**November 13, 2012**

**Regular Council Meeting**

**Pledge:**

Mayor Juanita Mitchell and Council Members Alex Weego, Darlene Fah, Jim Opelia and Alice Melzer were all present. Guests included Tom and Jeannette Meszaros, Craig Pomerenke, Doug Carter, Deanna Hall, Jennifer Flanery, and Topanga Flanery. Adam Templin also arrived later in the meeting.

**Minutes:** October9, 2012 Regular Council Meeting:Alex made 2 corrections to the minutes to indicate names of who said what. Alex made a motion to accept the minutes with corrections, seconded by Darlene, all in favor, motion carried.

October 16, 2012 Special Budget Meeting: Jim made a motion to accept the minutes, seconded by Darlene, all in favor, motion carried.

**Financial Reports:** Darlene asked what the Region 5 payment was for. Barbara stated that it was for partial payment on the Mount Nebo project. Darlene asked about the Computer purchase. Juanita stated that it was for a new computer for Maintenance. Barbara stated that Maintenance’s computer would not boot up one day last week. She got it up, but that it needed to replaced. Juanita stated that Office Depot would not do a purchase order so she had to put it on her credit card. Darlene asked about the NW Regional FF Meeting payment. Barbara stated that it was to the Lions for the catering of the Fire Department’s meeting. Darlene asked why there were two Santa Day payments. Barbara stated that the $500.00 payment was the amount approved by the Council in October, and the $200.00 payment was from Wolf Pack for Santa Days.

Alex asked if we had received the LGA or the tax payment. Barbara stated that the 2nd half of the taxes had been received, but the amount was low. Barbara is hoping that if the county receives more payments this year that the City will receive and additional payment on the taxes. The LGA second half does not come until December.

Darlene asked if we had received the 3rd quarter from Wolf Pack. Barbara stated that it had come in that day and would be deposited that week and then put into CTAS. Barbara also stated that she noticed that the majority of the funds came through Denim and Diamonds not Jimmy’s so she hopes that Jimmy’s revenue for pull tabs will increase so that the City continues to receive the same funds from Wolf Pack.

Alex made a motion to refer to audit, seconded by Darlene, all in favor, motion carried.

**Maintenance Report:** Juanita commented that she appreciated that Aaron had submitted a written report for the Council. Aaron stated that he had nothing additional to add.

Alex asked if it was the 3rd month in a row that they had to pull the pump in the lift station. Aaron wasn’t sure, but stated that it goes in streaks. Alex asked if the lift had paid for itself now. Aaron said he felt that it had or would soon.

Aaron submitted a purchase order for flag’s from Carrot Topp. Alex made a motion to approve the purchase order, seconded by Alice, all in favor, motion carried.

Juanita thanked Aaron for having the flags up for Veteran’s Day.

**Clerk’s Report:** Barbara stated that the bills paid prior to the Council Meeting were: ARVIG, Barter-Fest Wolf Pack Donation, Hewitt Service Center, Minnesota Energy, and Verizon.

Barbara asked if there were any questions on the water/sewer collections. There were none.

Barbara commented that Karin has been working on the web site and it that it is coming along very nicely.

Barbara sent the letter regarding the completion of the paving and striping of the parking lot for the Fire Department grant.

Barbara stated that Denim & Diamonds liquor license had been cancelled because they no long having liquor liability insurance coverage. Barbara had received a cancellation notice from the insurance company for nonpayment. After Denim & Diamonds received the letter revoking their license, they had their insurance company send a revised fax stating that their insurance was cancelled at their request. Regardless, they do not have the required insurance coverage to hold a liquor license so it is still cancelled.

Dennis Schultz from CliftonLarsonAllen called regarding scheduling the audit for 2012. Barbara asked if the Council wanted her to schedule that audit. Council stated that she should to get the audit scheduled. She also stated that Dennis requested that Barbara be available to answer questions for the audit. The Council approved Barbara working with CliftonLarsonAllen after she is gone.

Barbara requested that all Council Members submit their meeting and mileage information for 2012 into her by November 30th so that she can get the Council’s payroll completed.

**Mayor’s Report:** Juanita stated that their clerk has taken a job in another city and that the Council needs to accept her resignation so that the position can be posted. Jim regretfully made a motion to accept Barbara’s resignation, seconded by Alice, all in favor, motion carried.

**Unfinished Business:** Meszaros Fence Permit: This item was tabled until next meeting as they did not submit the revised drawing for approval.

Doug Carter – Removal of Mill: Barbara stated that if the City does letter to request to assistance from Sentence to Serve they will take the metal off the Mill. The letter does have to come from the City. Barbara asked if we want to pursue Sentence to Serve taking down the whole building. Juanita asked if the City doesn’t have to own the building to have them do the work. Barbara stated that the City just has to do the request. Darlene questioned the liability to the City. Barbara will contact Sentence to Serve and check on the liability coverage for their program and send the letter requesting the Sentence to Serve perform the work.

Alex asked about preserving it as a landmark. Doug said that the building is in such disrepair that it is not really salvageable at this time. If it was he would consider donating it but he doesn’t feel that it could be saved at this point.

Darlene suggested that an agreement be done between Doug and the City giving the City permission to contact Sentence to Serve to have the Mill taken down. Barbara will draft an agreement.

Alex also asked if Barbara would check with Sentence to Serve to see if they would be available to tear down abandon houses. Barbara stated that the City would have to determine ownership and get permission from the owners to request their services.

Weed Complaint – 308 E. 3rd Ave.: Barbara stated that there is now a new attorney involved with this property so the foreclosure must be nearing completion. Hopefully once that is done they will finally get property cleaned up. Barbara also stated that Juanita had received a call from BankofAmerica inquiring on the clean up. Juanita informed them that the work had not been completed. Barbara stated she had talked to Carrie and she said that someone had been there and cleaned up a small portion of the back yard near their deck.

2013 Budget: Barbara stated that the Council needs to determine what they would like to do with the money that is not allocated due to the transfer of expenses from the General Fund to Water and Sewer for labor costs. Jim asked if the legal fees were not cut way back. He feels that legal fees really need to be increased. Alex asked where else there had been cuts. Jim stated that buildings also need to be increased. Alex stated that they do need to replace the furnace in the Senior Center. Darlene stated that legal fees really should receive the majority of the excess. Alice suggested setting money aside for a capital purchase toward a new truck.

Juanita asked if money could be budgeted to put in a CD. Barbara said no, that is just money management not a budget item. Barbara also suggested that the City check into a money market account at Star Bank instead of putting any extra money back into a CD. She feels they would receive a higher return and not have any penalties should they need to have access to the funds. Deanna Hall agreed that would be a good move for the City. Darlene asked if the funds were then at risk. Deanna stated that a bank money market account is insured.

Alex asked if there is reluctance in repairing the Senior Center. Aaron stated that the furnace functions fine. Alice stated that if the wind blows it is cold in the building, but if it is a calm day the furnace keeps the building warm. Barbara stated that the problem is then not necessarily the furnace it is most likely windows and/or doors. Juanita stated that Operation Round Up may have some funds available for improvements to the Senior Center.

Barbara reminded the Council that the budget funds can be moved at any time.

Jim suggested putting $3000.00 to the City Owned Buildings/Repairs and Maintenance and additional $10,000.00 to Legal Fees.

Juanita made a motion to accept the budget with the above changes, seconded by Alice, all in favor, motion carried.

Barbara will prepare the Resolution for the Final Levy submittal in the amount of $60,000.00 for next meeting.

Fee for filing charges to assessments: Barbara stated that she had brought this subject up during the budget meeting and Council did seem to want to add a fee however, the amount or percentage was not determined at that time. Barbara stated that she will have to do a Resolution to change the fee schedule. Barbara stated that this would be an administration fee to recover the time that she has spent trying to collect the money. Darlene suggested a 5% fee. Barbara stated that she spends a lot of time prior to submitting these bills to the assessments. Jim made a motion to charge an administration fee at 10%, seconded by Alice, all in favor, motion carried.

Cell Phone Tower Leases – Braham: Juanita stated that the submittal is from the Mayor’s List. This shows the amount of money that cities are receiving and feels that could be very beneficial to the City. Barbara asked where the current cell towers are here. Alex stated there is a Verizon tower nearby. Alex also stated that there is a new company call Credo that may be looking for something in this area. Juanita stated that there is also a company called Genesis. Alex will contact Credo to see if they are interested in leasing on the Cities water tower.

**New Business:** Girl Scouts – Use of Senior Center: Jennifer Flanery stated that the number of girls involved with the Bertha/Hewitt girl scouts is growing and that it would be very beneficial to them if they had a facility where they could meet and be able to store their supplies. Darlene asked how many girls are now involved. Jennifer stated that there are currently 18 and other areas are considering merging with them. Alex stated that he feels it is an excellent idea. Barbara asked if the Senior Citizens would need to be contacted prior to approving someone else using the building. Jennifer stated that she had talked with David and he thought it was a good idea. Juanita asked Aaron if he knew if the Senior Citizens planned on using the Center this winter. Aaron stated that unofficially he had heard a few months ago that the Senior Citizens were considering disbanding their organization. Juanita feels that then the City should be able to open the building up to others. Alex asked when the Girl Scouts are currently meeting. Jennifer said Monday evenings for the younger girls. The older girls are on a more or less as needed time frame. Jennifer said that the Girl Scouts marketing specialist was very excited that they are trying to find a building that they can use as it will help the older girls with their community projects work. Alex feels it is a very worthwhile cause and should be pursued to the best of our ability. Juanita agreed as she feels that the City needs to give back to the community as much as possible.

Barbara will send Dave Templin a letter indicating that the Council has approved the use of the building to the Girl Scouts.

The Girl Scouts will need to coordinate with Dave Templin or the Senior Citizen organization to coordinate the time for usage to ensure there is not a conflict.

Deanna asked if they could move supplies into the Senior Center. Alex stated that there is a large room that is available for them to do so.

Darlene suggested that the Girl Scouts will need to get a key from Maintenance when they need access on a trial basis.

Craig Pomerenke – Application for Exemption to City Code: Juanita stated that on Craig’s question of “Does the property need to be surveyed” if he wants to split the property into two parcels the answer would be yes it should be surveyed.

Juanita asked Aaron what would need to be done to get sewer and water hooked up at the new address. Aaron stated that it would have to be dug in. Doug stated that the location that he wants to build on the new property is way far back from the current water/sewer connection location. Doug stated that Wisconsin Street is platted to go much closer to the location of his building site.

Craig asked if he could just go and get the properties re-titled. Juanita stated that would be a question for Todd County or whoever is doing the re-title of the property. Alex stated he thought it would be the assessor’s office. Alice stated that Chromeys had to have their property surveyed in order to split it. Darlene agreed that it would be the Todd County Assessor’s office that would help him with the split. Craig stated that the property has already been surveyed. Barbara stated that they would need to put the markers in for where the division of the two parcels would be. Aaron stated that it is possible that they would just give dimensions for the split.

Alex felt that they should address the question of “Does Craig have to hook up to sewer and water at the new location or can he put in a well and a mound?” Juanita stated she did not think he could put a well in within the city limits.

Craig questioned how much it would cost to “dig in” for the water and sewer connection. Alice stated that when she put hers in she had to pay from the main line on Dakota Street to the house plus the $400.00 connection fee. Craig stated that since Wisconsin Street is platted to go through that technically he feels the City should extend the street and run water and sewer to his property. Aaron stated that it would cost a lot to do so. Darlene asked if the City is going to incur the expense of completing the street and install water and sewer for one resident. Juanita stated that maybe they would just have to vacate the street. Barbara stated another option would be to charge assessments to have the project completed. Jim felt that it would be less expensive for Craig to dig in the water and sewer than to put in a well and a mound. Craig disagreed. Juanita restated that she didn’t think that he can put a well and a mound in within the City limits. Craig stated that others have one. He was told that they were already existing wells and mounds when the water and sewer went in. Aaron stated that the Ordinance states that you must be connected to City water and sewer if they are reasonably accessible. Alex stated that 1 ½ acres is not reasonable access. Juanita stated that this would also be new construction. Juanita stated that if an extension of services for Craig on this issue there will be others coming and asking the City to pay for the extension to their properties also. Craig feels that since the street is platted the only financial portion he should be responsible for is from the platted Wisconsin Street to his property. Aaron stated that it not from where it is platted but to the closest point that it currently exists. Aaron stated that to do an extension to a water or sewer main that a lot of approvals need to be done and that would take a substantial amount of time, possibly up to 3 years.

Alex stated that he should ask for an exemption to be able to put in a well and mound. Juanita stated that his application is for an exemption. Alex stated that the County does exemptions all the time. Darlene stated that she feels this would need to be looked into. That the City cannot just sign off that he can put in a well and a mound. Alex agreed that Craig would have to request that from the County.

Juanita told Craig that he needs to contact the County with the same questions. Once he has the information from the County he then needs to come back to the City to apply for an exemption. Juanita also stated that if he does the research himself he will not have to pay the research time that would be charged if the City Clerk does the research for him.

Juanita stated that once he has all the information he will also need to apply for a building permit and submit the drawings necessary for that permit. Barbara stated that to be on agenda next month the information would need to be in by the 5th of December.

Ordinance Regulating Animals with the City of Hewitt: Juanita stated that this Ordinance is brought back up as a person brought a cat into Barbara at the City office to dispose off. Juanita stated that the City didn’t do that, but Barbara stated that with the Ordinance as it is now that we do have to or change the Ordinance so that the City is not responsible to do this.

Jim felt that disposing of the cats would help the problem of the cats in the City. Alice stated that then we would have to hold them for 10 days according to the Ordinance. Alex stated that the Ordinance implies that we have a pound. Juanita stated that we do have a cage to keep an animal in.

Juanita didn’t feel that this Ordinance had been reviewed by Dan. Barbara stated that this copy came out of the book of Ordinances that she had received back from Dan as reviewed and approved.

Deanna stated that she feels that if there is a stray in the City it should be reported to Todd County Sheriff’s department for them to deal with it. Barbara stated that Todd County does not have a Humane Society. Juanita stated that Todd County will not take them and she doesn’t understand why don’t have a place for animals to go.

Juanita asked that if someone brings and animal into the office, how is the Clerk supposed to talk them into taking it back home with them?

Alex suggested changing the Ordinance to read that animals may not be taken to the City but should be taken to the Wadena Humane Society. Deanna and Alice both stated that Wadena Humane Society will not accept animals from any address outside of the City of Wadena.

Darlene asked if we have a designated Animal Control Officer. Barbara stated that yes, it is Aaron.

Juanita stated that the Ordinance also says that cats need to be vaccinated and the City has never enforced that. Barbara stated that the City has not been enforcing the licensing of the dogs either.

Barbara suggested that the Council Members review the Ordinance and come back next month with their suggestions for revisions. Darlene agreed.

2013 MBA Scholarship Program: Information for the Council for scholarships available to them.

Workman’s Comp. Audit Refund: Barbara stated there would be a $300.00 refund to the City as a result of the audit findings.

Council Canvassing Board for Election/Resolution 12-009: Barbara submitted the abstract from the County that also needs to be signed off on to the Council. Barbara stated that basically they are approving and accepting the results submitted from the election: Jim made a motion to accept the results from the election and Resolution 12-009, seconded by Darlene, all in favor, motion carried.

Fire Truck Increase of Capital Funds Expenditure Limit: Barbara stated that they had previously approved $15,000.00 Capital Fund expenditure for a total of $65,000.00 for the purchase of the fire truck ($25,000.00 from the Grant and $25,000.00 from the loan). Steve had requested that the Council give them leeway to be able to spend more. Alex asked if the Council needs to approve that they are able to spend more. Juanita stated that if they have the money they should be able to use it. Alex stated that they do fall under the City and feels that a motion needs to be made to make the change. Juanita feels that since they have the money that they should be able to spend it. Darlene agreed that they should be able to use their own discretion on this matter. Alex made a motion that the Fire Department can increase payment at their discretion for the purchase of the fire truck, seconded by Juanita, all in favor, motion carried.

Leadership Conference: Juanita stated that she feels all members of the Council for next year should attend the conference. Juanita has emailed Fitz that she feels that he should attend the “new” Council Member conference.

Alex stated that he would like to attend. Juanita also would like to attend the Experienced Conference. Alex stated that would also be the one he would like to attend.

Deanna asked if Fitz should attend the new or experienced session since he had been a Council Member before. Juanita stated that he has never attended a conference and therefore should attend the “new” session as there is a lot of valuable information in the first session that he may not get if he doesn’t start there.

Barbara asked Jim if she should register him for the conference. He said yes.

Alice also would like to attend.

Barbara will email Fitz, and register all Council Members for the conference. Council Members are responsible for their own motels reservation and the cost of the motel.

Denim & Diamonds – Request for License Refund Request: Juanita stated that Barbara included the portion of the Ordinance pertaining to refunds on Liquor Licenses. Juanita stated that according to our Ordinance we do not have to refund the unused portion of the license fee. Alex asked if this is by their choice. Alice stated that the State took their insurance away. Barbara stated that no, the State did not take their insurance; originally the City received a cancellation notice from their insurance company and an email from the State of the same cancellation notice, for non-payment. Later she received a cancellation notice from the insurance company that it was per the owners request that the insurance was cancelled. Barbara stated that regardless of the reason, they are required by state law to have liquor liability insurance in order to have a license so the revocation of their license would stand. Alice stated that they were open after September 30th. Alex asked if the purpose of their closing was because the City revoked their license. Barbara stated no, that the license was not revoked until after they did not have liquor liability insurance in place effective October 22, 2012 at 12:01 AM. Alex stated that their license was revoked due to their actions, not the Cities therefore, it is not to be refunded.

Barbara will send a letter declining their request for a refund and a copy of the portion of the Ordinance that covers refunds of license fees.

Darlene stated that if they closed their doors, their license is no longer valid anyway.

Glass Enclosed Bulletin Board for at the Post Office: Alex stated that we could put one on the outside breezeway of the Post Office building. Since it would not be in the building itself, it would be okay to do so. Alex stated that what prompted him to check into this was that people did not hear about the Fire Department Chili Feed. Alex feels that if we had a bulletin board outside the post office everyone would see and read the notices when they get their mail. Darlene stated that she hardly ever goes into the post office. Alex stated that most of the residents do have to go to the post office for their mail.

Juanita thought it would be awkward to try to read what is posted when people are trying to go in and out of the post office.

Juanita didn’t feel that the City should buy a new one. Alex said that he agreed and he was appalled at the cost that Barbara had come up with. Juanita suggested moving the enclosed bulletin board from the park to the post office. Juanita also suggested that the Clerk will add posting in there for meetings, etc. Barbara asked if that would replace the copy she puts into the Post Office. Juanita stated yes. Barbara stated she does not have a key for the bulletin board. Aaron has a key and if there is not one in the locked key box it is the only key for the bulletin board.

It was decided that Aaron is to move the Enclosed Bulletin Board from the park to the Post Office breezeway.

LMCIT Board Positions: Information for the Council Members only. The meetings are in the Cities, but if anyone is interested she wanted to be sure they were aware that there are positions available.

Jimmy’s Saloon & Grill, Inc., License Renewal: Juanita asked if it was paid for. Barbara stated no, but she had talked with Jimmy that day and the payment will be in before the end of the year. Barbara also talked to him about the insurance certificate that is necessary to complete the processing and reminded him that the address on the insurance certificate has to be the physical address of the bar not his mailing address. Jimmy said that he would have his insurance company fax a copy to the City Clerk’s office before the end of the year. Alex made a motion to approve the renewal of Jimmy’s license upon receipt of all moneys due and proper insurance documentation, seconded by Alice, all in favor, motion carried.

Wolf Pack Change in Gambling Manager: Juanita stated that they are just informing the City that they are retiring and there is a change in who will be submitting the reports to the City. Barbara also said they had also indicated that they had discontinued with Denim and Diamonds. Juanita said that Barbara had told her that most of the money had come from Denim and Diamonds, very little of the funds are from Jimmy’s. Hopefully the people will move to Jimmy’s to purchase their pull tabs.

**Requests & Complaints:** Dogs running complaint: It was determined that since Aaron was able to pick up and return the dogs to their owner that the complaint is closed.

**Schedule for finding a new clerk:** Barbara recommended that Juanita and Darlene meet on the 30th instead of the 3rd so that people have time to arrange their schedules to be able to attend the interview. Juanita said that the reason she did it this way as that if they are taking applications until the 30th that they might be postmarked by the 30th and not received until the 3rd. Alex suggested changing the post marked no later than November 28th.

Juanita found the previous ads for a clerk on her computer. Barbara will post the ad in the Independent Herald and the Pioneer Press. Darlene will post the position on the Minnesota Works site. Barbara gave Darlene a copy of what was posted last time on Minnesota Works.

Darlene requested that the interview dates be changed to Wednesday and Thursday instead of Tuesday and Wednesday as she has a conflict on Tuesday.

Juanita stated that she has scheduled the announcement of new clerk at the December 11th meeting. However, due to them having to give notice she has the start date on January 7th.

Darlene asked Barbara if she would be willing to do some training with the new clerk. Barbara stated that she had told Juanita that she would help out for a short period of time. Barbara also will try to have a manual completed for the new clerk on procedures for her position.

**Performance Evaluations:** Aaron requested that the meeting be closed.

Juanita closed the meeting for performance evaluations.

After completion of the evaluation process for Aaron and Adam Juanita reopened the meeting.

Alex asked if the City could afford a $1.00 raise for the Maintenance staff. Juanita stated that she doesn’t feel that any raises should be given this year due to the economic times. Alex suggested $ .50. Juanita stated that they need to think of the tax payers also. Alice asked what was budgeted. Barbara stated that they had completed the budget with no raises. Alex said that they could redistribute part of the amounts allocated at this meeting to cover some raises. Darlene recommends that we do not give any raises at this time. Alex said he would recommend a minimum of $ .50. Jim agreed that $ .50 would be good for now. Alice stated that budget is already set and she doesn’t feel that the decision to go with no raises should be changed at this time. Alice stated that the subject of raises could be revisited again in 6 months. Alex made a motion that no raises would be given at this time and that the subject would be reviewed again in 6 months, seconded by Darlene, all in favor, motion carried.

Darlene made a motion to adjourn the meeting, seconded by Jim, all in favor, motion carried.

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

Mayor, Juanita Mitchell

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

Barbara Holmes, City Clerk/Treasurer