



**MINUTES
FEBRUARY 2, 2021 / 6:00 pm
REGULAR COUNCIL MEETING**

- **CALL TO ORDER:** 6:00PM
- **PLEDGE OF ALLEGIANCE**
- **ROLL CALL:** MARTELL, OLDENBURG, BISSEN, PRIEWERT, TIPPERY
- **ACTION TO CHANGE AGENDA:** ADD PAYABLES TO ACENTEK, DAVY LABRATORIES, RICHAREDS SANITATION. ADD 10.4 SMALL CITIES DEVELOPMENT GRANT-RESOLUTION 2021-2 AND CONFLICT OF INTEREST TO NEW BUSINESS.
- 1. Consent Agenda:** MOTION TO CONSENT THE AGENDA WITH THE ADDITION OF ACENTEK, DAVY LABARATORIES AND RICHARDS SANITATION PAYABLES AND 10.4 SMALL CITIES DEVELOPMENT MADE BY MARTELL. SECOND BY PRIEWERT. UNANIMOUS.

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.

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| 1.1 | Regular Council Meeting Minutes | January 5, 2021 |
| 1.2 | Bills Payable Through: | January 31, 2021 |
| 1.3 | Consolidated Balance Sheet | January 31, 2021 |

2. **Library/City Hall/City Center Report:** Kirsten Plummer provided the minutes from the Library Board meeting. Some of the highlights included adding Jerry Martell to the Library Board. Kirsten also thanked Martell for a donation to the library of \$250. Kirsten informed the Council that the Library received a donation from La Crescent Health Community Partnership for \$200 with the stipulation that the funds be used for new materials that highlight diversity. The library implemented a patron conduct policy as a result of area libraries having problems with patron conduct due to the pandemic.
3. **Water/Wastewater/City Engineer Report:** Matt Vetsch reported that he is continuing to work with Davy Engineering on the funding of the Water project. He reported that they had some problems with the lift station over the previous weekend. He reminded everyone not to flush un-flushable items or flushable wipes. They do cause problems with the lift station. Vetsch also informed the Council that Tom Kirchoff completed his Wastewater D License exam and is certified.
4. **Police Dept./City Attorney Report:** Chief Schuldt provided the monthly report.
5. **Emergency Management:** Chief Schuldt reported that there would be a County meeting the following day and he did see some changes ahead. He noted there would be some new guidelines for the Summer Rec program and he recommended that the group plan to get together as summer would be here soon.
6. **Streets / Maintenance Report:** Matt Vetsch reported that he reached out to get on the list for seal coating for the year to get a head start. He noted a large frost hole on Cedar Street between 5th and 6th Street. They will be keeping an eye on that area.
7. **Personnel Committee Report:** Personnel Policy: Compensatory Time: The Clerk informed the Council that at the end of the year she reviewed the vacation and compensatory time balances for the staff and noted higher balances for a couple staff, with Matt Vetsch at over 500 hours and Tom Kirchoff at over 250 hours. The City of Hokah does not have a maximum number of hours allowed to accrue in the current Personnel Policy. She then reached out to the League of MN Cities and to the City Attorney to investigate different regulations related to comp time balances. She also reached out to other cities in the area to get information on their comp time policies. The Personnel Committee met to review the information. The Clerk noted that the LMC required a maximum of 40 hours of accrued comp time for their staff and the maximum comp time hours ranged from 40-80 hours for neighboring cities. The Clerk also noted that the Fair Labor Standards Act requires a maximum of 240 hours for general government employees. The Personnel Committee recommended an addendum to the Personnel Policy to include a maximum accrual of comp time of 80 hours. They also recommended a plan to pay out the current balances for Matt Vetsch and Tom Kirchoff to bring them in compliance with the new policy. The plan included paying out the hours over a 3-year period but in 2021 paying down Matt's balance to 240 hours which is the maximum under the Fair Labor Standards Act. The Clerk noted that the City Attorney recommended drawing up an agreement to include the current pay rate at the end of 2020 to be paid over the 3-year period. This would be the rate used to pay out the balance to the policy maximum. After discussion, the Council agreed to make the maximum 60 hours. Motion to approve the Personnel Policy Compensatory Time Addendum with a 60-hour maximum and the plan to payout the employees over a 3-year

period at the 2020 pay rate made by Oldenburg. Second by Martell. Unanimous.

8. **Planning Commission / Zoning Report:**

8.1 Conditional Use Permit Application: 112 Main Street: Cindy Prierwert reported that the Zoning Board met on January 26th and reviewed the finalized plans for the conditional use application at 112 Main Street including a 2-unit plan on the first floor, a parking plan for 6 off street spaces and drainage plan. The Board made a motion to accept and recommend the conditional use to the Council. Motion to approve the conditional use permit made by Martell. Second by Prierwert. Unanimous.

9. **Recreation Board Report:** The Clerk reported that the Rec Board had informed her that they had a Rec Board meeting planned for February 21st. She would forward the information on to Matt Vetsch, Tom Kirchoff and Bob Schuldt.

10. **New Business:**

10.1 Bobcat Lease: Matt Vetsch provided 2 agreements for a skid loader for the new term. One from SEMA Equipment and the other from Bobcat. Both submitted a \$0 trade for the next 3 years with a maximum of 300 hours per year. After discussion, a motion to accept the agreement with Bobcat was made by Martell. Second by Oldenburg. Unanimous.

10.2 Crosswalk: Mayor Tippery was contacted by a concerned citizen related to the crosswalk on Main Street by St. Peter's. Bob Schuldt noted that there was money donated back in 2018 from Rodney Blank at the time of his retirement to the Crosswalk project. The plan would include a stand-alone solar flashing light post at the crosswalk near St. Peter's. Rod Blank donated half of his compensatory balance which totaled \$4,288. Bob and Matt had worked with MnDOT when they were working on other projects along Main Street. It was very difficult to get MnDOT in favor of the project and they required that the City pay for the flashing light post. Chief Schuldt noted that the plan was halted due to flood and the retirement of the MnDOT staff who was working with the City. Schuldt noted that he has all the correspondence and that it would be easy to pick up the project. Schuldt and Vetsch would follow up and report back to the Council.

10.3 Tas-tee Shoppe Flooring: Barb Kappauf requested the replacement of the flooring in the dining area at the Tas-tee Shoppe. Pictures were provided to the Council to show the condition of the carpet. Matt Vetsch said he would be willing to do the work on his own time and provided a cost estimate for materials to be \$685. He was not certain if they would need to put in sub floor but if this was needed the cost would be and additional \$390. After discussion a motion was made to approve the replacement of the flooring and the City would pay for materials at a cost not to exceed \$1,000. The motion was made by Martell. Second by Oldenburg. Unanimous.

10.4 Small Cities Development Grant: The Clerk summarized the Small Cities Development Hearing that was held at 5:30 on February 2nd. She presented Resolution 2021-2, the Small Cities Development Application Description, the Citizen Participation Plan and the conflict of interest form. After review, a motion was made to accept Resolution 2021-2. The motion was made by Martell. Second by Prierwert. Aye: Martell, Oldenburg, Prierwert. Abstain: Bissen, Tippery.

11. **Old Business:**

11.1 MN Basic Code: Mayor Tippery requested more information and to review the MN Basic Code. The Clerk would get a copy and information to present to the Council at the next meeting.

11.2 Acentek Franchise Fee Agreement: The Clerk passed out the Acentek Franchise Agreement and noted the key provisions of the agreement which are: Acentek will pay a franchise fee of 3% which is what Acentek is currently paying the City, the term of the agreement is 10 years, and Acentek will name the City as additional insured on Acenteks liability insurance. Darren Moser was in the audience representing Acentek. He thanked the Council and asked if there were any questions. Motion to accept the Acentek Franchise Agreement made by Bissen. Second by Oldenburg. Unanimous. Motion to authorize a summary publication of the ordinance made by Martell. Second by Priewert. Unanimous.

11.3 Property Insurance-Property Appraisal Report: The Council reviewed the Appraisal report and also had discussion regarding 11 properties that have previously been excluded from the insurance policy. After discussion a motion to include the reservoir located at 703 Birch street. And exclude the bath house, pool shelter and swimming pool at 210 Como Ave.; Park Shelter #1 and #2 and the bathrooms at Veterans park located at 384 Ash Street; the shelter, cooking shelter and restroom at the ballpark located at 800 1st Street and the city center storage building located at 211 Main Street. Motion was made by Martell. Second by Oldenburg. Unanimous. Motion to accept the appraisal report with the change to include the Wastewater Treatment plant at a value of \$2.4 million made by Martell. Second by Priewert. Unanimous.

11.4 Sidewalk Repair- Jim Schleich Request: Matt Vetsch provided a statement from Tom Bernsdorf. Jim requested the City to share the cost of his driveway replacement because there was a lip from his driveway to the new sidewalk and it was a tripping hazard. Matt Vetsch and Tom Bernsdorf did assess the lip and they were planning to fix the situation. Upon review of the problem, they discussed the challenges with the broken-up driveway. After further discussion with Jim, they agreed that due to the condition of the area that he would like to replace the entire driveway and Jim had agreed that it would be the best to move ahead with replacing the 10' by 10' area. Tom Bernsdorf provided a price for the project and Matt informed him at that time that it would be at his cost. The Council had further discussion and noted that there were other areas along the sidewalk that did need to be fixed at the property owners expense including retaining walls. The City Sidewalk Policy states that any areas surrounding the sidewalk are the responsibility of the property owner. The Council discussed their concern that if they pay for one area then they would have to pay for the other projects as well. The Council agreed that the replacement of the driveway would be the responsibility of the property owner.

12. Council Member's Comments/Community Input:

13. Mayor's Comments: Mayoral Appointments: The Mayor spoke to the City attorney about changing the structure of the Personnel Committee. Tippery had concerns of the current structure including city residents as there could be confidential information discussed. Skip Wieser did agree with the Mayor that a good structure would include the City Clerk, Two Council members and as needed a City employee. Martell noted that the Personnel Committee is an advisory Committee only and they approach the Council with recommendations from the staff. The employee issues are handled by the City Representative. Cindy Pfiffner referenced the decision of the Council to form the current Personnel Committee structure and it was approved by the Council back in February of 2009. She also confirmed what Jerry had said that they are simply an advisory board. She felt that that we have the appropriate people who have handled the issues over the past and as they happen. Jerry noted that the original committee was to include the City Administrator and we do not currently have an administrator. Tom Oldenburg requested a copy of the original Council approval of the Personnel Committee structure and suggested that the decision be tabled for the next meeting. The Council agreed to table the discussion.

14. Staff Correspondence: The Clerk reported that the Auditors completed their field visit on January 28th and that everything seemed to go very well. She will set up a meeting for the draft review and then everything should be ready to be presented to the Council at the March meeting. The Clerk presented the Pay Equity report which is submitted to the State every 3 years. The report examines local government pay structures for evidence of gender inequity. The report was submitted as it was due on January 31st. Motion to accept the report was made by Martell. Second by Oldenburg. Unanimous.

15. Correspondence Received:

16. Announcements:

17. Next Council Meeting

17.1 March 2, 2021 6:00 PM

18. Items for next Agenda: Crosswalk, MN Basic Code, Personnel Committee

19. Adjournment: Motion to adjourn at 8:03PM made by Oldenburg. Second by Bissen. Unanimous.