotely again which would reduce the cost of wages to \$700 each month. Christina stated there are too many tasks requiring someone to physically be at City Hall. Randy suggested a part-time assistant be hired in addition to the remote auditor, which would still reduce the cost significantly. The Council and citizens in attendance were not in favor of that option.

Christina suggested that if our budget for wages is too tight to afford a core group of necessary employees, then the whole budget should be analyzed and our service rates reviewed. She suggested we keep our wages competitive, especially without offering benefits. The Council liked the idea of having a rate study done. Maria said rate studies are offered by North Dakota Rural Water for free, so she'll reach out to get the process started.

Christina recommended the City continue to have a part-time position for utility billing and office assistance, which will also provide as a backup for the Auditor.

Motion to approve the City Auditor to work 35 hours per week, and to continue doing the same tasks as outlined in this meeting and previously being done, was made by Niki, seconded by Darrell, and carried with Randy opposing and all others in favor.

Motion to approve a part-time office assistance/utility billing position of 8-10 hours per week was made by Darrell, seconded by Bill, and carried unanimously.

Christina asked the Council to confirm what they'd like regarding work descriptions on timesheets. The Council confirmed general descriptions of the tasks worked on each day should be added, and to separate out any time worked in which the wages should be paid from a specific fund rather than the general fund.

Motion to approve the timesheet changes was made by Bill, seconded by Darrell, and carried unanimously.

Motion to adjourn made by Niki at 7:01pm, seconded by Bill, and carried unanimously.

--- Meeting Minutes Approvals ---

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Maria Kolling, Auditor

Date

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Randy Wyatt, Mayor

Date