May 8, 2012

Regular Council Meeting

Pledge:

Mayor Juanita Mitchell and Council Members Alex Weego, Darlene Fah and Alice Schweninger, and Jim Opelia were present.

Minutes: The following changes were made to the April 10, 2012 minutes: on page 6 first paragraph, he was changed to Jason Dykhoff, paragraph 4, changed to Notice of Expiration of Redemption for the Saltzman property, and paragraph 5, the spelling of Mote’s was corrected. A motion was made by Alex to accept both the April 10, 2012 minutes, with corrections and the April 24, 2012 Special Meeting minutes, seconded by Darlene, all in favor, motion carried.

Financial Reports: Claims List – Alice asked what the Graphics Control check was for, Aaron said this was for the reader charts for the water plant. Alex asked what Med Compass was for. Barbara stated that it was for 14 SCBA Exams for the Fire Department and that it would come out of their budget. Alex asked what the purchase from Victor Lundeen was for. Barbara stated checks for the City. Darlene asked about the amount paid to Office Depot. Barbara stated that there were two invoices this month as she had run out of toner in April for all printers and copiers. Alex made a motion to refer to audit, seconded by Jim, all in favor, motion carried.

Presenters: Mary Liemandt addressed the Council to see if they would be interested in getting a new website. Karin stated that she updates the Cities website as information is sent to her. Alex asked if Mary had submitted any cost figures. She has a package that she had put together for the City she would be happy to leave with us. Alex requested that she leave her information in case Karin ever decides she doesn’t want to continue with our website maintenance. Juanita concurred. Barbara also stated that she would give her name out if anyone asked about someone to do a website.

Maintenance Report: Aaron presented the 2011 Drinking Water Report. Aaron sent in the pre-discharge samples last week, so by the beginning of next week he should be able to start discharging the pond. Grass cutting has begun already. He will need to buy gas in Bertha for awhile as Rick’s Repair will be closed for awhile while Rick recovers from surgery. The benches and planters are out. Alex requested that Aaron check the bleachers before Pickle Days as he thought that last year they appeared to be in need of repair. Juanita said that at the Farmer’s Market opening someone sat on one of the picnic tables and fell on the ground. Darlene asked if the picnic tables belonged to the City or the Lion’s. It was stated that they belonged to the Lions. Darlene requested that Alex bring it up at their meeting next week. Juanita requested that Aaron check to see if it needed repair. Aaron said that he would check on it and if the repair was minor he would repair it. Alex requested that if the repair was more than Aaron could do to call him so that he could get it taken care of. Darlene requested that if Aaron couldn’t do the repair that he put out some kind of caution indicator so that no one else has a problem until the Lion’s can get the repair completed. Aaron said he would do that.

Juanita mentioned that the flower beds out front need to be weeded. Aaron stated that he knew that he needed to get that taken care of. Juanita also said that Shaun had told her that he would do any chemical spraying that the City needed since Aaron does not like to use chemicals. Juanita suggested that Aaron have Shaun come over to do that for the City.

Alex asked about the status on the jetting and televising project. Barbara said that the contract has been issued and that the contractor said they would be here to do the work within a month. They have been in business for fourteen years. If any repairs need to be done they can do one type of process but that they don’t do the other, but she didn’t have a good understanding of the repair portion. There will be no additional charges for mobilization etc. Alex questioned the statement in the minutes regarding that if any repairs were required that the company doing the repairs would want to do their own televising of the system again. Aaron stated that they like to have their own company do the televising prior to the repair. Barbara stated that was why she had asked if they could do the repairs if there were any needed. Alex asked about the time frame for the repairs if there were any needed. He also stated that he did not want any repairs underway during Pickle Days. Juanita stated that the repairs could also be done after Pickle Days. Darlene agreed that if repairs needed to be done that it could wait until after Pickle Days.

Alex asked when the last pump repair was. Aaron stated that nothing has had to be done since the installation of the hoist.

Clerk’s Report: No new bills paid since the Special Council Meeting on April 24 prior to this Regular Council Meeting.

Water/Sewer Collection: Account #3 was paid in full prior to the Council Meeting. Barbara asked if we were still going to wait until the end of the year to write off #9 if not paid. Darlene felt we should wait as they might pay the bill. #61 is also now paid in full by DSHS. Barbara will have to monitor this account closely as DSHS has stated that no further assistance will be available for 12 months. Alex questioned #30. Barbara stated that the water has been shut off for nonpayment. No contact was made from the letter issued last month. Juanita stated that this account has been shut off before for long periods of time. Alex questioned #12. This account has just gone over the 60 day limit. A repeat offender letter has been issued with a deadline of Monday, May 14th to complete a contract or pay the bill in full or they will be red tagged. Alex asked if #80 was at sixty days. Barbara said yes, that is why they also were issued a repeat offender letter also. Juanita commented on improved the collection list for water and sewer is. Darlene stated that everyone is beginning to understand that if they don’t contact the City their water will be shut off. Barbara stated that she treats everyone the same and does not make any exceptions unless directed to do so by the Council (e.g. Dykhoff’s).

The Fire Department Ordinance was sent to Karin to be posted in the paper this week.

Barbara started using the UBMAX for the water/sewer, she has to input into both systems until the bugs are worked out. There is currently a problem with the accounts that were inactive for the winter not transferring correctly. Barbara contacted them and they did a correction but it only affected the ones that she had reactivated in the old system. The ones that are still in an inactive state still do not have an address in the new system and the system will not accept an address for these homes. There is also a problem in the account aging in the new system. Barbara will contact them again to work on these issues.

Barbara gave a reminder to the candidates running for reelection that the Affidavit of Candidacy is due between May 22nd and June 5th. Barbara gave copies of the instruction from the Handbook of Minnesota Cities to those who will need to apply.

Barbara received an invitation to attend the Minnesota Women in City Government Annual Meeting at the conference in Duluth in June. Juanita said that she also had received an invitation. Barbara asked if she should attend. The cost is $15.00. The Council stated it is up to Barbara if she wants to attend or not.

Barbara also received an email regarding the availability of Video conference sessions for the Council Members not attending the conference. She made copies of this information for Darlene and Jim and also emailed the information to them.

Mayor’s Report: Juanita stated that she had received numerous complaints that during the control burn done by the Bertha and Hewitt Fire Departments on May 5th there were children not under supervision at the fire. One was reportedly to have been in the doorway of the structure when the fire was started. They were also reported to be throwing sticks into the fire. Barbara asked if there isn’t a procedure in place for the Fire Department on controlling the perimeter of a fire. Juanita stated that she feels there should be, but there wasn’t anything taped off or barricaded. Juanita stated that her concern is that if any child would get hurt the liability would fall on the City. Alex suggested sending a letter to the fire chief on this issue. Also addressed on the controlled burn was that we do not drive over fire hoses. Two vehicles had driven over the fire hose and the Fire Department was very upset. It was stated that they should have had a fire truck or barricade in place so that their hoses would not be driven over. Alice stated that when the house was burnt were here house is now the area was roped off and the street blocked off. Alice stated that the state person overseeing the control burn will tell the Fire Department what if anything thing did wrong during the exercise after the burn, but that they do not say anything during the burn. Darlene asked if this shouldn’t have been handled the same are a real fire. Aaron stated that if it was an actual fire the Sheriff’s Department would have been there to do the crowd control. Barbara asked if she and Juanita should attend the Fire Department meeting to discuss the issue of having children at the fire. Alex stated that he feels that a letter should be sent instead. Juanita was in agreement. Barbara asked if she should send Steve an email. Juanita stated that Barbara should draft a letter to Steve to inform him of the complaint issues and the Council’s concerns.

New Business:

Revised City Ordinances for Approval:

* 200-001 An Ordinance Establishing The Rules For The Government Of The City Council: Alex made a motion to accept the Ordinance as presented, seconded by Darlene, all in favor, motion carried.
* 200-002 An Ordinance Providing For The Combination Of The Offices of City Clerk And Treasurer And Providing For City Audits: Darlene made a motion to accept the Ordinance, seconded by Alex, all in favor, motion carried.
* 200-004 An Ordinance Establishing Compensation for The City Council: A motion was made by Juanita to accept the Ordinance, seconded by Alice, all in favor, motion carried.
* 400-005 An Ordinance Regulating Parking In the City Of Hewitt: Alex made a motion to accept the Ordinance, seconded by Darlene, all in favor, motion carried
* Missing Ordinances were addressed. Barbara will need to send Dan an email to check to be sure that any Ordinances not received with this package do not need any revision.
* 500-001 An Ordinance Relating To Drunkenness, Disorderly Conduct, Indecent Exposure, Using Any Obscene Language, Houses of Ill-Fame, Disorderly Houses, and for the Preservation of the Peace, Good Order and Public Moral of the City: This Ordinance was not approved at this time. Barbara needs to email Dan to find out why this Ordinance is being repealed.
* 600-004 An Ordinance Regulating Caterers in The City of Hewitt: This Ordinance is on hold it will be addressed again at the next Council Meeting. Barbara needs will get a copy of Minnesota Statue 340A.404, Subdivision 12, for the Council.

Estimate for the Paving of the Parking Lot: At this time we only have one estimate from the company that had been chosen last year for the project. This is due to the number of variations that the Council wanted the estimate completed. The estimate for just the handicapped parking area that is required to comply with the grant to the Fire Department was not included on this estimate. Adam emailed Barbara to say that the handicap portion is the same amount as last year’s estimate. A determination of which option the Council chooses is necessary so that we can proceed and put out a call for bids on the project.

Juanita stated that it should be one option plus the patching area on 5th and Wisconsin as that is where the largest holes are a problem in the City. Alex stated that the road between 3rd and Pickle Street also has a very large hole. Juanita stated that we need to start with the worst first as we can’t afford to do them all now. Alice asked if this is where the dip goes down and it gets rough and there is supposed to be a culvert but it is plugged up so it doesn’t work. Alex said no, this is just a large hole. Aaron said that he has not been able to find the culvert as it is buried.

Juanita asked which option the Council wanted. Jim made a motion to ask Adam to get bids on Option 3: Paving width of building plus shed and to end of apron on east side of building out to State 210. 2 inches thick after compaction includes regarding for proper drainage, base work and saw cutting edge of highway; and the Patching area on 5th and Wisconsin 44’ by 25’ 1.5 inch overlay, seconded by Juanita, any discussion, Juanita stated that Barbara should to send a letter to Steve regarding the Fire Department paying the handicapped portion required for the grant. The paving will not be completed until October if Ideal Construction is awarded the bill. The Council was paneled on the motion, all in favor, motion carried.

Unfinished Business: Referendum of Police Service: Juanita asked for a status update. Alex stated that he will be meeting next week with Kevin from Eagle Bend. Alex has completed more research on the subject and we can provide as many options as the City would like. We have to inform the public that it may increase their taxes. He will try to keep it to 3 options. Alex asked when the deadline is for submittal and Barbara stated that it is August 22, and that she was told it should be reviewed by the Attorney prior to submittal to the county. Alex would like to have this initiative put together for submittal to the Council at the June meeting for a vote of the Council.

Feeding Stray Cats Complaint: Barbara has contacted every shelter in the area and none will take the cats as they are deemed feral cats and are not adoptable. Park Rapids gave her a contact out of Golden Valley, Wade Hanson, who works with shelters through the state. Wade Hanson told her that cats need to be put down or the people who are feeding that are feeding the cats need to claim possession of the cats and they need to take them into the vet to have them vaccinated. He said that feral cats are considered a health hazard. Darlene asked how many cats we are talking about, and Barbara said 10 to 15. Barbara stated that Dr. King had gone to see the cats and deemed them to be feral cats, including the kittens. She also stated that the cats are not healthy. Juanita stated that she doesn’t feel that the City should take on this expense. Barbara stated that the person that has filed the complaint has been in her office daily and is out of patience and threatening to sue the City over not enforcing the Ordinance that is in place for this issue.

Wadena Humane Society has offered the City the use of their live traps to catch the cats. Alex asked what they were going to charge us. Barbara stated that they had offered them at no cost to the City. Juanita asked Aaron if the City doesn’t have live traps, and Aaron said no, that the live traps are his personal live traps.

Barbara has also talked with Dr. Pieper and he stated that if we could bring them down several at a time he would try to give us a small price reduction for putting the cats down. An appointment will be required. Dr. Pieper also cautioned that we need to be sure that we are not trapping someone’s pet while we are in the process of catching these animals.

Juanita again cautioned that if we do this we will be setting precedence and that we will do these and then 15 more will need to be taken care of. She stated that this has been a problem since she has lived here. She has personally taken care of the cats around her home. Alex stated that if they continue to feed the cats they either need to take care of them or the City will bill them for the service. Juanita stated that we would need an Ordinance in place to be able to do that. Alex stated that some kind of action needs to be taken.

Barbara stated that there is also the expense of disposal. Dr. Pieper also asked if the City have a place to do this or will we have to pay for that service also. Juanita stated that she thought the people feeding the cats had said that they wanted this and that done if we put the cats down. Barbara stated no, that they do not want the cats put down at all.

Alex stated that we should send a letter stating the options. These cats are considered feral cats and no one will take feral cats. They have 2 options either claim the cats as their cats and take them in to be vaccinated or the City will trap them and they have nothing to say about what happens to the cats after that point.

Jim stated that we need an ordinance on the feeding of feral cats. Alex stated that it should be included in the pet ordinance that we now have.

Juanita stated that if the City has to pay for putting the cats down, she feels that the people that have been feeding them should give a donation to the city to help defer the cost.

Darlene asked if we should possibly get Public Health involved.

Darlene asked how we know for sure that we are not picking up someone’s pet. Barbara said that Dr. Pieper recommends picking them up and keeping them for 5 days. Aaron said he doesn’t have a place to keep cats for 1 day much less 5.

Alex recommended putting a notice in the paper stating that a collection of feral cats is going to be done so that people know to keep their cats inside.

Jim asked Barbara to post on the clerk’s list to see how other cities have handled the problem of feral cats in their cities. Barbara stated that most cities have a Humane Society available to them. She has talked with Bertha but they wouldn’t say what they do with stray cats there.

Jim stated that Ordinance 500-008: An Ordinance Regulating Nuisances states under Section 2 Item 2 All diseased animals running at large covers the feral cat issue since we have been told that feral cats are a high risk of being diseased.

Barbara stated that she could send a letter providing 2 options:

* Claim the cats as their own and get them into a vet as Dr. King has stated that they are not healthy, they also need to be vaccinated.
* Declare that that cats are not theirs and stop feeding, watering and providing shelter to the animals immediately so that the city can trap and dispose of the cats.

Aaron stated that we cannot set the traps on their property without their permission. He said that we have to have a judge issue an administrative warrant.

Barbara will send a letter stating the two options and adding to the second option that if they declare the cats not theirs they are giving the City permission to set the traps on their property to catch the cats.

Black and white dog running at large complaint: There have been no new complaints on this dog running. They have not responded to the letter sent. Since the dog appears not to still be running the Council will consider this item closed.

Installing a Fence Without a Permit Complaint: Jim stated the fence does not look bad, it looks like it is a fence to keep his kids from running out into the street.

Barbara stated that she cannot find a copy of the Ordinance pertaining to fences. It is listed in the Table of Contents as Ordinance 700-007, but there is not a copy in the book. Darlene said it was drafted last year and Barbara should check in the minutes of last year and see if she can find it.

Alex stated that Barbara should send a second letter requiring them to come in and get the permit for the fence.

Personnel Policy: Alex asked if any action is required. Barbara said that she had sent it to the attorney’s office for review as requested by the Council and has not heard anything back from Dan on it yet.

Completion of City Clerk’s 6 Month Evaluation: Darlene asked if Barb now has signature authority at the bank. She does, but Darlene is still on signature authority at the bank also.

Alex gave an overall rating of between E and M. Overall feels Barbara is doing an excellent job. However, there is one thing that has been brought to his attention that needs to be addressed. Barbara should not participate in issues regarding Policy. Barbara stated that she will no long give input unless she asked for input from the Council. He is pleased with the having validity to the budget. He feels that it is important that she continues to attend classes and/or conferences.

Darlene stated that she had addressed everything she had to say at the first meeting. She also did stated that she appreciates the follow through that Barbara does after each Council Meeting. She doesn’t feel like she has to follow up to see if Barbara has taken the actions that were to be done. It means a lot to Council to know that it will be done.

Jim stated he feels she is doing a good job. She understands her role in relation to the Council and the City. He cautioned not to take on to much or feel that the Council is giving or expecting too much of her. To let the Council know if she feels that is happening.

Juanita stated that she also had addressed everything at the first meeting. She appreciates the good communication between herself and Barbara.

Alice stated that she had said Barbara was doing an excellent job at the first meeting.

Juanita stated that Barbara was due a pay increase at 6 months.

Alex suggested $12.00. Darlene stated that Barbara is getting the work done within her allotted work schedule. If at any time she needs more time to let the Council know.

Juanita stated that Barbara had not been brought to tears yet, so she is pretty tough.

Darlene asked how Barbara feels things are going. Barbara feels it is going well. There is good communication. Juanita is open to hearing her opinions on things. There are times that work load seems hard, but for the most part it is not a problem.

Juanita stated that they used to get the Council Packets on Thursday so that they could have the weekend to review them. She asked the Council if they wanted to go back to getting them on Thursday. Barbara stated that she was told to have them out on Mondays so she didn’t know they had ever had them prior to that.

It was decided to do the initial agenda and a copy of whatever is available on Thursday. On Monday she will revise the agenda if necessary and make copies of any additional information for the Council.

Darlene made a motion to increase Barbara’s pay scale to $12.25 per hour, seconded by Alex, Juanita questioned if that rate is increase is in accordance with the other staff, Alex stated that her position is completely different and that he feels this is acceptable. It was asked when Aaron’s last review was completed. Barbara said she had not found any reviews in Aaron’s file when Juanita had asked about it earlier. Darlene thinks the reviews were completed last August. All in favor of motion, motion carried.

Requests & Complaints:

Jeannette Meszaros informed the Council that there have been kids on the roof of the school. They are going up the fire escape and then jumping down off the building. This has been confirmed by members of the Historical Society. This is occurring in the evenings. Juanita asked if they saw this, did they say anything to the children about they can’t be up there. Also did they find out the names of the children? There is concern about the safety of the children and the liability of the City.

Alice received a call at 1:30 in the morning with a complaint that Jimmy’s was still open and the music and people were very loud. Alice stated that the Sheriff had previously stated that the doors have to be locked ½ hour after closing time.

Juanita stated that the last 2 Wednesday nights have been very loud.

Alice had asked the caller to contact Todd County Sheriff’s office if they are concerned.

Alice asked if Juanita and Alex were soon going to have a review with the bar owners. Juanita stated that yes they were due for another meeting. Barbara will put together a few items for Juanita and Alex from her class that also needs to be addressed.

A motion was made by Alex to adjourn the meeting, seconded by Alice, all in favor, motion carried.

Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Mayor, Juanita Mitchell

Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 City Clerk/Treasurer, Barbara Holmes