

CITY OF HENDRUM

Regular Council Meeting Minutes

February 23, 2021

CALL TO ORDER

Mayor Johannsen called to order the regular meeting of the City of Hendrum Council at 7:00 pm on February 23, 2021, in the Hendrum Civic Center located at 309 Main Street East in Hendrum, Minnesota. The Pledge of Allegiance was recited.

ROLL CALL

The following council members were present: Paul Baukol, Steve Jeffery, Curt Johannsen, Mike Smart, and Brian Schlapkohl.

The following city personnel were present: Keri Plemmons, Clerk-Treasurer and Mark Sundblad, Maintenance Superintendent.

CONSENT AGENDA

- a) 2021-01-20 Regular Council Meeting Minutes
- b) 2021-01 Maintenance Logs

MOTION: M. Smart moved; seconded by P. Baukol to approve the consent agenda as listed.

BAUKOL: aye; JEFFERY: nay; JOHANNSEN: aye; SCHLAPKOHL: aye; SMART: aye. MOTION PASSED.

APPROVAL OF AGENDA

- a) New Business: C. Public Notice Requirements

MOTION: P. Baukol moved; seconded by B. Schlapkohl to approve the agenda with the listed addition.

BAUKOL: aye; JEFFERY: aye; JOHANNSEN: aye; SCHLAPKOHL: aye; SMART: aye. MOTION PASSED.

REPORTS OF OFFICERS AND DEPARTMENT HEADS

A. PUBLIC WORKS: The storm drains were opened. Materials for the benches are ready for assembly. Blue lights were replaced in the decorative street lights on Highway 75.

B. CLERK-TREASURER:

- 1. Financial Report & Claims List:** The January financial report and February claims list totaling \$87,561.48 were presented for approval.

MOTION: M. Smart moved; seconded by P. Baukol to approve the January financial report and pay the claims in the amount of \$87,561.48.

BAUKOL: aye; JEFFERY: aye; JOHANNSEN: aye; SCHLAPKOHL: aye; SMART: aye. MOTION PASSED.

C. MAYOR: No update.

D. FIRE DEPARTMENT: The annual meeting with the Perley-Lee fire board regarding the joint powers agreement between the fire departments occurred in February. The fire board is

pleased with the arrangement and will continue with the agreement. Scott Mangum was appointed as the Perley-Lee station captain. Fire department trainings have been well attended.

PUBLIC HEARING

The public hearing was opened at 7:15 pm to hear public commentary regarding the intention to adopt an amendment to Section 2.3 of the City of Hendrum, Minnesota, Floodplain Ordinance No. 78, to incorporate the revision by the Federal Emergency Management Agency (FEMA) to the Flood Insurance Rate Map (FIRM) panels in the Hendrum levee areas that are to become effective March 10, 2021. No written or verbal commentary or questions were received or submitted. The public hearing was closed at 7:17 pm.

UNFINISHED BUSINESS

- A. City Ordinance Violations:** Resolution No. 2021-05 was introduced to adopt the findings of fact and reasons for approval for a use variance for BJM Land Inc. and Mitchell Farms, Inc. at 154 Highway 75 South. The resolution concludes that (1) the proposed use variance is in harmony with the purposes and intent of Ordinance No. 74 because it promotes the orderly development of this commercial space to include eight trucks to be parked on the Property to allow the business to continue to operate as a grain elevator; (2) the property owner uses the property in a reasonable manner because he abated the nuisance conditions on the property, in accordance with City of Hendrum ordinances and with the signed Stipulated Agreement, dated 3/3/2020; and (3) the use variance will not alter the essential character of the locality because it was conditional on the signing of the Stipulated Agreement between the City of Hendrum and BJM Land Inc. and Mitchell Farms, Inc.

MOTION: P. Baukol moved; seconded by *M. Smart* to adopt Resolution No. 2021-05: A Resolution Adopting Findings of Fact and Reasons for Approval for a Use Variance for BJM Land Inc. and Mitchell Farms, Inc. at 154 Highway 75 South in the City of Hendrum, Minnesota. On the following roll call vote the resolution was duly adopted and on file at the City Clerk's office.

BAUKOL: *aye*; JEFFERY: *aye*; JOHANNSEN: *aye*; SCHLAPKOHL: *aye*; SMART: *aye*. *MOTION PASSED.*

- B. City Street Paving Project:** No update.

- C. Wellhead Protection:** Part II of the Wellhead Protection Plan for the City of Hendrum is ready to submit to local government units for written comments during a 60-day comment period. Notification will be sent to the local government units and a public hearing was scheduled to discuss issues and address all comments related to the Plan.

MOTION: M. Smart moved; seconded by *B. Schlapkohl* to schedule a public hearing consistent with the Wellhead Protection Rule (part 4720.5350, subpart 4) on May 10, 2021, at 7:35 pm at the Hendrum Civic Center at 309 Main Street East, Hendrum.

BAUKOL: *aye*; JEFFERY: *aye*; JOHANNSEN: *aye*; SCHLAPKOHL: *aye*; SMART: *aye*. *MOTION PASSED.*

D. Levee Certification: After conducting the public hearing prior to adopting the Ordinance, a motion was made, seconded, and unanimously approved to adopt Ordinance No. 83.

MOTION: P. Baukol moved; seconded by *M. Smart* to adopt Ordinance No. 83 as an ordinance amending section 2.3 of the City of Hendrum, Minnesota, Floodplain Ordinance No. 78, to incorporate the revision by the Federal Emergency Management Agency to the Flood Insurance Rate Map panels in the Hendrum levee areas to become effective March 10, 2021. This Ordinance, adopted as amended, shall be in full force and effect from and after March 10, 2021, or the date of its passage and publication according to law, whichever occurs later.

BAUKOL: *aye*; JEFFERY: *aye*; JOHANNSEN: *aye*; SCHLAPKOHL: *aye*; SMART: *aye*. *MOTION PASSED.*

E. Proposed Water Supply Project: Mayor Johannsen provided an overview of the presentation by the East Central Regional Water District which identified its current service area, what aquifers are used as source water, how the district is governed, how the water quality is improved and how that potentially decreases other maintenance expenses for the city and homeowners, the benefits of regionalization, and the current bulk costs. The overview also touched on how the engineering and implementation expenses would be managed. The next step is to contact Minnesota Rural Water to get a long-term cost/benefit analysis of joining a regional water district versus maintaining the city's water system. It was also agreed to contact the East Central Regional Water District to invite an agent to a future meeting to answer any questions that the council members may have.

F. NCW Elementary School: Mayor Johannsen assembled an eleven member "Save the Building" committee which is meeting regularly to take a proactive approach to finding new uses for the Hendrum elementary school property. Committee members have met with the Norman County West (NCW) facilities committee to open-up communication between the city and NCW. Even though no official proposal has been made, the "Save the Building" committee requested that the NCW school board keep the city in mind when negotiating the consolidation agreement with the Ada-Borup school district. The "Save the Building" committee would like the city to be offered first right of refusal on the property as well as keep the property maintained and the building intact for a reasonable amount of time for repurposing.

NEW BUSINESS

A. Donations: Two donations from the Rask family were received: one donation to be used for the Hendrum fire department and the other donation to be used for maintenance on Rask Park. The council was appreciative of the donors' intent and found that it was appropriate to accept the donations offered.

MOTION: M. Smart moved; seconded by *P. Baukol* to adopt Resolution No. 2021-04: Resolution Accepting Donations. On the following roll call vote the resolution was duly adopted and on file at the City Clerk's office.

BAUKOL: *aye*; JEFFERY: *aye*; JOHANNSEN: *aye*; SCHLAPKOHL: *aye*; SMART: *aye*. *MOTION PASSED.*

- B. March Meeting Date:** It was decided to reschedule the March meeting one week later to allow more preparation time between February's meeting and the next regularly scheduled meeting on March 8th.

MOTION: B. Schlapkohl moved; seconded by *P. Baukol* to reschedule the next meeting of the Hendrum City Council to March 15th at 7:00 pm in the Hendrum Civic Center at 309 Main St E.

BAUKOL: *aye*; JEFFERY: *aye*; JOHANNSEN: *aye*; SCHLAPKOHL: *aye*; SMART: *aye*. *MOTION PASSED.*

- C. Public Notice Requirements:** Councilmember Jeffery requested a discussion on whether the public was properly noticed for the rescheduled January meeting by posting the notice on the door of the Hendrum Civic Center. Minnesota Statutes state that "for a special meeting . . . the public body shall post written notice of the date, time, place and purpose of the meeting on the principal bulletin board of the public body, or if the public body has no principal bulletin board, on the door of its usual meeting room." Typically, the city clerk would manage the noticing requirements. Due to extraneous circumstances, Clerk-Treasurer Plemmons was unavailable to notice the meeting. Mayor Johannsen notified every council member prior to the meeting of the rescheduled date/time/location and then proceeded to post the public notice which also indicated the date, time, and place of the rescheduled meeting on the door of the Hendrum Civic Center which is the current meeting location prior to when the regularly scheduled meeting was to take place. The notice was left on the door for one week. Councilmember Jeffery's contention was that the notice was not posted on the official bulletin board in the Professional Building and therefore was not properly noticed. The other council members stated that posting the public notice on the door of the Hendrum Civic Center, while not perfectly executed, in this situation still met the intention of the public noticing requirements. No action was taken.

ADJOURNMENT

M. Smart moved; seconded by *P. Baukol* to adjourn the meeting at 8:17 pm. The next regular council meeting will be at 7:00 pm on March 15, 2021, in the Hendrum Civic Center located at 309 Main Street East in Hendrum, Minnesota.

Minutes submitted by: Keri Plemmons, Clerk-Treasurer