

CITY OF HOKAH

MINUTES REGULAR MEETING

March 3, 2009
6:00 P.M.

- **CALL TO ORDER:** at 6:00 pm
- **PLEDGE OF ALLEGIANCE:** Completed
- **ROLL CALL:** Ross, Mullen, Christianson, Walther, Scholze
- **ACTION TO CHANGE AGENDA:** Administrator Blank. Add Agenda Item# 8.8. Resolution2009-01

1. Consent Agenda: Motion by Walther, 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 FEBRUARY 3, 2009

1.2 BILLS PAYABLE THROUGH MARCH 2, 2009

1.3 CONSOLIDATED BALANCE SHEET MARCH 2, 2009

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

Report on file. Two quotes on file for the inspection and cleaning of the City reservoir.

Administrator Blank states Andy Klingsporn recommends the firm Liquid Engineering. Andrew reports that this firm completed the last cleaning in 2002. Motion by Christianson second by Walter roll call all approve.

3. Library : Written Report X

Librarian Bissen discusses her submitted written report. She asked for permission from the Council to begin pre-application process to the USDA and community facilities loan/grant. She states she needs to submit a complete plan for \$200,000 for renovations at the city hall building. She further states that the hall was nearing time for a new roof to be installed; also windows are in state repair. Council agreed to begin pre-application process that she requests.

4. Police Dept. : Written Report

Chief Schuldt reports that the current burning in town is from in-stream debris removal project. Chief Schuldt discusses a parking problem that has been reported to his office. Also a letter that was received by Administrator Blank has been provided to the Council members. This letter is from Thomas Brown and Kathleen Olson at 307 S. 7th St. Mayor Scholze notes that Alan Smith of the 610 Birch St is seated in the audience this evening, and calls upon him to state his reason for attendance this evening. Smith states that he is here to discuss this parking issue. (*Location on recording 13:01*) Alan Smith describes his personal view of this parking situation. He describes the roadway is narrow and at times he needs to utilize parking along Birch Street adjacent to his residence. Chief Schuldt reports the necessity of a handicapped van picking up and dropping off one of the Smith children. Scholz states there is really no where else for that vehicle to park for loading and unloading. Administrator Blank asked Schuldt if he was comfortable making a recommendation. Chief Schuldt states to speak with City Attorney Von Arx and then to have the planning commission review the situation. Discussion continued regarding the situation. Administrator Blank explains that the city for most is interested in safety for the community. He explains that we will have the planning commission review the situation, he will speak with city attorney Von Arx regarding the situation, and place the item on the agenda for the April 2009 Council meeting. At that time we should have an opinion by City Attorney Von Arx as well as a recommendation from the Planning Commission.

5. Streets / Maintenance : Written Report

Administrator Blank reports that the new truck is at the dealer. Blank reports that we should be

arranging payment and pick up for the truck in the coming week. Further John Schuldt from Pine Creek Auto has inspected the City's blue Ford pickup truck. He states that the amount of work necessary for the vehicle would exceed the value of the vehicle. He further suggests doing a few improvements to the Chevrolet pickup and have Andy utilize that vehicle. This would afford a back-up plow truck as well.

6. Recreation Board

Administrator Blank reports that he has supplied in Council this evening a letter that he had received today from recreation Board member Kathy Olson. Blank reports he has asked Olson that if available she supply this report to him in time for inclusion in the monthly Council packets. Kathy asked for the Council to recommend to the Rec Board how much money should be spent for advertising for staff for the pool. Mayor Scholze discusses he attended a Rec Board meeting and discussed various items of interest. Mayor Scholze also reports that he has attended a meeting with the Minnesota Department of Natural Resources regarding the swimming pool and the holding ponds area on Como Avenue. Mayor Scholze responded to a question regarding the Minnesota Department of Natural Resources attending a meeting with them. He states that he is interested in any advice, resources and funding that could be provided on a state level. Further discussion of the publication costs for the rec program. Mayor Scholze discusses Andrew Klingsporn being more involved with the pool this year. Motion by Mullen second by Walther to spend the \$85.80 to place an add in the Houston County News and the Foxy Shopper for one week. This would also allow an online listing for seven days in the Work for You publication. Roll Call all approve.

7. Planning Commission / Zoning

Ordinance review status

Ross reports and he has a meeting with the planning commission next Tuesday evening. At that time they plan to review the city ordinances as well as visit the Six and Birch Street area for the earlier reported parking complaints. Ross reports it is his plan to sit down with the planning commission and see how to best move forward with the ordinance project. Mayor Scholze asked that if possible he provide an update and a timetable to the Council at the April Council meeting. Discussion between Ross and Blank regarding the location for this meeting. Decision was made to hold the Planning Commission meeting at the administrative building in Blank's office. Ross will contact Blank for keys to the building.

8. Items for Consideration

8.1 April 1st. 2009 2:00 PM Bid Opening USDA NRCS EWP Projects. State 25% Funding.

Administrator Blank reports that Jim Kochie through Davy Engineering is handling the USDA NRCS EWP projects for the City of Hokah. He reports that he has discussed with Kochie an April 1, 2009 bid opening for said projects. Administrator Blank reports he has talked to Ralph Tuck regarding the state 25% cost share for these projects. Ralph reports that the State of Minnesota is on board and will be paying the 25% of the project that is not paid by USDA. Administrator Blank asks for a motion to approve the April 1, 2009 bid opening for these projects. Motion by Ross second by Walther roll call all approve.

8.2 Annual Liquor license renewals.

Administrator Blank presents for annual renewal liquor licenses for the following establishments: Kwik Trip, Twin Creeks Golf, Hummers Pub and Main Street saloon. Tobacco renewals are Kwik Trip and Hummers Pub. Motion to approve renewals by Ross, second by Mullen, roll call Christianson abstain, rest approve. Motion carries.

8.3 Water Reservoir. Addressed # 4 above.

8.4 Ben Novak – Curb & Gutter.

Ben Novak is in the audience, and discusses his situation regarding water running in front of his residence. He reports the curb is in need of repair. In fact reports that in spots it is non-existent. Administrator Blank reports that he has applied for funding through three different sources for repairs to this area. Discussion centered around ways to temporarily fix the area. Christianson also remarked that she has some of the same water runoff problems at her residence on Ash Street. Blank suggests that we have maintenance look at the area and possibly put a cold mix berm to temporarily repair the area.

8.5 St. Peter's Temp Liquor License. Charges for hall by non-profits (HCWR).

Motion by Christianson second by Walther to approve temporary liquor license for St. Peter's. Roll call all approve.

8.6 Rural Development remaining budget utilization.

Administrator Blank reports that he and Mayor Scholze have discussed with both City Clerk Moen and WWTF Operator Andrew Klingsporn regarding budget items and need sewer repair. Klingsporn reports that he is not aware of any immediately needed repairs, and Moen suggests utilizing a portion of the remaining sewer plant funding to be utilized in this years bond payment of approximately \$59,000.00. Motion by Christianson to pay this year bond payment of \$59,000 from the remaining budget, Walther second roll call all approve.

8.7 City Attorney.

Administrator Blank provides to the Council a document stating attorney costs that have been paid by both the City of Houston and the City of Spring Grove in recent past for legal representation. Blank reports that he has spoken with City Attorney Von Arx regarding this issue. VonArx provided correspondence to Administrator Blank that intends to continue as legal counsel for the City of Hokah. Administrator Blank then reads aloud this correspondence. Blank also reports that the City of Hokah spent approx. \$6,500.00 CY 2008. Mayor Scholze asks for comments from the Council. Ross stated we should ask Police Chief Schuldt regarding court proceedings involving Attorney Von Arx. Mayor Scholze states he is conformable with Attorney Von Arx. Council Member Walther states that there have been a couple issues. Administrator Blank attempts to clarify Council member Walther's statement. Blank states there have been issues in the past that have involved land that is owned by either William Von Arx or his Wife Theodora Von Arx. The Council has felt that it may be improper to be represented by the City Attorney that owns lands in the city if we are dealing with a situation involving those lands. The Council has question as to that could be a conflict of interest. Administrator Blank has stated in the past that if we have a situation that involves lands owned by the Von Arx's and we are in need of legal representation regarding those lands that it should be performed by another law office. At this point Administrator Blank asked for a motion to reflect that if we have need for legal representation regarding lands that are owned by Mr. Von Arx or his family, that we should have an outside attorney represent the City. We currently have a couple of such items that we are looking at. Administrator Blank goes on to describe these areas. Blank suggests possible contact with Hammell Law Firm in these and possible future concerns. That way we are accustomed to each other. Further if and when you seek council you should look at an Attorney with municipal law experience and Hammell already represents two municipalities in the County. *(Location on recording 1:01:30)* Motion by Walther, second by Christianson roll call all approve.

8.8 Resolution # 2009-01. Board Member as City Employee

Administrator Blank reads aloud Resolution # 2009-01 which defines classes of employees, and the allowance of a member of the City Council, or Mayor to participate as both. Administrator Blank notes an error in this document where it lists Volunteer. Blank states he will correct this item to reflect the change. Discussion regarding the available members to cast a vote in relation to this Resolution this evening. Council member Mullen states that she had received instruction from her training to address this situation. She states that under this condition, the abstaining members are considered an automatic yes vote. She further states it has to be a majority of the remaining members. Motion by Mullen to approve this resolution, with the correction to the status of a volunteer employee. Second by Christianson, roll call all approve. Walther, Ross and Scholze abstain. Motion carried.

9. Old / Unfinished Business : None noted.

10. Council Member's Comments:

Walther asks if we should check into the City Auditor fees. Administrator Blank offers that a municipality that has a combined City Clerk/Treasurer requires an audit every year. A municipality that has those two jobs not shared by one person can extend the required audit time to once every five years. He further states that last years audit cost was over \$19,000.00. Blank also reports that this year, they are completed in house at this time. Further that we do not have the billing from this year. Administrator Blank states that if the Council would consider requesting quotes for auditing service; to beforehand look at separating the two positions to allow an audit every five years. Mayor Scholze states we do have an option with the newly formed personnel committee considering job descriptions, etc. Blank discusses Heidi Snell has been assisting City Clerk Moen with payroll, as he feels it to be advantageous to have a backup in the payroll duties. Blank suggests waiting and seeing the charges this year before taking any further action. Blank also states he feels that the current auditor, Nelsons do a very good job. And they know us, and we them. Walther and Ross also state the same opinion regarding Nelsons. Walther states we will wait and see what the charges are this year.

11. Mayor's Comments

Mayor Scholze discusses the Personnel Committee meeting in the near future. Also that they will be reviewing job descriptions, discussing issues, etc.

12. Staff Correspondence St. Peter's Extravaganza, Houston County Women's Resources charges.

Administrator Blank states that last month we had discussed new charges for City facilities. One of the Council members had stated that we would not be charging non-profit organizations. Mayor Scholze remarked that he believed that Council member Ross had mentioned this. Since then Blank has been contacted by both St. Peter's and Houston County Women's Resources for rental of facilities. Administrator Blank reports to the Council he would like clarification regarding charging for these two entities. Blank states that we are providing a service to the renters of these facilities. In that service we do incur associated costs. Administrator Blank asks if we might determine a benevolent organization such as the Lions Club, who donate their money back to the community might be the correct determination of who not to charge for usage of the facilities. Mayor Scholze mentions the Fire Department as well. Administrator Blank states he was unsure what was meant by the statement to not charge non-profits, and would like it clarified. Mayor Scholze stated he believes we should charge them. They have paid in the past. Blank states that Women's Resources,

and St. Peter's do reside in the City, so should be considered City residents for this purpose. Barb Bissen from the floor states that we should then re-define non-profits determination. Administrator Blank states that definition may best be stated as those "benevolent" originations that donate their money back to the community. Mayor Scholze asks for a motion. Council member Christianson makes a motion that a benevolent association not be charged, but all others be charged. Second by Mullen, roll call Ross no, Walther no, Christianson yes, Mullen yes, Scholze yes, motion passed.

13. Correspondence Received Rick Frank Letter, Houston County DOT.

14. Announcements Board of Review May 5, 2009 5:30 PM.

Blank reports that the board of review is May 5, 2009 at 5:30 PM. He then asks the Council who has been to the training, and how many members do we need that have been to the training. Ross states that we need one member at the meeting. Administrator Blank asks that he be there as he has had the training.

15. Items for next Agenda

Personnel Committee, Parking complaints, discuss accountant.

16. Adjournment by Walther, second by Ross, all in favor at 7:20 PM.