

CITY OF HOKAH

MINUTES
REGULAR MEETING
FEBRUARY 3, 2009
6:00 P.M.

- **CALL TO ORDER:** at 6:00 pm
- **PLEDGE OF ALLEGIANCE:** Completed
- **ROLL CALL:** All Council Members present
- **ACTION TO CHANGE AGENDA:** None noted

1. Consent Agenda: Motion by Christianson, second by Mullen roll call all approve

All items listed under the consent agenda are considered routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately

- | | | |
|-----|----------------------------|------------------|
| 1.1 | MINUTES | JANUARY 6, 2009 |
| 1.2 | BILLS PAYABLE THROUGH | FEBRUARY 2, 2009 |
| 1.3 | CONSOLIDATED BALANCE SHEET | FEBRUARY 2, 2009 |

Discussion regarding payables, down payment on a tractor. Discussion by Administrator Blank regarding contract with MnDOT for snow gathering and loading. MnDot has agreed to fund the gathering and loading of snow by DavisonTrucking. Davison would be using a loader for that purpose.

Items 2-5 below are to be included in Council Packets if Department has items to report to Council

2. Water/Waste Water/Flood/WWTP App. : Written Report x

Discussion regarding cleaning and inspection of the water reservoir. Andrew Klingsporn has presented a quote by Liquidvision Technology in the amount of \$2,820. The council asked that Andrew obtain a competing quote. James Kochie presents documents relating to the WWTF. Documents on file. One of the documents is a project summary. He presents an overall description of the construction of the plant. Further a description of monies remaining, and where he believes parts of that will be needed, and the probably existence of approx. \$82,000 remaining. Discussion where to spend those funds. Repairs at the plant, sewer rehab, use money to pay the first years payment of approximately \$59,000, etc. Mayor Scholze stated he will check with City Clerk Moen to see where we are regarding the budget and address this at the next Council Meeting. Next Kochie presents documents relating to the NRCS EWP repair projects. He describes the three areas as the Judy Sennes residence, the area behind Main Street Saloon and Security State Bank and the Stanley Kuecker residence. Further discussion between Kochie and Blank regarding funding for the 25% city share. Administrator Blank will make contact with Ralph Tuck regarding funding.

3. Library : Written Report x

Discussion from Barb Bissen relating to the monthly report on file.

4. Police Dept. : Written Report

Discussion from the Chief Schuldt regarding NIMS requirements. Further he discusses the upcoming Minnesota Chiefs of Police spring training institute that he plans to attend. Also discussion regarding the pickup truck that the city had impounded. The case was lost in jury trial and the vehicle has been returned to the owner.

5. Streets / Maintenance :

Written Report _x_

Administrator Blank reports to the Council David Welke would like to purchase four tires that are currently not in service. He offers \$40 for those tires. Further David Welke submits a letter to the council regarding items that he had been asked to identify by Mayor Scholze in and around the maintenance shop that are items that are no longer needed or in various states of repair or in fact our not repairable at this time. This letter is on file. Further David Welke offers to the city \$3000 for the purchase of the Case 1494 tractor, loader and canopy. Administrator Blank makes note of former Mayor Martell in the audience. Blank states that former Mayor Martell is very familiar with the equipment listed on this letter. Blank asks his input regarding these items. Former Mayor Martell states the 1984 Ford truck should be a package with the truck and a Hydro turned plow. Former Mayor Martell further states that the Ford tractor has had an overhaul in the past and has not seen much use since that overhaul. He believes a clutch should be put in that vehicle and utilized by the city rather than sell the item. Regarding the case 1494 tractor former Mayor Martell discusses its history with the city. Martell states that for all the use the City has gotten out of that vehicle it owes the City nothing. He further discusses that now that we have the Bobcat skid steer that takes the place of a lot of jobs that the tractor would have normally done. Mayor Martell reminds council issues that we have is the stirring of the tank and then it is nice to have a snow blower. Martell states that in an emergency the blower could be placed on David Welke's personal tractor. Further discussion about taking items to the county auction in August in Caledonia. Motion by Ross and second by Mullen to sell four tires to David Welke for \$10 apiece or a total of \$40 roll call all approve. Motion by Christianson second by Walter to put the case IH 1494 tractor loader and canopy advertised for sale by sealed bid.

6. Recreation Board : Report on file. Kathy Olson appears to discuss items from that report. Kathy discusses advertising in the La Crescent community education brochure, advertising in the local newspapers and also if the city is interested in hiring a pool manager this year. The Council agrees that Hokah Recreation should advertise with the La Crescent community education brochure. Mayor Scholze also asked them to revisit their fees in regards to the ball field.

7. Planning Commission Zoning: Ross begins to discuss the meeting that he chaired with the planning commission and discussion of the Minnesota basic code it was decided to wait until agenda item number nine to discuss this.

8. Items for Consideration

8.1 **Appointments:** Mayor Scholze reads off his city board appointments for 2009. They are as follows: Library Board Kevin Walter, Rec Board Sam Mullen and Andy Klingsporn, Planning Commission Lance Ross, Acting Mayor Kevin Walter, Street Department Rita Christianson, Police Department Jim Scholze Emergency Management Rodney Blank, Water Wastewater Jim Scholze, Forrester David Welke, Multiuse Trail Committee Jerry Martell and Chris Peterson, Southeastern Minnesota League of Municipalities (SEMLM) Jerry Martell and later it was added that Rita Christianson would assist in ordinance review.

8.2 Personnel Committee/Employee Reviews: Mayor Scholze recommends to the Council that they authorized him to establish a personnel committee. Mayor Scholze states that the personnel committee would be made up of three to five members that would oversee various personnel items. Mayor Scholze asked the input from the Council Members in regards to the makeup of the committee. He suggests that the Mayor, Administrator, another Council Member and a Citizen make up that committee. Walter states he believes it is a good idea to have a personnel committee but suggests that the committee be composed of five members. Walter suggests also having an employee on the board. After further discussion Walther makes a motion to establish a personnel committee consisting of five members. Those five members would be the Mayor, the Administrator, one employee, one resident of the city, or two residents of the city, or two Council Members. This motion was further clarified by Mayor Scholze. The Personnel Committee would consist of the following: a Council Member, an Employee, the Mayor, the Administrator, and one Resident. Ross seconds the motion. Roll call all approve.

8.3 Mayor as seasonal employee: Mayor Scholze states to the council he wishes to remain a seasonal employee with the Hokah Summer rec program, as well as serve as the Mayor of the City of Hokah. After the statement he recluses himself from the meeting by handing the meeting over to Acting Mayor Walther stating that he will remove himself from the meeting being located in the truck bay in the fire department and if someone would come and get him when the Council has reached a decision. Mayor Scholze now leaves the meeting. Acting Mayor Walther asks Administrator Blank to elaborate on the situation. Blank states that he has been in contact with the League of Minnesota Cities and City Attorney Von Arx in regards to an employee continuing to work for the municipality as well as serve as Mayor or Council Member. Blank reports that he has not been able to determine anything definitive in regards to the situation from the agencies he has spoken with. Blank goes on to describe he believes that there four classes of Employees in the City of Hokah. He believed those to be the following: Volunteers such as Fire Department Members and describes Council Members Ross and Walther. He next describes a class of seasonal employee such as Mayor Scholze. Next would be a part-time employee such as himself and finally a full-time employee such as Robert Schuldt. Blank believes the City Council needs to establish by motion this month and resolution next month at what level of employee a member of the Hokah City Council could serve in conjunction with being an employee of the City. In addition another way to look at this is to which Employees report directly to the Council. Blank states it has been the past president of the City of Hokah to not allow a part-time or full-time employee to continue employment as well as serve on the City Council. Again he stays those classes to be:

1. Volunteer 2. Seasonal 3. Part-time 4. Full-time. Blank states he believes the Council needs to define their allowance or disallowance of Mayor Scholze to continue to be a paid Employee of the City with the Summer Rec program. Following that the Council needs to determine at what level they would allow that to take place. Former Mayor Martell from the audience stated that in meeting with other elected and employed officials of municipalities that they have allowed a seasonal employee such as a Mayor cutting grass in the summer or for instance La Crescent Township's supervisor works in the summertime for that Township. He stays there are some standards that have been established for a seasonal employee to fulfill both capacities of which he believes Mayor Scholze would fall under. Blank discusses

with Council member Christianson for further clarification at what level they would allow a member of the City Council to also serve as an employee. Further discussion between Council members regarding the current volunteers on the Council. Walther asks for a motion to allow Mayor Scholze to continue his employment on a seasonal basis with the City. Motion by Christianson, to allow and also to limit to a seasonal employee the authorization to hold Office on the Council or Mayor. Second by Ross, roll call all approve. For clarification regarding this motion, no part time nor full time employment would be allowed to by a member of the Hokah City Council or Mayor. Administrator Blank discusses that next months meeting we will complete a resolution to this effect. Upon this completion, Walther notifies Mayor Scholze to return to the meeting. Administrator Blank explains the Council's action regarding this agenda item to Scholze.

8.4 **Temporary Liquor/Gambling HFD March 21, 2009:** Motion by Christianson second by Mullen, Ross and Walther abstain Scholze yes to approve. Motion carried.

8.5 **De-Commissioned Equipment Disposal:** Covered in item # 5 above.

8.6 **Buildings & Grounds Reservations/Charges:** Administrator Blank explains that he reviewed past Council minutes from July 2007. Council Member Ross had at that meeting they should review the City Fee Schedule for buildings and grounds rental, etc. Mayor Martell at that time had stated he didn't believe the Como Falls Park should be rented out. Administrator Blank explains to the Council he has issues in some of the charges that he assesses in regards to renting of buildings and grounds. He explains if a parent wishes to have a birthday party for a child the fee according to the schedule for that event for a city resident would be \$125 for a non-city resident \$200. Blank wonders if that should be adjusted. After review of the fee schedule as adopted in 2005, the following changes are determined by the Council: 1. The park shelters are \$35.00 a day, each. 2. The ball field per weekend day, non-softball is \$50.00. A weekend tournament at the ball field is \$100.00. Use of the ball field as home field is \$100.00 a season. Short parties such as birthday, shower, and graduation parties at either the Fire Department or City Hall are \$50.00 for city resident, \$100.00 for non-city resident. Further discussion regarding the renting or loaning of tables and chairs. After consideration the Council has determined to no longer rent or loan tables and chairs. *(Location on recording 2:04:30)* Ball field charges wouldn't apply to local nonprofit organizations holding events at the field. Next discussion centered around Como Falls Park. Former Mayor Martell explained to the Council that the past procedure was that persons would call in to say they were going to have a wedding at the Como Falls Park. The City didn't charge for the use of the park nor does it make reservations for the facility. Martell states the park had been built and improved and maintain by residents of the city utilizing their own labor, talents and money, and he feels the city should not charge nor reserve Como Falls Park. Discussion by Council Members regarding the procedure and it was suggested that if persons call to rent or reserve the park that they be informed that the city does not take reservations. Nor can the use of Como Falls Park be reserved or restricted to one group of people. Also for this year no tents tables chairs and tents because of the new construction and grass seeding. *(Location on recording 2:17:30)* The Council also discussed erecting a sign with verbiage to reflect the wishes of the Council in regards to the park is open to everyone and that it does not take reservations etc. No decision was made regarding the sign erection.

9. Old / Unfinished Business Minnesota Basic Code. Mayor Scholze asked Council member Ross what recommendation the planning commission has arrived at in regards to

the city ordinances and the Minnesota basic code. Ross states that the planning commission has decided there are three options: 1. That the city need go with the Minnesota basic code and purchase the book went as well as purchase the CD with the documents in Word format that would allow the city to make changes that it feels would be necessary. 2. That the city reviews our current ordinances, remove the ordinances that are obsolete and have city staff type the remainder of the documents. 3. Do nothing. After consideration and discussion by the planning commission they had arrived at the recommendation to the Council that we purchase the Minnesota basic code document and the CD of the document. Ross states it would probably take a year or so to have the planning commission add or delete items to the Minnesota basic code that would either apply or not apply to the city of Hokah. Administrator Blank reminds the Council that a lot of the items that the city would feel necessary to add delete or change could be added to the Minnesota basic code title number 17. Blank also reminds the Council that if the ordinances aren't posted by American legal publishing they won't be searchable which may be defeating a major portion of the process. Further discussion by the Council consisted of a necessity or not to repair the existing ordinances, expenditure of funds to complete this venture and the involvement of a city panel or board to assist in the review of the ordinances. Councilmember Christianson makes the motion to turn over the existing city ordinances to the planning commission. Further the motion states that the planning commission would sort out the ordinances that are applicable currently to the city, and then have staff turn them into digital format. Further clarification by Mayor Scholze in regards to having the City Attorney review the final product of the planning commission and then conducting the necessary public hearing and publication thereof of the restructuring of the city ordinances. Also further clarification of the procedure by Administrator Blank. *(Location on recording 2:44:00)* Mayor Scholze calls for a second for the motion. He asked for a second for the motion a total of three times. Council member Ross makes the second. Roll call Christianson Ross and Mullen yes, Walther and Scholze no. Motion carries. Following this Ross makes a motion that when they have meetings regarding the ordinances that an additional Councilmember attend those meetings. Mayor Scholze asks Ross if he has the specific Council Member in mind. Ross states he would like a little bit of everybody. If he has a meeting once a month he would like one Council Member to attend that meeting. Ross now drops his motion stating we probably don't need a motion just that he would like all the Council Members to attend meetings to have their input in regards to review of ordinances. Mayor Scholze asked if anyone on the Council specifically would like to be there to assist. Council Member Christianson states that she will help. Mayor Scholze asked if we could add her name to the committee's for the planning commission review of ordinances for his appointments. Christianson states that would be fine. He then states he would appoint her to that committee.

10. Council Member's Comments. Christianson states that the audience had brought up looking into a new City Attorney, and at that she had earlier stated that she had planned to bring this matter up during this time. She also asked if we had any type of a retainer fee with our current city attorney. She states that to begin to inquire regarding the City's Attorney doesn't cost the city anything. Council Member Mullen states that she does agree. Council member Ross also states that would be fine it doesn't hurt to look.

11. Mayor's Comments. Mayor Scholze discusses establishment of the personnel committee and job descriptions and asked that the City Employees attempt to limit

overtime if possible, try to use comp time and to stay within their budgeted hours as much as they can. And for the Employees to be open and to be in communication and if there are any concerns or requests to bring those to the Council's attention. He further goes on to state he doesn't know if he can guarantee the employees a wage increase at this time. He states he is aware of Governor Pawlenty's request regarding local government wage increases. He further states that he truly believes that employee evaluations are a beneficial tool to the city. Further it allows input from the Employee regarding their position with the city.

12. Staff Correspondence . Former Mayor Martell reports that he attended the southeastern Minnesota League of Municipalities meeting in Kasson Minnesota last Thursday. He informs the Council that part of their discussion was related to street reconstruction bonding authority. He states it is a revenue enhancer for the city for maintenance and repair of city streets. Further Martell states that the SEMLM legislative statement for the State Representatives this year mainly deals with economic stimulus through infrastructure repair of roads and bridges in southeastern Minnesota. Martell further reports that he attended the trails committee meeting and they have decided to work from Hokah out both ways to establish the multiuse trail. He states that he and Dennis Conniff will next week begin contacting property owners to inform them of the desires for the establishment of a multiuse trail and asking their permission and cooperation.

13. Correspondence Received. Administrator Blank informs the Council that he has been in recent contact with former animal control for the City of Hokah Joan Gaworski. He goes on to inform the council again that Joan Gaworski had been summoned to collect a stray animal within the City of Hokah that she brought to her residence located in the La Crescent Minnesota. At some time during the holding of the animal her husband Ken Gaworski was bitten by the animal in the face. Following this incident the animal escaped from confinement and was not able to be located. This necessitated Ken Gaworski to receive rabies inoculations. Joan reports that currently after Medicare and/or private insurance payments she has a bill remaining of \$869.45. I have since been in contact with Tom Danielson, LMCIT, and Allied Adjusters regarding the situation. They investigated the charges and denied the claim. They stated that the city probably would be included for an injury incident to Joan, at a remote location but that would not translate into the City enjoining her Husband Ken. After further discussion with Joan regarding funds owing following insurance payments Joan did state she would be happy to receive half of that amount if the City would agree to payment. Blank informs the Council that we have reimbursed Joan for the request she made regarding reimbursement for a kennel that was damaged and cleaning of her personal vehicle. This reimbursement was just less of \$60. Mayor Scholze inquires of Police Chief Schuldt if we made the determination when Joan had asked for a key to enter into the compound area at the wastewater treatment plant that now contains the animal impound. Schuldt states that she had made the request and tht Administrator Blank provided are key but we weren't sure when that was. Administrator Blank informs the Council that we have looked at invoices from Hokah Hardware and have determined invoices that look to contain keys but were not able to definitively determine that yes said key was made for her prior to this incident. Blank states that it was her practice to transport animals for their custody and control to her residence in La Crescent but weather permitting she may also have placed animals here in

the city animal pound. Blank asks Schuldt if this is correct, and Schuldt responds he has never seen her house an animal in the Hokah animal pound area since he's been working here. Blank states that maybe he stands corrected. Mayor Scholze asked for Council comments. Council Member Walther discusses we could receive attorney bills regarding this incident. Blank responds that he doesn't believe we will unless there is court action. And, he does not believe that would be the case. Former Mayor Martell states from the audience he believes that the City may be best off to just pay this to the Gaworski's and get this behind us. Council Member Walther agrees. Mayor Scholze after further discussion asked for a motion regarding this situation. Council Member Walther makes the motion to pay the Gaworski's one half of the amount that has been submitted of the \$869.45. Mullen seconds the motion. Mayor Scholze asks all in favor and does not receive an immediate response. He then goes to ask individual members beginning with Ross. Ross says no. Mullen says yes. Christianson says no. Mayor Scholze says yes. The vote is three to two motion carries.

14. Announcements. None noted.

15. Items for next Agenda. Annual approval of liquor and tobacco licenses. Reservoir cleaning. Rural development remaining budget for repair of sewers and or partial payment of 2009 bond payment. Ralph Tuck and the NRCS and emergency watershed protection project funding of the state 25% cost share. Christianson also reminds to have on the agenda city attorney issue. Police Chief Schuldt asked from the audience if they wished him to contact other police departments and other cities to see who they have, what they're spending, how happy they are with their Council. The council agrees.

16. Adjournment. Mayor Scholze asked for a motion to adjourn. Motion by Ross second by Walther roll call all approve meeting adjourned at 9:05 p.m. Length of meeting: three hours, five minutes.

Attest:

Administrator

Mayor