

City of Ada
Minutes of the Regular City Council Meeting
January 7, 2014 – 6:00 p.m.

Members present: Mayor Dennis Roux, Members Jim Austinson, Candy Robertson, Cindy Peterson, Rod Erickson, Jim Hansen, Rich Pinsonneault.

Members absent: Member Craig Edwards.

Others present: Cindy Julin, Mick Thompson, Steve Petry, Tom Opheim, Liz Lynch, John Kappes, Darin Ramey, Kelly Myers, LeeAnn Hall, Ryan Hill, Jody Bueng, Josh Heggem via internet, Erin Stoltman, Paul Poczobut, and others.

III. Citizens Forum.

IV. Consent agenda. Listed on the consent agenda was; December 3 and 17, 2013 Council Meeting minutes, City pre – paid checks, City Accounts Payable in the amount of \$180,326.83, and TR’s Patty Shack authorization to be open until 2:00 a.m.

Motion by Member Erickson, second by Member Peterson to approve the consent agenda. Members voting for: Austinson, Robertson, Peterson, Erickson, Hansen, Pinsonneault. Against: None. Motion passed.

V. Approve Agenda. Additions to the agenda: discussion of a part – time police officer, moved closed session under Public Safety.

Motion by Member Robertson, second by Member Peterson to approve the agenda. Members voting for: Austinson, Robertson, Peterson, Erickson, Hansen, Pinsonneault. Against: None. Motion passed.

VI. A. External Presentations with possible discussion and decision. Liz Lynch, Lake Agassiz Regional Library. Liz requested janitorial services be provided by the City in the Library.

Motion by Member Erickson, second by Member Austinson to provide two hours per week janitorial service in the Library. Members voting for: Austinson, Peterson, Erickson, Hansen. Against: Robertson, Pinsonneault.

B. Ryan Hill and Erin Stoltman, Essentia Health. Ryan and Erin gave an update on the physicians available and the status of the recruitment.

C. Mick Thompson to discuss Ride Tek. Mick gave an update on Ride Tek stating that they are open, trying to liquidate inventory. They are in the process of trying to get the debt caught up. They are requesting a forgiveness on the rent as the City knows they are trying to make sure the debt for the EDA loan is paid and the utilities are caught up. Josh will check to see if a UCC was filed on behalf of the City before their request is addressed.

D. Heart of the Valley Golf Course – Darin Ramey. Darin gave an update on the financial status of the golf course. They want to pursue a 501c3 status which they have been quoted to cost about \$3,500.00. They are asking if the City would defer their loan payment for one year so they can pursue the 501c3 status.

Motion by Member Pinsonneault, second by Member Erickson to defer the loan payment for 2014 for one year if the Heart of the Valley Golf Course pursues 501c3 status.

Members voting for: Austinson, Robertson, Peterson, Erickson, Hansen, Pinsonneault.

Against: None. Motion passed.

E. Cynthia A. Julin, presentation of a Proposal for City Attorney Services. Cindy stated that there seems to be some confusion on why she is at the meeting so she clarified that she is not there to present a proposal for legal services which she felt would be premature as the council has not yet requested proposals for legal services. Member Erickson stated that he understood that the council would request proposals on an annual basis. He stated he would like to see Pemberton Law finish up the flood project, James Brue continue with the criminal portion and the City take proposals for the general legal services.

Motion by Member Erickson, second by Member Austinson to request proposals for city attorney with the exception that the criminal portion stay with the County Attorney and the flood portion stay with Pemberton Law.

Motion by Member Erickson, second by Member Austinson to amend the original motion to include leaving personnel issues with Pemberton Law. Members voting for: Erickson, Austinson. Against: Robertson, Peterson, Pinsonneault. Member Hansen did not vote. Motion to amend failed.

Members voting for the original motion: Erickson. Against: Austinson, Robertson, Peterson, Hansen, Pinsonneault. Motion failed.

VII. A. Administrator / Clerk / Treasurer Report. Review financials for November 2013.

Paul reviewed the financials with the council. Mayor Roux asked if there are individual line items that the council should be concerned with overruns. Paul stated that there are but they

were addressed when they did the budget. Mayor Roux asked Paul if his training was complete of which Paul stated that it was, however he believes he is still owed one day of training from Brady Martz & Associates. Paul stated he may use it for year – end as it is entirely different than doing the month to month financials. Mayor Roux also clarified that they would be receiving a report on that and Paul concurred.

B. Mayor's report. Nothing to report.

C. 1. Public Works Board. Update on Ditch 51 project / Senator Eken. Member Pinsonneault stated that they learned about a month ago that the DNR wanted to charge the City an additional \$140,000 for the project. Rich stated that it is in the works to get this reversed.

2. New well exploration update. The temperatures need to be a little warmer for them to continue.

3. Request to spend \$11,000 for a switch at the substation. A crack was discovered in the bushing of an oil switch at the substation.

Motion by Member Pinsonneault, second by Member Erickson to spend \$11,000 out of the Long Term Designated Capital Fund, substation upgrades line item to pay for the switch. Members voting for: Austinson, Robertson, Peterson, Erickson, Hansen, Pinsonneault. Against: None. Motion passed.

D. 1. Dekko Community Center. Classify Kevin Lindell as the Pool Activities Coordinator.

Motion by Member Austinson, second by Member Erickson to approve Kevin Lindell as the Pool Activities Coordinator as of December 23, 2013 at Salary Grade 8.2, Step 1. Members voting for: Austinson, Robertson, Peterson, Erickson, Hansen, Pinsonneault. Against: None. Motion passed.

2. Hire Eric Robb as a Lifeguard and assist Mr. Lindell with CPO. Member Erickson expressed his concern with hiring Eric who was the Dekko Director as a Lifeguard and felt that should be a decision or recommendation from the new Director when he comes on board.

Motion by Member Robertson, second by Member Hansen to approve hiring Eric Robb at Salary Grade 1, Step 8. Members voting for: Austinson, Robertson, Peterson, Hansen, Pinsonneault. Against: Erickson. Motion passed.

3. Membership rates. It was a recommendation from the Dekko Committee to add a 6 month membership to the rate scale. Member Pinsonneault felt this should wait one month until the new Director is on staff and can provide input.

Motion by Member Austinson, second by Member Erickson to approve adding the 6 month membership rate. Members voting for: Austinson, Robertson, Peterson, Erickson, Hansen. Against: Pinsonneault. Motion passed.

4. Warming House Attendants.

Motion by Member Erickson, second by Member Peterson to approve hiring Ismael Alshalan and Brandie Bosworth as warming house attendants. Members voting for: Austinson, Robertson, Peterson, Erickson, Hansen, Pinsonneault. Against: None. Motion passed.

E. 1. Public Safety. Fire Grant. Steve will work with the truck committee within the Fire Department to get specs put together and come back with a cost projection.

2. Part – time officer. Jody stated that they would like to hire Matt Nickle as a part – time officer.

Motion by Member Pinsonneault, second by Member Peterson to hire Matt Nickle as a part – time officer. Members voting for: Austinson, Robertson, Peterson, Erickson, Hansen, Pinsonneault. Against: None. Motion passed.

3. Closed Session for preliminary consideration of allegations regarding an individual subject to the City Council authority. Josh clarified with Jody Bueng – Police Chief that he would like the session open to the public. Jody stated that he would like the session open. Josh stated that it was brought to his attention by the Administrator a number of allegations regarding timecard use, overtime use, and overtime issues in general including discrepancies in his timecard regarding hours logged on days that he also performed bus driving duties and putting in long hours. Also questions regarding overall department overtime. Mayor Roux questioned if copies of the information that Paul handed out could be made for the public. Josh stated that if the council is considering documentation at an open meeting than that has to be made available to the public. (The meeting was delayed to allow Paul to make copies for the public.) Josh continued by stating there were questions regarding documenting hours on his timecard, use of the Durango, and bus driving and working hours. Josh stated that Jody's response was that he would work different hours to be able to log that kind of time on a particular day and regarding logging hours incorrectly he indicated that he forgot to document a vacation day and wasn't trying to mark down hours that he wasn't here. Josh stated that in terms of overall overtime

within the department, Jody indicated that the overtime use has gone down. Josh stated that regarding the use of the Durango, bus driving and standard working hours Jody had given reasoning why he felt they were important to be able to do what he does. Josh stated that the council can do what they want with his employment status but recommended one of two options. They can continue to pay overtime and have better documentation of his hours by having him document his clock – in and clock – out times which Jody is agreeable or to treat the position as exempt which in order to do that the City would need to look to see if the salary is appropriate. Josh stated that to deal with the main allegation of tracking hours he would recommend the first option to get proper documentation to make sure timecards are accurate. Mayor Roux asked for clarification on the conversation that happened between the Attorney, Paul, and Jody. Paul stated that Jody worked 14 hours between two jobs on October 21 and 15 hours between two jobs on October 22 and Paul’s main concern is fatigue which is what triggered this. Paul stated that he talked to P.O.S.T. Board and they indicated that it is not out of the ordinary for officers to have 12 hour shifts. Paul stated that the concern for the public and officers with working long hours is his main concern and is what started this. Josh stated that the main concern was the logging of hours and that Jody explained all of that to them and explained the breakdown of the hours. Josh stated that Jody drove bus outside of his work time for the City. Josh stated that is why he recommends Jody log his time – in and time – out to address when questions are raised. In regards to bus driving and Durango use in general, Josh indicated that the City hired an Administrator who can oversee this position and be able to review City policy to determine if the bus driving and Durango use is interfering with policy. Discussion ensued around the fill – in bus driving Jody does at the school during his off – time. Mayor Roux asked the Police Department staff if they had anything to add to the conversation as they would know if it causes problems. Karen stated that Jody makes sure there is an officer available if he is planning to drive bus. She asked Jody for clarification that during their meeting that Paul stated that he didn’t have a problem with him driving bus in the morning and now he’s saying that it isn’t a good idea. Jody stated that Paul figured he should drive in the morning. Member Robertson questioned the spreadsheets that they were receiving that documented hours and call out time. Jody stated that he didn’t receive any feedback from the council about those. Member Robertson stated that if they took a day off and something happened, the Sheriff’s Office would have to cover those calls. Jody stated that by law because the City has their own department, the department is required to take their own calls. Paul stated that Jody has done a very good job at reducing his overtime lately. The question was raised on whether or not to address the outside work restrictions. Member Erickson stated that as long as Jody insures that an officer is available to take calls while he drives bus, he doesn’t have a problem. Others stated that they would like to see more detailed documentation of his hours.

IX. A. New Business. Kaleidoscope guests. Member Austinson and Member Hansen volunteered.

B. Discuss establishing a Charter Review Committee. Mayor Roux asked if the council wanted to look at establishing a committee at this time, not to be confused with a Charter Commission. This will be brought up at the next meeting.

C. Accept Committee Appointments. Mayor Roux stated that he hasn't made any changes. In regards to questions raised about having a Dekko Committee, he asked if that determination could wait until the end of the probationary period of the new Administrator. Kim Lewis should be listed instead of Bob Blair on the Public Works Board. The question was asked on whether or not the Public Safety Committee is necessary. Again Mayor Roux stated he would like to leave the committees as they are for now.

Motion by Member Erickson, second by Member Austinson to approve the committee appointments. Members voting for: Austinson, Erickson, Hansen, Pinsonneault. Against: Peterson, Robertson. Motion passed.

D. Appoint Vice – Mayor. Mayor Roux would like to appoint Member Rod Erickson as the Vice – Mayor. Member Robertson felt it should be Jim Hansen because he use to teach government. Member Hansen respectfully declined.

Motion by Member Austinson, second by Member Pinsonneault to accept the appointment of Member Erickson as Vice – Mayor. Members voting for: Austinson, Robertson, Peterson, Erickson, Hansen, Pinsonneault. Against: None. Motion passed.

E. Designate official city depositories.

Motion by Member Pinsonneault, second by Member Peterson to approve the list of official city depositories as provided. Members voting for: Austinson, Robertson, Peterson, Erickson, Hansen, Pinsonneault. Against: None. Motion passed.

F. Designate official newspaper.

Motion by Member Pinsonneault, second by Member Peterson to designate the Norman County Index as the official city newspaper. Members voting for: Austinson, Robertson, Peterson, Erickson, Hansen, Pinsonneault. Against: None. Motion passed.

G. Set date, time and locations of meetings.

Motion by Member Pinsonneault, second by Member Peterson to set the regular city council meeting on the first Tuesday after the first Monday of the month at 6:00 p.m. in the

Regular City Council Meeting
January 7, 2014

City Hall Council Chambers. Members voting for: Austinson, Robertson, Peterson, Erickson, Hansen, Pinsonneault. Against: None. Motion passed.

XI. Adjournment.

Motion by Member Erickson, second by Member Pinsonneault to adjourn the meeting at 9:40 p.m. Members voting for: Austinson, Robertson, Peterson, Erickson, Hansen, Pinsonneault. Against: None. Motion passed.

Respectfully submitted,

Paul Poczobut Jr.
City Administrator / Clerk / Treasurer

Dennis K. Roux
Mayor