

City of Ada

Minutes of Regular Meeting of the City Council July 8th, 2014 – 6:00 p.m. Council Chambers

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

Members absent: Craig Edwards, Rich Pinsonneault

Others Present: Pat Pfund, Karen Wagner, Dena Bishop, Brian Rasmussen-Waste Water Supervisor, Mark Askelson-KRJB, Jody Bueng-Chief of Police, Larry Millender-Dekko Director, Kristi Henderson-Interim Clerk/Treasurer, and others.

III. Citizen Forum. None

IV. Consent Agenda. Listed on the Consent Agenda was: June 3rd and June 23rd 2014 City Council Minutes, city prepaid checks in the amount of \$326,757.88, and city accounts payable in the amount of \$131,857.77.

Motion made by Member Jim Hansen, second by Cindy Peterson to approve Consent Agenda. Members voting for: Jim Austinson, Rod Erickson, Jim Hansen, Cindy Peterson, Candy Robertson. Against: None. Motion Passed.

V. Approve Agenda. Added to the agenda per Mayor Roux: Resolution 2014-07-03 and Discussion of possible Closed Session to discuss Preliminary allegations against an individual subject to council authority.

Motion made by Member Candy Robertson, second by Rod Erickson to approve the agenda. Members voting for: Jim Austinson, Rod Erickson, Jim Hansen, Cindy Peterson, Candy Robertson. Against: None. Motion Passed.

VI. External Presentations with possible discussion and decision. None

VII. Reports of Department Heads and Committees.

A. Administrator/Clerk/Treasurer Report.

1) Review May 2014 financials

-Kristi Henderson-Interim City Clerk/Treasurer reported that all financials are up to date and she presented council with financials. Also presented was the Monthly Enterprise Fund Profit & Loss Summary and Kristi made note that the Water/Sewer Fund was not accurate. She reminded the council that back in January council paid out \$23,000.00 to do the test well.

-Member Erickson questioned if any information could be given to explain the loss in revenue at the Dekko Center. He reported an approximate \$15,000.00 loss this month in comparison to last year.

-Mayor Roux also expressed concern over the decrease in revenue and asked if anyone had information that might help shed some light on this issue.

- No information was given pertaining to the decrease in revenue at the Dekko Center.
- Kristi made note on the Investment List that there is quite a bit of money in the money market account due to cd's reaching maturity. This money is being left in the money market account for the future well project and pool pac. She encouraged council not to leave the money in that account for long and is hoping to see those projects get off the ground soon.
- Kristi also made note that the Expenditure Guidelines should be at about 41 percent at this time.
- Member Erickson expressed concern for the high percentage in Recreation Department. Kristi explained this pertains to the partnership with the school on the Rec Program. The city pays out the funds and then the school reimburses the amount. This will balance itself out.
- It was also noted by Member Erickson that the Attorney Fees are over budget. Mayor Roux also had concerns over the budget for Attorney Fees. Kristi made mention that while being in position of Interim Clerk/Treasurer she has seen ways that the Administrator can handle some of the things the city has used the Attorney for and that could help that budget somewhat.

2) Lot Sales.

- Kristi reported that she had talked to Neil Miller-owner of Tubby's Tavern to find that his intention for purchasing the lot next to the Tavern is to have outdoor seating for customers. Kristi asked if council wanted to move forward on the possible sale of the lot.

Motion made by Member Erickson, second by Member Peterson to put the lots to the south of Tubby's Tavern up for bids with council reserving the right to refuse any and/or all bids. Members voting for: Jim Austinson, Rod Erickson, Jim Hansen, Cindy Peterson, Candy Robertson. Against: None. Motion Passed.

3) Updates.

Blight Report – Kristi reported that the second registered letter has gone out with the city ordinance attached. Recipients will have 10 days upon receipt of the letter to clean up the reported blight. Follow through on these properties was discussed and stressed. Mayor Roux stated that the ordinance would be enforced.

-Also discussed was a city owned property on West 3rd Avenue. Kristi contacted Vissers pertaining to the excavation of the property. Vissers will move forward with the demolition.

-Election Report – Kristi wanted to remind everyone that there are 3 at large seats available on the council. The dates for filing for re-election or election are July 29th through August 12th.

B. Mayors Report.

- 1) Police Mediation – Mayor Roux explained that an agreement has not been reached on the Ada Police Departments contracts. The state board is currently searching for a mediator for the negotiations with union contractors.

C. Attorney's Report. None

D. Public Works Board.

- 1) New Well progress update.

-Brian Rasmussen-Waste Water Supervisor reported that the water quality is much better on the second test well. Specific tests for gallons pumped per minute and recovery time for the well still

need to run. This test pump should happen within next week. Brian stated that the goal of drilling for the new well should be complete sometime in the fall. Mayor Roux stressed the importance of moving things along with this project.

-Kristi added information pertaining to the Well Financing as Mayor Roux had requested an amortization schedule for the funds involved with the financing. She presented the numbers and it was noted that monies may need to remain liquid or could be put in place to earn a higher interest but this all hinges on the decisions made on upcoming projects like the pool pac.

3) DNR Reimbursement request – Pemberton for \$2907.00, Anderson Land Acquisition for \$4695.85, Norman County Abstract Company for \$675.00, Kitchell Land Acquisition for \$30,000.00, Liebl Land Acquisition for \$1,500.00.

Motion made by Member Robertson, second by Member Peterson to approve the DNR Reimbursement request in the amount of \$39,770.85. Members voting for: Jim Autinson, Rod Erickson, Jim Hansen, Cindy Peterson, Candy Robertson. Against: None. Motion Passed.

3) Updates – Mosquito Control

-Mayor Roux made note to the public that there is not a fee on the city bill for mosquito spraying. He had been approached by several people with concerns. He stated that mosquito spraying was covered in the City Taxes.

-It was discussed among council to add another spray date to the schedule.

-Brian will do what he can to address the issue but reminded everyone that the weather plays a big part in the mosquito population and how often Public Works can spray.

E. Dekko Community Center & Library

1) Dena Bishop salary increase

-Member Robertson presented information she had collected pertaining to wages of cleaning personnel in different establishments around the city. She stated that the wages Dena was receiving were not within the pay scale of most other cleaning positions. Member Robertson would like to see a raise for Dena. A possible \$10.00 an hour wage was discussed.

-Member Erickson noted that the pay scale was set pertaining to job classification and the job classification would then need to be changed.

-Mayor Roux suggested that the classification committee meet to try and set up new job classifications overall.

Motion made by Member Erickson, second by Member Robertson to have the Classification Committee look at the position and pay scale for Dena Bishop and bring recommendation to next council meeting. Members voting for: Jim Austinson, Rod Erickson, Jim Hansen, Cindy Peterson, Candy Robertson. Against: None. Motion Passed.

F. Public Safety Committee Report

1) Recreation Swimming Pools and Fences

-Jody Bueng-Chief of Police reported from his research that there are cities that do require permits and site plans for owners of 5000 gallon or more pools. He stated that the dimensions of a pool that size would be 4 ft. deep and 15 ft. around. He added that the pools he sees in town,

the pools that are in question, do meet the criteria. Jody will do more research into the ordinances that other cities have in place and report back to council.

2) Public Safety Committee Member Appointment

-Mayor Roux suggested Greg Holmvik to fill vacant seat on Safety Committee

Motion made by Member Hansen, second by Member Erickson to appoint Greg Holmvik to the Safety Committee. Members voting for: Jim Austinson, Rod Erickson, Jim Hansen, Cindy Peterson, Candy Robertson. Against: None. Motion Passed.

G. Economic Development Authority

1) Bergman Application

-Member Hansen reported that the EDA Committee did not meet last month

-Kristi reported that Todd Sawry had sent a message that Mark's Body Shop request did not meet the guidelines for the revolving loan. Mark may be resubmitting the application to Store Front Renovation Loan in the future.

VIII. Old Business

A. None

IX. New Business

A. Kaleidoscope

-Mayor Roux and or Jim Austinson will present on either Friday or following Tuesday

B. National Night Out and Council Meeting Conflict

-The regular city council meeting will be changed to Thursday, August 7th, 2014

C. Resolution 2014-07-01 – Appointing Election Judges

Motion made by Member Erickson, second by Member Austinson to approve Resolution 2014-07-01, appointing election judges for the 2014 Primary Election. Members voting for by roll call: Jim Austinson, Rod Erickson, Jim Hansen, Cindy Peterson, Candy Robertson. Against: None. Motion Passed.

D. Scope of Volunteer Labor

-Kristi reported that the League of Minnesota Cities recommends that now that the liability is in place, a plan needs to be in place. Volunteer labor is covered under the Leagues Insurance Policy but only if that volunteer remains doing what the scope of the job designates. If a volunteer steps outside of the scope of their responsibilities, they become a liability to the city. It was recommended by the League to have those scopes in place before volunteers begin any sort of duties within city entities.

-Members Robertson and Peterson handed out examples of plans that other cities have in place for their volunteer labor. It was noted that Larry Millander-Dekko Director has taken on a volunteer at the Dekko Center for pool maintenance. Questions then arose as to whether or not the duties of the volunteer were within the scope of the city's job description for volunteers.

-Member Robertson voiced concern over putting scopes in place. She stated that council is getting a little carried away if they need to put job scopes upon all volunteers that might be

utilized in the future. She stressed that volunteers were a good thing as a money saving endeavor and council should stand behind the decisions made by the Dekko Director.

-Member Austinson reported that Kevin Lindell-Dekko Employee had a concern over the use of a volunteer for pool maintenance.

-Member Robertson stated she did not believe Kevin Lindell was truly concerned and that the proper channels were not followed in the complaint.

-Member Peterson answered that the concern was that somebody was doing maintenance on the pool without licensure. She noted that the volunteer has a CPO licensure so she stated there shouldn't be any problems with having the volunteer do pool maintenance.

-Member Hansen reminded council that volunteers are not paid city employees and even if volunteers have licensure or credentials for certain jobs, the city should not allow individuals to attend to those jobs on a volunteer basis as the city already employs, pays and insures people to do those jobs. He also reiterated the need for job scopes so that volunteers do not become a city liability. It was expressed by Member Hansen that it is one thing to have volunteers pulling weeds in the parking lot and quite another to have volunteers mixing chemicals and manning the pumps for pool maintenance.

-Member Robertson strongly stated that the manager in place has all the training and is doing his job.

-Member Hansen stated that the Dekko Director, Larry Millender is not doing his job. According to the log book at the Dekko Center, when Kevin Lindell was gone, nobody checked the chemicals in the pool for an entire week.

-Member Peterson asked Larry Millender if he had checked the water.

-Larry responded that he had.

-Member Hanson stated that the log book had no documents of anybody checking the pool for that week.

-Member Peterson then stated that this has become a 'he said, she said' predicament and that in the scope of checking the chemicals at the pool, documenting in the log book must be done.

-Member Robertson then expressed her dismay at having to micro-manage all departments and now too, volunteers. She reiterated that the manager in place is doing his job.

-A brief discussion was held between Member Robertson and Member Hansen pertaining to a Volunteer Program with Hansen stating that there is no program in place and Robertson stating that the council had already voted on the program. Hansen reminded Robertson that what the council voted on was the liability insurance for the volunteer program but not the program or the scope of the program. He then shared his concern for not having a program in place but already having a volunteer doing pool maintenance. He stressed, as did Member Peterson and Mayor Roux, the importance of having the volunteers vetted and background check done before allowing them to do any work.

-Kristi shared that she had information from the city's loss control agent pertaining to what other cities have done within their volunteer programs and that perhaps council could look them over and come with a plan.

-Member Robertson again expressed her dismay with all of the things happening concerning the Dekko Center.

-Member Hansen expressed his dismay also.

-A discussion between Member Robertson and Member Hansen continued regarding whether or not Larry Millender was indeed doing his job as manager of the Dekko and whether or not a volunteer had done work at the Dekko that was outside the scope of what a volunteer is authorized to do.

- Mayor Roux ended the ongoing discussion about the Dekko Center by reminding council that the city does need to have a scope in place for a volunteer program. He also stressed the importance of a background check for volunteers. He suggested the meeting move forward.
- Member Erickson suggested having city attorney look into the liabilities the city would face with a volunteer program and also wanted to point out that even with a volunteer program in place and insured, there will be jobs within each department that volunteers would simply not be allowed to do and there would need to be some guidelines.
- Mayor Roux agreed and again stressed the importance of getting the scopes in place.
- Member Robertson was still unclear as to what the problem would be if a volunteer with proper licensure handled a situation in which they were trained to do.
- Mayor Roux and Member Erickson both acknowledged they were not against instating a volunteer program but there did need to be guidelines in place before volunteers could begin.
- Kristi reported that the League sent recommendations for a volunteer program and now committee should meet to discuss a plan of action.
- Mayor Roux stated that this get underway as soon as possible.

E. Administrator Hiring Procedure Update

- Mayor Roux verified there would be no interviews via Skype and no travel reimbursements for applicants.
- Council agreed.
- Mayor Roux also reminded council of the system of checks and balances that are in place within the city government and wants council to keep them in mind upon interviewing for a City Administrator.

F. Resolution 2014-07-02 purchase of N&R Richards Property LLP.

Motion made by Member Robertson, second by Member Peterson to approve Resolution 2014-07-02. Members voting by roll call for: Candy Robertson, Cindy Peterson, Jim Hansen, Rodney Erickson, Jim Austinson. Against: None. Motion Passed.

G. Resolution 2014-07-03 to place question on ballot regarding Liquor Sales on Sundays.

Motion made by Member Erickson, second by Member Peterson to approve Resolution 2014-07-02. Members voting by roll call for: Candy Robertson, Cindy Peterson, Jim Hansen, Rodney Erickson, Jim Austinson. Against: None. Motion Passed.

H. Set Date for Preliminary Allegations against an Individual Subject to Council Authority

Motion made by Member Erickson, second by Member Hansen to hold a closed session on Tuesday, July 15th at 8pm for Preliminary Allegations Against an Individual Subject to Council Authority. Members voting for: Jim Austinson, Rodney Erickson, Jim Hansen, Cindy Peterson, Candy Robertson. Against: None. Motion Passed.

X. Adjournment

Regular City Council Meeting
July 8th, 2014

Motion made by Member Robertson, second by Member Peterson to adjourn the meeting at 7:48 pm. Members voting for: Members voting for: Jim Austinson, Rodney Erickson, Jim Hansen, Cindy Peterson, Candy Robertson. Against: None. Motion Passed.

Respectfully Submitted

Kristi Henderson
Interim City Clerk/Treasurer

Dennis K. Roux
Mayor