

MILFORD CITY COUNCIL-MILFORD FIRE DEPARTMENT- FIRE BOARD TRUSTEES SPECIAL MEETING
July 15, 2019
5:15 PM

The Milford City Council met in special session July 15, 2019 at 5:15 p.m. in the East ½ of Community Center Mayor Steve Anderson presided.

Members present: Chris Hinshaw, Don Olsen, Doug Frederick, Andy Yungbluth, and Bill Huse.

Absent: None

It was then asked for the Fire Board Trustees and Fire Department Officers to introduce themselves.

Milford Fire Department Officers: Doug Hanna, Matt Loerts, Ryan Lubenthal, and Kevin West

Fire Board Trustees: Donna Schmidt -Westport Township, Terry Gano- Milford Township, Wally Jorgeson- Center Grove Township, Harold Prior- City of Wahpeton, Jack Jones- City of Wahpeton, Dean Reiser- Okoboji Township, Gary Wuebker- Excelsior Township, and Jim Warbuton- Lakeville Township.

Others present: City Administrator LeAnn Reinsbach, Police Chief Bob Clark, City Attorney Dave Stein, Matt McWilliams, Mary Johnson, Dianna Eckard, Linda Bronson, Don Lamb, Jason Simpson, Shane Langholz, Ryan Steinkamp, Macintire Arndt, Aaron Gebhart, Tom Reuland, Doug Heller, Emil Richter, Miranda Gebhart, Jess Radcliffe, Amanda Loerts, Stephanie Hanna, Jim Carpenter, Seth Boyes, and Paul Sieh- City of West Okoboji .

Steve Anderson led the Pledge of Allegiance.

Motion by Huse second by Yungbluth to approve the agenda. All voting aye. Motion carried

ACTION & DISCUSSION ITEMS

Council to review July 9th, 2019 Milford Fire Department recommendation regarding Fire Chief and consideration of appointment under City Code 35.06

Mayor Anderson gave an overview of meeting procedures and also discussed several items that include the 28E Agreement that was amended in 2005-2006 on spending limitations of \$5000.00 compared to city's policy that anything over \$2500.00 needs council approval. There has been discussion that the City of Milford has taken funds from the fire department, in conferring with the city administrator and our city auditor this has not happened. There were issues in tracking that were not very clear and this has been cleaned up. In talking with both the city and state auditor in regards to general funds transfers it was stated that the fire advisory board approves the budget for the fire department. If there are any needs or wants to transfer the money that transfer has to be approved by the fire advisory board. The city council does not have the authority because we did not establish the budget. It has been discussed that any left over money should be transferred into the capital fund. In talking with both the city and state auditor the best thing to do is to use the formula that is used during budget and any leftover money be dated back to the members of the 28E Agreement which is what was done this year. It was also discussed that the City of Milford has had to pick up and cover a portion of cost when certain townships are not able to levy enough to cover their share in fire protection. Discussion also took place in regards to certain parts of the city code dealing with the fire department on the process of appointing the fire chief and the appointments to the fire department both requiring council approval. Mayor Anderson stated he felt it was important to have a special joint meeting between the council, fire department and trustees of the 28E Agreement and he would like to see the 28E Agreement restructured and that members of the agreement meet more often. The meeting will be open to public comments, comments from the fire department, fire board trustees and council. Motion by Yungbluth second by Huse to allow a time limit of three minutes for public comment. All voting aye. Motion carried.

Mayor Anderson asked for public comment.

Jess Radcliff spoke about his personal background, how he met Jim Carpenter about why he chose to join the fire department. He supports Jim and stated if Jim isn't reinstated as fire chief he will not be on the Milford Fire Department. Jess also noted he spoke with Mayor Anderson and Councilman Yungbluth and their response was if you're going to support a person than we don't want you on the fire department. Jess stated he has been on the fire department since 2014 and Jim has given him the opportunity to give back to the community.

Emil Richter spoke about the number of professional fire departments that Jim Carpenter trains and spoke about the responsibility of being a fireman today is not what it used to be 40 years ago when all you had to do is sign up. Emil expressed his concern and feels someone has a bur under their saddle. Emil stated he has been on the fire department for close to 48 years and losing Jim as the fire chief we are losing a whole lot.

Shane Langholz commented he feels that the fire department is supporting the community by supporting the person who is best qualified for the job and noted this is the meeting we should have had before all of this started.

Aaron Gebhart has been on the fire department for two years and has been grateful for both Doug and Jim. Most recently he was recruited to come on as a medic. Aaron addressed to both the city council and fire advisory board that members of the fire department would like to see a different representative from the city council representing the fire department. The fire department believes that it's a conflict of interest to have an assistance chief from a neighboring department as our representative based on conflict of interest policies.

Miranda Gebhart spoke about her family ties with different fire fighters. Fighting fires is a brotherhood and Miranda feels the fire department has each other's back. She stated she knows there is turmoil and it makes her concerned that if her husband or any other fine men and women on the fire department go into a fire, do they have their mind in the right mind frame to come out of that fire alive. She feels as a citizen we need to support our volunteers, these are people that want to serve and we need to respect their opinions on who is the best person to lead this place.

Amanda Loerts touched on the character of Jim Carpenter and the support that Jim gives to the fellow fireman and their families. Jim is a leader of this department and it truly is a brotherhood and hope everyone comes home safe and needs to know Jim's integrity.

Mayor Anderson turned comments over to the fire department officers.

Doug Hanna expressed his concerns on questionable purchases and how it was portrayed and is also concerned on direction after the January budget meeting. In continued conversations the purchases comes down to the 28 E Agreement and lack of communication with the fire board. Mayor Anderson expressed his concern to follow the rules and guidelines put in place in the event something would show up in an audit. Jess Radcliff stated the items that were purchased were in the fire department budget. Ryan Lubenthal spoke in regards to appointing the fire chief. His concern is if the council had issues with appointing Jim why didn't anyone come to the officers. He feels it was shady and it doesn't seem right to not consult the people who think the person is the most qualified for the job. Mayor Anderson commented he doesn't know when the fire department meets. From the prior council we were given minutes and we don't get them anymore. The last minutes the council received were from the July 9th meeting and feels that information is necessary. What we are getting now is the call reports so we can see what you're responding to and also suggested that the minutes should be sent out to the fire advisory board. Ryan Lubenthal agreed.

Mayor Anderson turned comments over to the fire advisory board.

Dean Reiser spoke and recognized the board meets every year and sets a budget and commented we all just need to work together and get something figured out and this would eliminate of the problem. Reiser also noted he was under the impression the board was more advisory board.

Harold Prior asked when the last time the fire department went over budget. City Administrator Reinsbach said it was in 2015 the fund went about \$11,000 in the negative and part of that was due to a payroll that took place on Monday June 29th. Harold felt his role on the board was more advisory and talked about Mayor Anderson's concerns during the January budget meeting about the board overseeing the fire department. Harold commented he has spoken to a two or three members and nobody was willing to take on a bigger role at the time and if we were to take on a bigger role he believes some amending would need to take place on the 28E Agreement. If it would assist in solving this problem he would support along with the other fire board members if they were to agree taking on a more active role on overseeing active roles of the fire department if that would be acceptable to the council. Harold also suggested there would need to be some sort of indemnity or hold harmless agreement for members of the fireboard. Mayor Anderson felt that by the fire advisory board stepping up and taking that role it would help remove some of the politics. Anderson also commented he would be willing to approach council about paying to have the 28E Agreement amended. The question was posed if the fire advisory board members would be willing to take on a bigger role and work on amending the agreement. All members that were in attendance agreed with the exception from Donna Schmidt who expressed concern is to look at the budget and doesn't want to be pulled into something she doesn't know about.

Aaron Gebhart commented during the June 17th that it was stated by LeAnn under bills that the City of Milford has to cover the \$17,000 that was spent on equipment. It wasn't stated that the fire board pays a portion and the city pays a portion.

Mayor Anderson turned comments over to the council.

Councilman Frederick posed the question to the fire board if they are behind Jim. Harold Prior and Dean Reiser both spoke up in support. There was also discussion on chain of command with the fire department and Councilman Huse feels proper procedures were not followed on payment of invoices. Harold Prior interjected and feels there is a well-supported plan moving forward and that would include reinstating Jim as the fire chief. This includes the reorganization of things we need to do to make this a reality. What has been done in the past we can't do anything about but we can figure out how we can do things to move forward. Mayor Anderson referred back to the agenda item to review the July 9th Milford Fire Department recommendation regarding Fire Chief and consideration of appointment under City Code

35.06. The fire department held a meeting on July 9th to support Jim Carpenter as chief. Mayor Anderson asked for a motion. After further discussion a motion was made by Frederick to approve the chief as selected by the fire department pursuant under section 35.06. Hinshaw asked if anyone was willing to take over if Jim wasn't fire chief. Doug Hanna said they would do what needs to be done but time wise he can't. Kevin West noted he works a full time job traveling everyone other day so it would be tough for him. Ryan Lubenthal feels he doesn't have the ability to leave his job and do the things a chief needs to do. Matt Loerts abstain because he is a current employee of the city. Mayor Anderson asked for a second. Councilman Hinshaw second the motion. Roll call: Huse nay, Yungbluth nay, Frederick aye, Olsen abstained and Hinshaw voted aye. Split vote. There was then a motion by Huse to table until the next scheduled council meeting. Jason Simpson asked why the Mayor doesn't vote to break the tie. It was explained that per city code the Mayor has no authority to vote. Don Lamb asked to speak and commented he has been associated with the City of Milford since 1963 and spoke about his background serving for the City of Milford. The council always went with the recommendation of the fire department in appointing the fire chief. Yungbluth made the second to table until next scheduled meeting. Voting aye: Huse, Yungbluth, Frederick, Olsen. Nay: Hinshaw. Motion carried.

With no other discussion, motion to adjourn by Olsen second by Yungbluth at 6:20 p.m. All voting aye. Motion carried.

Respectfully submitted,

Steven R. Anderson, Mayor

LeAnn Reinsbach, City Administrator/Clerk