

**HOKAH CITY COUNCIL
MINUTES OCTOBER 7, 2008 COUNCIL MEETING**

1. MEETINGING OPENED BY MAYOR MARTELL at 1800
2. ROLL CALL COUNCIL MEMBERS PRESENT: Pfiffner, Christianson, Ross, Walther, Martell
3. CHANGES TO AGENDA. None noted
4. MOTION TO CONSENT TO AGENDA by Christianson, second by Ross. Roll call all approve.
5. APPROVE MINUTES COUNCIL MEETING SEPTEMBER 2, 2008, and Budget meeting of September 10th. Motion by Christianson, second by Pfiffner, roll call all approve.
6. APPROVE ACCOUNTS PAYABLE. Motion by Ross, second by Walther, roll call all approve. Also additional billing submitted by James Ross for mileage. Motion by Christianson second by Pfiffner. Rollcall all approve.
7. WWTP – ANDY KLINGSPORN & HEIDI SNELL – KEN DUCKE/COMMUNITY CHURCH UTILITY BILLING. Andrew discusses the open house that was held last month. He thanks the Council members that attended the function. Andrew also reports that he attended a training class in Duluth Minnesota. Andrew calls forward Ken Ducke from the Hokah Community Church. Ken presents a document he constructed that compares water rates from the present and also of the recent past for the Community Church. And reports that the bill they received is \$2586 for past water usage. Andy reports that there is an alleged error in the billing that continued for a period of approximately 16 months. Ken also compares the usage from the Community Church to his own personal residence. He states that the Community Church billing is substantially greater than his own residence, stating that the Church shows approximately 280 gallons of water a day, every day. Ken also presents another document showing past water usage broken down for the Church by billing periods for the last three years. Andrew reports that when John Quinn was here the Church undertook a remodeling project and a new water meter was given to the contractor. Andrew reports that the new meter was installed and a remote reader was installed but potentially the wires weren't installed to connect the two meters together. Further that this meter probably had a different reading than the original meter. Andrew reports that he would like to implement a plan that would record the serial numbers for the individual meters that would attach to the billing so that an inventory of those particular meters could be made. And reports that this month billing for the Community Church is in the area of 30,000 gallons. The Church states this in their letter that this month's bill maybe higher do to a watering program of recently installed grass seed. Mayor Martell states that Andrew will work with Doug Moen and keep contact with Ken to attempt to determine the problem. Andrew discusses the Mike Walsh utility billing. He states there appears to be some blip in the radar regarding this billing. Andy states that he believes the meters are correct but that the Walsh billing shows a one-month substantially higher billing. Jim Kochie is in the audience and discusses various aspects of water and utility buildings. Mayor Martell suggests waiting one more month and checking on the utility billing of the Walsh account. Pfiffner also agrees to let Doug researched the Community Church account and then to watch the Walsh account one more month. Andrew states he wishes to inventory the meters and then continue to attempt to determine what the problem would be in these buildings.
8. LIBRARY / CITY HALL REPORT IN PACKETS. Barb Bissen is not in attendance this evening. In her letter to the council members she wishes to purchase for fans for the City Hall auditorium at 57 Main St. This

purchase would possibly assist in air handling, more notably heat distribution at the City Hall. Martell suggests possibly installation of duck work that will assist in the distribution of heat from the lower level to the upper level and also bringing the heat from the ceiling back down to the floor area. Martell discusses zone heating the auditorium area and keeping the temperature lower when the facility is not in use. Blank states he believes that this is already being accomplished. Mayor Martell asks the Council what they wish to do. Councilmember Walther makes a motion to purchase the fans. Christianson asked him to clarify fans for the ceiling? Walther states yes. Ross questions if four residential fans would do the job of bringing the heat back down compared to the duck work that Martell has discussed. Christianson asks Martell who we would talk to regarding the installation of a system like Martell discussed. Martell suggest talking to Phil Onstad or our heating people. Martell states that if the cost would be to great we would probably go with the fans. Councilmember Walther states he is going to write a check for the purchase of the fans. Blank states for clarification that there was a motion on the floor by Walther to purchase these fans. There was a call for a second to that motion that failed to produce. Therefore that motion fails. Martell also discusses Schneider Heating looking at the problem.

9. POLICE DEPARTMENT CHIEF SCHULDT. Chief Schuldt discusses a flyer he distributed to the members. The Police Department is hosting with the Department of Corrections a forum regarding community notification of sexual offenders, and asked possibly if members of the Council would attend the forum. Chief Schuldt also said reports that Houston County has held their first radio communications meeting regarding switching radio frequencies to a different band.

10. STREET AND MAINTENANCE. Blank reports the state has waived the \$500 yearly fee for membership in the State Procurement Program. Blank also states that they are currently between 2008 and 2009 model years and don't have any offerings available at this time. Blank reports the state employee that handles the awarding of these particular contracts is on vacation and not due back until next week. Blank also asked the Council for their permission to purchase the truck, bobcat and street sweeper attachments when the availability arises. Martell asked for a motion to that effect. Motion was offered by Ross second by Pfiffner roll call all approve to have Administrator Blank purchase Truck and equipment when they become available. Mayor Martell also asked for a motion for Administrator Blank to purchase the bobcat and two sweeper brooms. Motion by Christianson second by Walther roll call all approve. Blank reports that we have repaired and paved the alley by a Feldmeier residence and the street by the well house for a total bill of approximately \$5,100.00.

11. TEMPORARY LIQUOR PERMIT OCTOBER 17 FIREMAN'S DANCE. Motion by Christian some second by Pfiffner to approve the temporary liquor license. Roll call Martell yes, Ross and Walther abstained.

12. NOVEMBER COUNCIL MEETING ON EITHER 5th. Or 11th DUE TO ELECTION ON 4th. Council decides to have the November Council meeting on the fifth of November at 6:00 p.m.

13. RECREATION BOARD. Blank suggest bypassing this agenda item as he believed there were going to be members from the recreation Board attend a meeting. Christianson states that they couldn't attend and she has minutes from the meeting to discuss. She discusses that they want the weeds to be taken care of next year and also the filtering system is broken and needs to be replaced. Mayor Martell states the problem is the landslide that came down during the flood last year and occluded the pond adjacent to the swimming pool. Christianson also suggests that we place a liner in the pool if there isn't one there currently and to pull out the muck that is on the bottom of the pool and put new sand in to replace the muck that is there now. Christianson states that they want to know if the city maintenance people can complete this or not or if we need to hire out to have this completed. Christianson states the pool has been totally ignored. Christianson's states they had a meeting with the pool staff and she reports the place is a disaster area. The plumbing, locker rooms, backed up water, the doors don't lock, etc. Christianson asked Blank if he has the list of items for repair at the pool. Blank states that

he has not been provided a list. Andrew reports that they have done some work with the plumbing, resurfaced the concrete, painting and reports that a lot of work has been done. He reports there are some things that probably still need to be done. Bissen states that she had been at the pool quite a bit this summer and there had been some lack or a miscommunication between pool staff on the items that needed to be attended to. Bissen reports some of these things are items that the guards should have been able to do themselves. Christianson states that's another issue. The lifeguards don't feel as though they were hired to be maintenance people, they were hired to be lifeguards. Further Christianson states the bubbler is broke. Andy reports the bubbler has been repaired. Mayor Martell asked how old this list is that was supplied by Christianson. He states we have been doing work down there. She states she is not sure how old the list is. Mayor Martell states he has told the recreation members that the pool is not a priority until we get some other things completed. He states they have to realize that, we have to take it as it comes. Christianson also asked for the okay for Board Members Husbands to install shelving at the pool. No one spoke in opposition to this request. Kathy Olson entered the meeting during this latest discussion. Christianson asked her if she has anything to add. She states there is a new person that would like to be on the Recreation Board, Nickey Johnson. She states the biggest issues were a liner for the pool, to determine a way to keep the area clean, making sure there is no in flow of animals and such from the pond area, clean out the plugged drainage pipe, repair of the screen area between the pond and the pool. Martell discusses the work that has to be done on the pond next to the pool and asked if the Recreation Board would back off a bit and allow the City time to talk to the necessary people to make repairs, to determine what we can accomplish. Kathy states they are not pressuring anyone, just like to see these things get done. She states cleaning out the ponds would obviously be a good thing. Martell asked Kathy Olson they could get together in constructing a new list of items that still need repair. Kathy states that Kathy Rogish does have a list. Kathy asked if they should give the list to Dave for Andy. Martell asked that they discuss with Dave and Andy the items that they are able to complete. Then we would have an idea of what we have to hire out to be done.

14. ITEMS FOR NEXT MONTH'S AGENDA. Blank states that he has received a letter and also a book of Minnesota Basic Code ordinances that he would like be Council members to stop in his office and take the book and review the ordinances. Blank states the current condition of the City Ordinances is in need of repair. Blank explains the basic code is general type ordinances that other Cities in the State of Minnesota have adopted. Blank also states these ordinances could be placed on the city website for use by the general public. Blank also states that any specific ordinances that the city currently has can also be placed into this basic code. Blank reports he has given the basic code ordinances to the police chief for review. Blank states the cost is less than \$1000. Blank states that he could construct the resolution to adopt these ordinances. Blank informs that we are also missing ordinances from the ordinance book, further that there are ordinances on file that would appear to be outdated. The adoption of this Minnesota Basic Code would take care of these problems and implement ordinances for the City to utilize that have been determined to be current and legal for Municipalities in the State of Minnesota. Blank states again he will put this on the agenda for next month's meeting, and asks members of the Council to stop in to pick up the book of basic code ordinances to review so they are familiar with them for the next council meeting. Blank again asked the council to please stop in to review the book or to take it home to review so they're familiar with the items. Christianson asked if these ordinances would supersede all the ordinances that we currently have and Blank says that's correct. Christianson then asked how often we use the ordinances that we have, probably not that often. Christianson states she has looked at other basic ordinances that communities have adopted and she is not sure that is the way to go. Chief Schuldt offers that on a daily basis we deal with ordinances that may or may not be out of date and that this procedure would probably clear up a lot of those questions. Blank states again that he will put this on the agenda for next month and asked the council members to please stop by to either review or pick up the book and take it home to familiarize themselves with the offerings of this Minnesota Basic Code.

15. MAYOR'S COMMENTS. Martell states that progress is being made down at the Como Falls area that is really beginning to look good. Further reports that he has been talking to contractors to see what we can do with the warming ponds to remove the debris from them. Martell further states there has been a lot of work done at the fire station by the firemen. He states we have received funding to make these repairs. He states he would like to see the firemen reimbursed for their labors at the current rate that the City pays other employees to perform maintenance procedures. Blank states that is currently \$13.50 an hour. Christianson agrees. Martell asked for a motion to this effect. Motion by Christianson second by Pfiffner roll call Martell yes. Ross and Walter abstain. Blank asked for clarification. Martell states that they will have to turn in the hours for payment. Blank asks what the normal compensation for department personnel is and Walter responds \$10 an hour. Blank states but we are not keeping with that rate were going to the other rate? Martell states they should be compensated at the same rate that Marc Cairns or Heidi Snell are. Blank states again that is \$13.50 an hour. Martell states that is okay.

16. COUNCIL MEMBERS COMMENTS. Walther asks the current status of the Alltel situation. Blank states we are probably no farther this month than we were last month. Walter asks what the hang up is. Blank states it's the language and the contract. Blank further states this could take some time to discuss or would they rather stop into the office and to look at the Alltel file. Martell asked to just give them the condensed version. Ross also states he just doesn't want to screw around long enough so that we lose it. He states someone has approached him to make sure that this tower happens. Walter states he doesn't know if it's a hang up between City Attorney Von Arx and Alltel or not, and if he can't get it done were going to have to get somebody that can. Blank states Alltel would only thus far agree to the contract language that they had submitted in July of 2008. City Attorney Von Arx thinks for numerous reasons that contract is not attractive or beneficial for the City of Hokah. Blank states that some of the issues that are insufficient in the current contract are indemnifying the City of Hokah, listing the city of Hokah as an additional insured, rental of the tower space and facility to other organizations that would be income generating, guy wires, easements, et cetera. Blank does state that if someone else wishes to take over and champion this effort that he would gladly give them the file. Blank states currently he is attempting to deal with the City of Hokah Attorney, the Attorney for the League of Minnesota Cities Insurance Trust, two Alltel attorneys, two real estate accusation specialists from Alltel, and our insurance agent Tom Danielsen, and the Manager at Alltel. Blank states he gets frequent e-mails and contacts from the City Attorney asking different things, and he's only really looking out for the best interest of the city. Further City Attorney Von Arx discovered in the contract that Alltel is limited to paying only the first \$500 of real property taxes on the facility. The remainder of the tax burden would be the responsibility of the city. Blank states that he has contacted the Houston County Assessor's Office and made a determination that currently the property would be assessed somewhere in the area of \$700 a year real property taxes. This would already place the city of Hokah in a position to be paying property taxes on the tower. If those tax formulations should change in the future the burden for payment of taxes would all be placed upon the City of Hokah not Alltel in amounts in excess of \$500.00. This is just an example of why this has to be further negotiated. Blank also reports that it takes a substantial time to receive communication replies from Alltel. Blank gives an example that he had received an e-mail from one of the Alltel personnel one day stating he would call the next day. He reports waiting all day for that person to call. Blank further states that he still has yet to receive a call from that particular Alltel manager. Blank states he has offered to drive to Mankato to sit down with Alltel staff to see if we can hammer this out. Blank states that he has yet to receive a reply. Ross states that there are some people in the community that know that this is a process and they want to make sure that the city or the lawyers are not dragging their feet. Ross states that he has told them that this is more complicated than it looks. He states their wondering if this is something that's going to get completed this year or not and Blank says it probably looks like it's not going to be considering this is October already. Blank invites anyone to stop at his office to review the Alltel file to make the determination that he and/or the city and/or the city attorney and/or the city insurance

liability carrier are not dragging feet in this process. Walther also asks what the situation is regarding Heidi Snell. Blank reports after the budget meeting on September 10 he contacted Heidi's supervisor for workforce development Bruce Thompson and explained the current conditions for employment contract that the City Council had authorized. Mr. Thompson stated that parts of that contract, namely the hours of weekly employment and the one-year contract were unsatisfactory to workforce. Blank asked that he determine what the City would have to change so that workforce could be in agreement. Mr. Thompson called back last week and stated that they are no longer interested in donating the \$4000 to the City of Hokah for Heidi Snell's employment. He listed various reasons for this determination. Blank and inquired as to why. Mr. Thompson stated they expected more than 30 hours, didn't like the determination that the contract would be a stated at one year and further stated that he didn't believe that she should be performing general maintenance duties as well. Blank states he countered that with various explanations, but to no avail. After receiving this information Blank has contacted James Kochie to determine if Rural Development may be interested in supplying the \$4000 contribution for the training of Heidi Snell in the wastewater treatment facility operators apprenticeship program. Kochie states he has not heard from Rural Development. Blank asks do we continue with Snell's employment without the contribution from Workforce, or not. Pfiffner asks when we might hear from Rural Development. Kochie stated he expects to hear back from them soon. Martell asks Ross if he has anything, he responds no. Then Martell asks Christianson. Christianson says last week there was the barn dance and she should've said something a month ago after Hummer's pub asked for a permit for a variance of the public consumption ordinance and we denied it. Christianson states that she thought she could ask for permit for special occasions but that she'd let it go. She states she is very sorry she let it go because now we had the barn dance that came up, and she advised the organizers of the event to contact Administrator Blank or Chief Schuldt to get the permit because you can get a permit for special occasions or whatever. Christianson states that they told her that Administrator Blank told them that there was no such thing as a special permit. Christianson states that she is boggled. Christianson states that she has the ordinance in front of her and not to tell her it was just for the bean tag tournament because that was just an example. Christianson states it was brought up for gun Raffles, anything that you had going on you could get a permit for, would be handled through the city. And now she states all of a sudden, we can't do that, it's only for this. Blank states that that was his understanding and asked Chief Schuldt for his understanding. Chief Schuldt stated he wasn't at that meeting but that Administrator Blank had showed him documentation that the ordinance was not for bar overflow and that's what he determined the reason that Hummer's Pub had requested the permit. Christianson states she does not remember that verbiage at that meeting. Blank then asks Christianson if it's her understanding that any time that she wanted to have an event and have people drinking on the sidewalk that should be permitted the city. She states she did not state anything about having people drinking on the sidewalk and then asked how are you going to handle the gun Raffles. She states she was told that Blank had made the statement that's a totally different subject. Blank states he doesn't understand what she is saying. Christianson states they asked for a permit, and Blank told them that's a different thing than this. Chief Schuldt and Blank ask "who's they?" Christianson states she doesn't know who they are. She doesn't know if it was Jackie Lindhorst or Carmen from Hummer's Pub that asked. Blank states he did not talk to Carmen, Chief Schuldt did. Secondly Jacky called today which is obviously after of the Saturday night barn dance and asked to be on the agenda for the Council meeting. Blank told her that the agenda was closed and asks what the subject matter was. She stated she wanted to discuss liquor items, how to handle alcohol sales when she is bartending, etc. He explained to her that onsale liquor transaction by Minnesota State Law is just that, onsale. If you sell an open container of alcohol for consumption on your licensed premises, and that drink walks out the door, you are in violation. If you post a sign at the door stating no alcohol outside you are showing good faith effort. If there is a permit granted by the City for variance of the public consumption law, it does not grant permission to violate this procedure. So you actually have two issues. Blank states he doesn't appreciate being quoted by whoever it was, or whatever "they" are. Christianson states it was hearsay for her. She asks did that conversation ever happen. Chief Schuldt states that conversations seem to get stretched out of line. Chief

Schuldt states he has had numerous conversations with liquor control, and the “to go” alcohol sales that go across the street are in violation with state statute, not local ordinance. And it’s not the person, it’s the Bar that is in violation. Christianson states what about the guy that walks across the street that takes it out of his car? Chief Schuldt states that’s not violating a liquor license law. Blank states he believes that the discussion regarding the permit for variance of the public consumption ordinance that was discussed at a Council Meeting was exclusively for bean bag tournaments on the sidewalk. Blank states nothing was said that for bar overflow you can get a permit. But, if that’s what they want to do, then to instruct him to that effect. And, if that is the Council’s intention, Blank suggests repealing the public consumption ordinance. If you have this permit available for everything that you need bar overflow for, then abolish the ordinance. Christianson states she never could see the reason to have the ordinance in the first place. Chief Schuldt states the things she is talking about has nothing to do with the ordinance. The items that Hummer’s is talking about, he doesn’t see anything that has happened in Hokah Law Enforcement that came from that. Blank states if that is the intent to issue the permit for events other than bean bag tournaments, then he takes responsibility for limiting the events to actual sidewalk events. If the Council want permits available for bar overflow events like Chief Schuldt discussed, Blank states he can’t see a reason for the ordinance. Christianson states she has never had a problem with this. Chief Schuldt asks where the problem is now. She states that everyone is coming in and bitching about this. Chief Schuldt asks if this is bar talk, or someone that’s getting arrested. Mayor Martell states it all began when smoking was banned in the bars, and that moved people outside. Pfiffner states she doesn’t think that Chief Schuldt is going to use this ordinance to “pick” on someone. Mayor Martell states we are discussing this because we have a few people that can’t conform. Blank again asks further direction regarding the conditions he and or Chief Schuldt are to issue the variance application permit for public consumption. If you are wanting us to issue the permit for bar overflow, gun raffles, barn dances, motorcycle rally’s, etc. we need to know that. We both understood you were only interested in bean bag tournaments. If that’s not the case, Blank needs the Council to tell him that. Pfiffner states that is the way she understood the situation. The bean bag tournaments are what were played on the sidewalk, and that is why people would be out there. Chief Schuldt then asks where the liability falls. The Council, directing us to issue this permit, so someone can have an off sale, we are violating liquor licenses. Chief Schuldt and Administrator Blank discuss liability issues for both the City and the bars. Blank again asks the Council for clarification regarding the issuance of the permit. Christianson states that she obviously thought it could be issued for more reasons than a bean bag tournament that is why she directed Jackie Lindhorst to contact us, to get the permit. Blank states no one actually contacted him to get a permit. He had discussed just today with Jackie liquor issues, and a couple other persons as well. But this was after the most recent event. Blank states we the City, have not brought this out to the forefront, and Christianson agrees. Chief Schuldt states that if someone wants to bring a cooler of alcohol into the City Hall for consumption therein, it is not against the law. That would not violate the Public Consumption Law. Christianson states to wait and see what happens for the gun raffle that is scheduled at the end of the month. Blank discusses past procedure for enforcement of the Public Consumption Ordinance, and once again asks the Council’s direction regarding issuance of the permit for variance of that Ordinance, explaining the intended activity of bean bag tournaments, motorcycle rally’s, gun raffles, etc. The Council remains mute on the issue, issuing no direction to the request. Christianson mentions the Recreation Board was wondering about an ice skating rink this winter. She stated they were thinking by the swimming pool, or in the park where it has been located in the past.

17. STAFF CORRESPONDENCE. Blank presents a letter from Kathy Rogish regarding the Gary Bernsdorf utility bill. She is asking leniency in the amount due. Blank explains this is a guardian making the request on his behalf. Mayor Martell asks for comments from the Council. Council Member Ross states if we start leniency on this, it would lead to more requests. Blank also discusses in the near future we will have to certify past due water bills, and that we have some issues regarding past due accounts, and that Ordinance states that utility bills will be in the name of the property owner, not the occupant, and that there is opposition to this from landlords. Further

questions from Council, and Blank reads aloud the letter to the Council. Blank asks that the Council consider this, and reads a letter from the Houston County Auditor's Office that states the City of Hokah is not required to hold a Truth in Taxation hearing this year. Motion by Christianson, second by Pfiffner to not hold a Truth in Taxation meeting. Roll call, all in favor. Blank asks the wishes regarding the Bernsdorf utility bill. After discussion, including the status of the water meter at the residence, the Council declines to adjust the billing by motion of Mayor Martell, second by Pfiffner, roll call Walther abstains, others in favor.

18. ANNOUCEMENTS. Public Hearing next month, November 5, 2008 at 5:30 PM. Blank explains that City Attorney Von Arx advised the City must hold a Public Hearing regarding the intended Land Use Regulation to explain to the participants of such hearing that the City's intention to purchase the property utilizing DNR Flood Reduction Grand funds, and a requirement of that grant is that no permanent structures are to be placed upon the lands in the future.

19. ADJOURN. Motion by Christianson, second by Ross all in favor to adjourn at 8:25 PM.

Attested this day _____ of _____, 2008

Administrator

Mayor