

**CITY OF HENDRUM**  
**Regular Council Meeting Minutes**

September 16, 2019

**CALL TO ORDER**

Mayor Johannsen called to order the regular meeting of the City of Hendrum council at 7:30 pm on September 16, 2019 in the board room of the Professional Building located at 308 Main Street East in Hendrum, Minnesota. The Pledge of Allegiance was recited.

**ROLL CALL**

The following council members were present: Curt Johannsen, Michael Smart, and Steven Jeffery. The following city personnel were present: Cynthia Julin, Attorney; Keri Plemmons, Clerk-Treasurer; and Mark Sundblad, Maintenance Superintendent.

**CONSENT AGENDA**

- a) 2019-08-12 Regular Council Meeting Minutes
- b) 2019-08-28 Special Council Meeting Minutes
- c) 2019-08 Maintenance Logs
- d) MDH Notification of Service Connection Fee Increase
- e) LBAE training notification letter
- f) MAOSC thank you letter
- g) MN Dept. of Labor & Industry letter of intent

*MOTION: S. Jeffery moved; seconded by M. Smart to approve the listed consent agenda items.*

*BAUKOL: absent; JEFFERY: aye; JOHANNSEN: aye; MAGNELL: absent; SMART: aye. MOTION PASSED.*

**APPROVAL OF AGENDA**

- a) Add to New Business: E. Borgen Request
- b) Add to New Business: F. Building Permit

*MOTION: M. Smart moved; seconded by S. Jeffery to approve the agenda with the listed additions.*

*BAUKOL: absent; JEFFERY: aye; JOHANNSEN: aye; MAGNELL: absent; SMART: aye. MOTION PASSED.*

**REPORTS OF OFFICERS AND DEPARTMENT HEADS**

- A. PUBLIC WORKS:** Maintenance Superintendent Sundblad requested assistance from the Fire Department to work on three fire hydrants. The fluoride meter has been repaired.
- B. CLERK-TREASURER:**
  - a) The August financial report and September claims list totaling \$252,748.66 was presented for approval.

*MOTION: M. Smart moved; seconded by S. Jeffery to approve the August financial report and pay the claims in the amount of \$252,748.66.*

BAUKOL: *absent*; JEFFERY: *aye*; JOHANNSEN: *aye*; MAGNELL: *absent*; SMART: *aye*. **MOTION PASSED.**

- b) The following checks were voided due to misprints: 15799, 15810, 15827 & 4014
- c) Notice was received by the Office of the State Auditor (OSA) that on January 14, 2020, Microsoft will no longer support the Windows 7 operating system. Specifically, Microsoft will not offer bug or security fixes to users of this product from that date forward. This lack of technical support will create a serious security issue for computers running Windows 7. OSA strongly recommends that any local government offices with computers running Windows 7 or any prior versions update their computers to a supported operating system before January 14, 2020. The City Clerk's office computer was purchased in 2012 and currently runs on Windows 7. Clerk-Treasurer Plemmons recommended purchasing a new computer with Windows 10 Pro installed. She also requested consideration of an additional monitor. There is one-thousand seventy-six dollars available in the purchasing budget for supplies for the City Clerk's office. Four possible computer models were presented with the specifications needed to maintain operations ranging from five-hundred thirty-five dollars to eight-hundred thirty dollars.

**MOTION:** *S. Jeffery* moved; seconded by *M. Smart* to authorize Clerk-Treasurer Plemmons to purchase a computer and an additional monitor for the City Clerk's office within the available purchasing budget prior to the end of the 2019 calendar year.

BAUKOL: *absent*; JEFFERY: *aye*; JOHANNSEN: *aye*; MAGNELL: *absent*; SMART: *aye*. **MOTION PASSED.**

- C. MAYOR:** The League of Minnesota Cities sent out a notice acknowledging legislators of distinction for last year's legislative session. Representative Marquart was recognized by the League of Minnesota Cities as a legislator of distinction for 2019. Mayor Johannsen wanted to congratulate Representative Marquart on his distinction and to thank him on behalf of himself and the city for everything he has done to help. He was very instrumental in helping Hendrum get the money that was needed for building the levee grade raises and making this project happen.
- D. FIRE DEPARTMENT:** The Hendrum Relief Association has purchased a party tent to provide more space in the fire hall for the annual Steak Supper fundraiser.

## **UNFINISHED BUSINESS**

- A. City Ordinance Violations:** Following the Public Works report, the Mayor moved off the agenda in order for the council to discuss city ordinance violations with Cynthia Julin, Attorney.

**MOTION:** *M. Smart* moved; seconded by *S. Jeffery* to close the meeting at 7:45 pm as permitted by MN Stat. 13D.05, subd. 3(b), for reasons of attorney client privilege, to discuss the ongoing matter of City of Hendrum v. BJM Land Inc. and Mitchell Farms, Inc.

BAUKOL: *absent*; JEFFERY: *aye*; JOHANNSEN: *aye*; MAGNELL: *absent*; SMART: *aye*. **MOTION PASSED.**

*MOTION: M. Smart moved; seconded by S. Jeffery to re-open the meeting at 8:43 pm.*  
*BAUKOL: absent; JEFFERY: aye; JOHANNSEN: aye; MAGNELL: absent; SMART: aye. MOTION PASSED.*

*MOTION: S. Jeffery moved; seconded by M. Smart to schedule a public hearing concerning a Conditional Use Permit and Variance for October 14, 2019, at 7:30 pm to be held in the boardroom of the Professional Building provided that Robert Mitchell submits the completed applications to the City Clerk's office in time to meet the notification deadlines.*

*BAUKOL: absent; JEFFERY: aye; JOHANNSEN: aye; MAGNELL: absent; SMART: aye. MOTION PASSED.*

The council reviewed eleven (11) open ordinance violation files. Five (5) properties were considered in compliance and the files were closed. Four (4) properties were showing active progress and will be provided more time to bring the violations into compliance. Two (2) properties were identified as maintaining unabated nuisances and documents will be provided to the city attorney to authorize enforcement of the following orders:

*MOTION: M. Smart moved; seconded by S. Jeffery to adopt Resolution No. 2019-16: Order to Find Public Nuisance at 433 County Road 106 North under City of Hendrum Ordinance No. 80. By the following roll call vote the resolution was duly adopted and on file at the City Clerk's office.*

*BAUKOL: absent; JEFFERY: aye; JOHANNSEN: aye; MAGNELL: absent; SMART: aye. MOTION PASSED.*

*MOTION: S. Jeffery moved; seconded by M. Smart to adopt Resolution No. 2019-17: Order to Find Public Nuisance at 410 Gordon Street East under City of Hendrum Ordinance No. 80. By the following roll call vote the resolution was duly adopted and on file at the City Clerk's office.*

*BAUKOL: absent; JEFFERY: aye; JOHANNSEN: aye; MAGNELL: absent; SMART: aye. MOTION PASSED.*

Two new property violations were reviewed. Council instructed Clerk-Treasurer Plemmons to send notices of violation to both property owners.

*MOTION: M. Smart moved; seconded by S. Jeffery to send ordinance violation notices concerning unlicensed and/or inoperable vehicles to the two identified properties.*

*BAUKOL: absent; JEFFERY: aye; JOHANNSEN: aye; MAGNELL: absent; SMART: aye. MOTION PASSED.*

- B. MnDOT Hwy 75 Reconstruction Project:** The project appears to be on schedule and a review of the progress to date was provided by Mayor Johannsen.
- C. City Street Paving Project:** No update.
- D. Wellhead Protection:** No update.
- E. City Pickup:** No update.
- F. Lift Station Service Agreement:** The agreement to provide annual service to three lift stations and four pumps was presented for approval.

*MOTION: S. Jeffery moved; seconded by M. Smart to enter into an annual service agreement with ND Sewage Pump & Lift Station Service Co. Inc. for the sum of six hundred fifty dollars (\$650.00).*

*BAUKOL: absent; JEFFERY: aye; JOHANNSEN: aye; MAGNELL: absent; SMART: aye. MOTION PASSED.*

**G. Potentially Dangerous Dog Declaration:** Cynthia Julin, City Attorney, reported that the potentially dangerous dog issue was turned over to the Norman County Sheriff who checked on the property owners and did not find any dogs. The Norman County Sheriff is satisfied with the check. The City has done their due diligence according to Ms. Julin, and as far as she is concerned the City does not need to worry about any sort of liability issues.

**H. Flood Ordinance Amendment:** Clerk-Treasurer Plemmons requested that the council set a public hearing time and date to begin the Flood Plain Management Ordinance amendment adoption process. Ordinance adoption requires public notice, a public hearing, and publication of a summary in a local newspaper.

*MOTION: M. Smart* moved; seconded by *S. Jeffery* to schedule the public hearing for amending the Flood Plain Management Ordinance for Monday, October 14<sup>th</sup> at 8:00 pm.

BAUKOL: *absent*; JEFFERY: *aye*; JOHANNSEN: *aye*; MAGNELL: *absent*; SMART: *aye*. *MOTION PASSED.*

**I. Fence Permit Application:** No update.

**J. Attorney Opinion:** The city attorney provided a written opinion on the following question: "Does having an individual councilmember assigned as a supervisor of the city employees put the city or the individual councilmember at risk of liability?" Councilmembers, specifically directed by the council, may supervise employees. Individual councilmembers can perform those duties the council, as a whole, legally assigns to them. However, the council cannot legally delegate any of its discretionary powers, such as the exercise of judgment, investigating or terminating an employee, or negotiating employee severance packages. As long as the councilmember does not act in bad faith, malfeasance, or willful neglect of their duties, state law generally requires cities to defend and indemnify councilmembers for lawsuits arising out of their official duties. There has been a long-standing informal policy in place whereby the mayor supervises or is the contact point for the city clerk and the vice mayor is the supervisor or contact point for the maintenance department. The city attorney suggests that the council adopt a formal policy to avoid any further concerns about the roles of individual councilmembers. Clerk-Treasurer Plemmons was instructed to work with the city attorney to come up with a draft of a formal policy of the role of the individual councilmember assigned as an employee supervisor or point of contact and bring it back to the council for deliberation.

**K. Internal Control Policy:** An updated draft of the Internal Control Procedures incorporating the changes made by the council at the last meeting was presented for approval.

*MOTION: S. Jeffery* moved; seconded by *M. Smart* to adopt the City of Hendrum Internal Control Procedures as written.

BAUKOL: *absent*; JEFFERY: *aye*; JOHANNSEN: *aye*; MAGNELL: *absent*; SMART: *aye*. *MOTION PASSED.*

Part of the control policy requires a credit card to be used for charges. Two options were provided for consideration.

*MOTION: M. Smart* moved; seconded by *S. Jeffery* to authorize Clerk-Treasurer Plemmons to apply for a Visa Company Rewards Charge Card for municipalities through Northwestern Bank and to add Clerk-Treasurer Plemmons and Maintenance Superintendent Sundblad to the list of employees to receive a card.

BAUKOL: *absent*; JEFFERY: *aye*; JOHANNSEN: *aye*; MAGNELL: *absent*; SMART: *aye*. *MOTION PASSED.*

**L. Snow Removal:** No update.

## **NEW BUSINESS**

**A. Lot Offer:** Written correspondence addressed to the Mayor and Councilmembers was received by the owners of a piece of property located in the City of Hendrum. The property owners expressed an interest in selling their lots to the city for the purposes of redevelopment. The council recommended that the information be provided to the Hendrum Economic Development Authority board for consideration.

**B. Workers' Compensation Options:** A quotation for workers' compensation deposit premium options from the League of Minnesota Cities Insurance Trust (LMCIT) was presented for consideration. After discussing the available options, the council selected the regular premium option.

*MOTION: S. Jeffery* moved; seconded by *M. Smart* to select the regular premium option for workers' compensation coverage and authorize Clerk-Treasurer Plemmons to sign and return the document to the LMCIT.

BAUKOL: *absent*; JEFFERY: *aye*; JOHANNSEN: *aye*; MAGNELL: *absent*; SMART: *aye*. *MOTION PASSED.*

**C. 2020 Tax Levy:** Results from the budget meeting were discussed and two line items were changed. The preliminary levy was set with a zero percent increase from 2019.

*MOTION: M. Smart* moved; seconded by *S. Jeffery* to certify the levy for the City of Hendrum for the year 2020 at the following amounts: Revenue (\$106,003), Fire (\$13,255) and Police (\$8,454) for a gross levy totaling \$127,712.

BAUKOL: *absent*; JEFFERY: *aye*; JOHANNSEN: *aye*; MAGNELL: *absent*; SMART: *aye*. *MOTION PASSED.*

**D. Boulevard Trees:** A request was received from the property owner at 356 Rice Street to receive permission to remove the boulevard trees. The property owner believes that one of the trees may be dying and the other poses a potential safety hazard. Council will inspect the trees and make a decision at the next meeting.

**E. Borgen Request:** Brian Borgen would like to purchase crushed asphalt and is requesting permission to place on the alley behind his house.

*MOTION: S. Jeffery* moved; seconded by *M. Smart* to allow Brian Borgen to place crushed asphalt on the alley behind his house with the understanding that the cost of the crushed asphalt will be paid by Mr. Borgen.

BAUKOL: *absent*; JEFFERY: *aye*; JOHANNSEN: *aye*; MAGNELL: *absent*; SMART: *aye*. *MOTION PASSED.*

**F. Building Permit:** An application for a building permit to construct a new balcony was reviewed.

*MOTION:* *M. Smart* moved; seconded by *S. Jeffery* to approve a building permit to construct a new balcony at 219 Herbert Street North.

*BAUKOL: absent; JEFFERY: aye; JOHANNSEN: aye; MAGNELL: absent; SMART: aye. MOTION PASSED.*

#### **ADJOURNMENT**

*M. Smart* moved; seconded by *S. Jeffery* to adjourn the meeting at 10:07 pm. The next regular council meeting will be at 7:30 pm on October 14, 2019, in the board room of the Professional Building located at 308 Main Street East in Hendrum, Minnesota.

Minutes submitted by: Keri Plemmons, Clerk-Treasurer