

b. Excess Property for Sale

Chief Gunderson had a list of forfeited vehicles, but it could not be handed out, as it had not been redacted by Gunderson. Gunderson will provide a redacted copy for an upcoming work session meeting.

c. Police Week Proclamation

Temporary City Administrator Betty Thomsen read the Proclamation recognizing the week of May 31, 2022 thru June 6, 2022 as Police Week.

Main Motion: To accept the City of Menahga Police Week and Peace Officers Memorial Day Proclamation.

Moved by:	Keranen
Seconded by:	Huebner
Action:	Motion carried by 5-0 on a voice vote
In favor:	Olson, Tomperi, Warmbold, Keranen, Huebner
Opposed:	None

2. Public Works - Ronald Yliniemi, Director

a. Public Works Monthly Report

Ron Yliniemi presented the council with his monthly written report. Yliniemi stated that the staff had been busy with various city projects; the campground had been opened on May 9th, potholes were being fixed, Pro Sweep had completed sweeping the streets, hydrants were being flushed, and the Cemetery was mowed and ready for Memorial Day. Yliniemi went on to report that the sewer ponds secondary discharge was completed and that they are in the process of repairing broken water meters.

The street sweeper had been picked up from Ewanika’s, and Yliniemi wondered what the next steps/action should be? Yliniemi was asked to try and find someone local that may be able to repair the sweeper. The possibility of not repairing the sweeper and contracting it out each year was discussed. Yliniemi asked about sealcoating of the streets for an estimated cost of \$50,000. Durwin Tomperi asked if the city has a written schedule of when the sealcoating is done? Yliniemi replied that there is not. Tomperi then stated that one should be established. Betty Thomsen thanked Yliniemi for such a thorough report.

b. Execute Letters to DWRP and CWRP

Main Motion: To accept the letters as prepared by Ulteig Engineering,

requesting that the City of Menahga be placed on the 2023 Clean Water Revolving Fund (CWRP) Intended Use Plan (IUP) for the project to replace the aging sanitary sewer system collection in the amount of \$1,380,400 and the letter requesting that the City of Menahga be placed on the 2023 Drinking Water Revolving Fund (DWRP) Intended Use Plan (IUP) for a project for the 2024 Sanitary Sewer & Watermain Improvements First St. SW and Second Street North in the amount of \$1,054,000, to replace the aging water distribution system and to authorize the Mayor to execute both letters in the amount of \$2,434,400.

Moved by:	Tomperi
Seconded by:	Warmbold
Action:	Motion carried by a 5-0 voice vote
In favor:	Olson, Tomperi, Warmbold, Keranen, Huebner
Opposed:	None

c. Stormwater Retention Ponds/Spirit Lake

The council asked that Ron Yliniemi would check into what it would take to clean out and maintain the Stormwater Retention Ponds at Spirit Lake. Wadena County Soil and Water employee Anne Oldakowski had made a presentation to the council in the fall of 2021, outlining the importance of keeping the pond area free of sediment and debris. Yliniemi will inquire and report back as to the cost associated with the cleaning.

d. City Planters

The city owns planters that are put out in the summer at various locations around the city. For the past 15 years, the city has had Greener Tomorrows of Menahga plant the planters at a cost not to exceed \$800. Council member Huebner questioned whether any other nursery had been contacted and asked to quote the service? It was decided that next year Ron Yliniemi should check earlier in the season and possibly obtain other quotes.

Main Motion: To approve that the city have Greener Tomorrows plant the city planters at a cost not to exceed \$800, and have the City staff distribute the planters around the city and maintain throughout the season.

Moved by:	Warmbold
Seconded by:	Tomperi
Action:	Motion carried by a 3-1 voice vote Olson abstained
In favor:	Tomperi, Warmbold, Keranen
Opposed:	Huebner

3. Northbound Spirits – Renata Parks

Renata Parks was absent, and no report was provided for council.

4. Fire Department – Chief Dave Kicker

Chief Kicker handed out his monthly call report, showing 5 calls for the month. Kicker stated that the department had responded to the Minnesota Valley Irrigation Fire in Wadena with 6 firemen. Kicker had remained in Menahga due to the severe weather alert and the firemen were out doing weather spotting out in the local area.

a. Paving

Dave Kicker had asked the council to consider paving the parking lot on the east side of city hall in the future. The area currently has concrete, but it is not large enough when you pull the fire trucks out. Kicker asked that it be enlarged when there is another city paving project. It was discussed that it could be added to the 2024 project on 2nd Street NE.

b. Fire Relief Assn. Meeting Schedule

Main Motion: To set the following dates for the Fire Relief Association meetings for the year 2022: June 21st, September 20th, and December 20th with the meetings starting at 7:30 pm.

Moved by:	Warmbold
Seconded by:	Keranen
Action:	Motion carried by a 5-0 voice vote
In favor:	Olson, Tomperi, Keranen, Warmbold, Huebner
Opposed:	none

Dave Kicker mentioned to the council that he would like to apply for the 50/50 Grant with the DNR to be used for hoses. The grant is for \$5000 with the city’s portion of \$2500 for the match. Dave was told to go ahead and bring the actual application for approval next month.

5. Administration – Betty Thomsen

a. Change June 13, 2022 Meeting Date

Betty Thomsen informed the council that she had a prior commitment and would not be able to attend the Regular Monthly City Council Meeting on June 13, 2022. The council decided to change the date of the meeting to an earlier date.

Main Motion: To change the date of the June Regular City Council Meeting from June 13, 2022 to Wednesday June 8, 2022 at 6 pm.

Moved by:	Tomperi
Seconded by:	Warmbold
Action:	Motion carried by a 4-1voice vote
In favor:	Olson, Tomperi, Keranen, Warmbold
Opposed:	Huebner

b. Election Judges

Betty Thomsen reported that the following individuals are willing to serve as election judges for the City for the 2022 Elections:Dustyne Hewitt – Election Administrator, Alvina Kytta – Head Judge, Noelle Goriesky – Head Judge, Carol Ann Cleveland, Larry Murphy and AnnaMae Holzworth.

Main Motion: To approve the Election Judges as listed with a rate of pay of \$15/hour, for the hours worked during the elections and their training hours, plus mileage. Payment will be made upon receipt of the time sheet and mileage log.

Moved by:	Warmbold
Seconded by:	Tomperi
Action:	Motion carried by a 5-0 voice vote
In favor:	Olson, Tomperi, Keranen, Warmbold, Huebner
Opposed:	none

c. SCDP Grant Documents

Betty Thomsen asked that the council acknowledge the final report from MN DEED for the Small Cities Development Program (SCDP). The city realized program income of \$35,000 or more received in federal fiscal year (10/1 – 9/30) after the grant close out is considered by HUD to be federal funds regardless of when it is actually spent.

Main Motion: That the City Council of the City of Menahga does acknowledge receipt of the notices from MN DEED that the finding of the monitoring report dated April 14, 2022 has been cleared and the second notice informing the City that the Small Cities Development Program (SCDP) Grant # CDAP-17-0061-0-FY18 has been closed out.

Moved by:	Keranen
Seconded by:	Tomperi
Action:	Motion carried by a 5-0 voice vote
In favor:	Olson, Tomperi, Keranen, Warmbold, Huebner
Opposed:	none

d. Attorney Bill

Betty Thomsen reported on the Flaherty & Hood, P.A. bill dated May 5, 2022. The bill was for a total of \$15,395.76. The breakdown of the bill was \$7,965 related to Art Huebner issues (complaints, etc.), \$6,013.26 related to union negotiations, and \$180 related to the Mayor complaint.

Main Motion: To acknowledge receipt of the Flaherty & Hood, P.A. billing dated May 5, 2022.

Moved by:	Warmbold
Seconded by:	Keranen
Action:	Motion carried by a 5-0 voice vote
In favor:	Olson, Tomperi, Keranen, Warmbold, Huebner
Opposed:	none

e. Consider Tobacco Ordinance

The Wadena County Public Health is reaching out to cities within the county in regard to updating tobacco ordinances, if they have such an ordinance. The City of Menahga currently does not have a tobacco ordinance.

Main Motion: To notify the County that the City of Menahga does not wish to regulate the sale of tobacco products and will continue under the auspice of the County.

Moved by:	Huebner
Seconded by:	Tomperi
Action:	Motion carried by a 5-0 voice vote
In favor:	Olson, Tomperi, Keranen, Warmbold, Huebner
Opposed:	none

f. Change Terms of Internal Loan

Betty Thomsen informed the council that in 2012 the city had an internal loan (General Fund) for bathrooms at the campgrounds in the amount of \$98,637.64 at an interest rate of 2.3%. The original payment schedule was prepared by Ehler's which provided for yearly payments due on February 1st of each year with the final payment due on 2/1/28. It was discovered that the last yearly payment was made in 2019, therefore the repayment of this loan is behind schedule. There were two options given, one would be to have larger payments of \$11,777.41 with the same original maturity date or to extend the date from 2028 to 2032 with payments of \$7,829.09.

Motion: To extend the Internal Loan maturity date from 2/1/2028 to 2/1/2032 which will reduce the annual payment to \$7,829.09 with the first payment being made 8/1/22 and subsequent yearly payments being made on

February 1st of each year until paid in full.

Moved by:	Tomperi
Seconded by:	Huebner
Action:	Motion carried by a 5-0 voice vote
In favor:	Olson, Tomperi, Keranen, Warmbold, Huebner
Opposed:	none

g. Addition to By-Laws

At the March 28, 2022 City Council Meeting, Resolution #2022-016 was passed establishing the criteria for city officials recording of city council meetings. Huebner argued that he has a constitutional right to record, as he had obtained a couple of documents from previous cases (District Judge and State Attorney General’s Office). Mayor Olson stated that there was no need to read the documents. When Huebner continued, Mayor Olson called Huebner “Out of Order”.

Main Motion: To acknowledge receipt of Resolution #2022-016 for placement in the By-Laws of the City Council (Chapter 3: Meeting Management) which were adopted on April 11, 2022.

Moved by:	Warmbold
Seconded by:	Tomperi
Action:	Motion carried by a 3-2 voice vote
In favor:	Olson, Tomperi, Warmbold
Opposed:	Huebner, Keranen

After the motion was voted on, Huebner continued to argue that he would not relinquish his constitutional right to record the meetings. Mayor Olson called Huebner “Out of Order” again.

CITY OF MENAHGA, MINNESOTA

Resolution No. 2022-016

A Resolution of the Menahga City Council Establishing the Criteria for City Officials Recording of City Meetings

WHEREAS the City Council of the City of Menahga recognizes the need to establish criteria for city officials electronically recording city meetings and;

WHEREAS, electronic recording that is not authorized by the City Council by city elected officials of city meetings creates data practices, records retention, employment, and other legal liability issues for the city.

LET IT BE RESOLVED, by the City Council of the City of Menahga as follows:

Individual city elected officials are prohibited from electronically recording any meetings related to City activities in which the official is acting in their capacity as a City official

The City Administrator shall submit a draft document to the City Council for its review and consideration addressing City elected official use of technology for City activities to be incorporated into the ByLaws of the Council

Any city elected official that has electronically recorded any meeting related to City activities must provide the original recording to the City Administrator and not retain any copy of such recording to ensure compliance with Minnesota data and records laws.

Adopted by the City Council of the City of Menahga on the 28th day of March, 2022.

Elizabeth Olson, Mayor

Betty J Thomsen, Temporary City Administrator

h. Camera Proposal

The city has installed several security cameras in most of the city-owned areas and felt that the public works building should also be protected, as it houses expensive equipment. West Central Telephone Association provided a quote for 3 outdoor cameras and 2 indoor cameras.

Main Motion: To accept the proposal from WCTA for the installation of 5 cameras at the public works building in the amount of \$3,879.95.

Moved by:	Warmbold
Seconded by:	Tomperi
Action:	Motion carried by a 3-2 voice vote
In favor:	Olson, Tomperi, Warmbold
Opposed:	Huebner, Keranen

i. Collaboration Services Recommendation

Earlier this year, the League of Minnesota Cities asked the council if they would want the assistance of their Collaborative Services to provide insight as to why the council was having difficulty. Aimee Gourlay came to Menahga and interviewed 8 individuals who are either on city council, a city commission or employed by the city. Gourlay’s report surmised that 8 individuals expressed getting the finances in order was a high priority. Act consistently with the Roles and Responsibilities of each leadership position – 7 people agreed. Maintain solid administration & HR practices – 6 people agreed. Maintain a respectful tone during council meetings – 6 people felt this was important.

Main Motion: To acknowledge receipt of the Collaborative Services Recommendation correspondence as prepared by Aimee Gourlay, Collaborative Services Manager, League of Minnesota Cities.

Moved by:	Keranen
Seconded by:	Huebner
Action:	Motion carried by a 5-0 voice vote
In favor:	Olson, Tomperi, Keranen, Warmbold, Huebner
Opposed:	none

j. Advertisement Request

The FHP has requested that the city advertise in their publication, which had been done the last two years.

Main Motion: To deny the advertising by the City of Menahga in the Farm and Home Plat publication (FHP) at cost of \$120.25.

Moved by:	Huebner
Seconded by:	Tomperi
Action:	Motion carried by a 5-0 voice vote
In favor:	Olson, Tomperi, Keranen, Warmbold, Huebner
Opposed:	none

k. Execute Grant Agreement for ARPA Funds

The City of Menahga had been promised \$231,250.00 from the Wadena County ARPA monies to be used to offset the cost of the new water tower. To receive the funds, the city must now enter into an agreement with Wadena County. Council Member Huebner questioned Thomsen as to why the city had paid the water tower contractor before the ARPA monies had been given to the city. Thomsen replied that the city must not be delinquent in payments to the contractor and the city has funds that will be used towards the water tower.

Main Motion: To accept the Grant Agreement between Wadena County and the City of Menahga in the amount of \$231,250.00 (ARPA funds) as provided for the agreement and authorize the Mayor to execute the Grant Agreement.

Moved by:	Tomperi
Seconded by:	Keranen
Action:	Motion carried by a 5-0 voice vote
In favor:	Olson, Tomperi, Keranen, Warmbold, Huebner
Opposed:	none

I. Approve Form for Location of Grave Site Plot

A situation had arisen when a couple had purchased two cemetery plots in the Menahga Cemetery back in 1985 from the Menahga Cemetery Assn for \$120. In the early 2000's the Menahga Cemetery Assn transferred the cemetery to the City of Menahga. In the transfer of records, there was a deed for two lots, and no specification or designation as to who would be buried in a particular lot. The husband died and the Funeral Director came into city hall and requested that the city mark the space for the husband. Our records showed that the husband was in lot 1, and that is the lot that was marked. The Funeral Director did not ask for a map showing the location of the plot that would be marked. Then apparently the Funeral Director called a person to dig the grave and did not physically go to the cemetery. After the funeral, the Funeral Director came to city hall and stated that the husband should have been buried in lot 2, not lot 1, and that the city must pay for moving the body. There is not a written procedure on this situation. In an effort, so that this will not happen in the future, the city will have the Funeral Director or family member sign off on the location prior to marking.

Main Motion: To approve the Form of Grave Site Plot to be implemented immediately.

Moved by:	Warmbold
Seconded by:	Keranen
Action:	Motion carried by a 5-0 voice vote
In favor:	Olson, Tomperi, Keranen, Warmbold, Huebner
Opposed:	none

m. Department Heads Attendance at Council Meetings

During the discussion of the importance of having the Department Heads attending meetings, it was mentioned that the employees would be paid only for the time that their department report was being discussed, not for the entire meeting. It was stated then that the department heads could try to

adjust their schedules, so that the meeting hours would not be subject to overtime.

AFSCME Union Representative Ginger Thrasher was in the audience and stated that she objected that employees were required to attend but would not receive just compensation. Mayor Olson stated she did not recognize Thrasher and asked Thasher to stop. Thrasher stated that this requirement could be setting the city up for an unfair labor practice charge. Mayor Olson tried to stop Thrasher again, stating that she should not be involved in the discussion. Ginger Thrasher continued to speak and object and would not stop her objections. Mayor Olson then tried to move on with the meeting, even though Thrasher continued to speak.

Main Motion: To require that all department heads attend the Council Work Session Meetings and be paid for the length of time they report at the meeting. After they have reported, they are dismissed. Department Heads are no longer required to attend regular council meetings, unless they are requested to do so by the City Administrator, and if so requested, they will receive payment for their attendance from the start of the meeting until they have completed their presentation and it is recommended that the employee take time off during the next work week for the time they spent at the meeting. If department heads wish to attend a council meeting, they are more than welcome to as it is a public meeting, but unless they have been requested to do so, they will not be paid for that time.

Moved by:	Olson
Seconded by:	Warmbold
Action:	Motion carried by 3-2 voice vote.
In favor:	Tomperi, Warmbold, Olson
Opposed:	Huebner, Keranen

E. Unfinished Business

a. Allegations Against a Council Member Hearing

Mayor Olson stated that the agenda item is Allegations Against a Council Member Hearing under Minnesota Statutes, section 13D.05, subdivision 2 (b). The city Council Member is Art Huebner. City Council Member Huebner, do you wish to make a request that this meeting be open? Huebner had requested a closed meeting at the May 9th meeting. Huebner replied, "I want it open".

We are considering the allegations against City Council Member Huebner described in Flaherty & Hood, P.A.'s memorandum to the City Council of May 6, 2022; specifically, the April 12, 2022 Complaint, the April 15, 2022 complaint,

and the twenty email attachments. I will simply refer and recommend that City Council members refer to them collectively as the April 2022 Complaints.

1. Process

Council members, you received an attorney-client privileged memorandum on May 26, 2022, that can guide our discussion. The May 26, 2022 Memorandum is not a recommendation, but it includes the framework for what a potential final action may look like.

For this meeting, I recommend that we do the following:

- 1) Initially consider: (a) whether Councilor Huebner engaged in any inappropriate conduct as a Councilor; (b) any standards he violated as a result of such conduct; and (c) any appropriate action the City should take.
- 2) Give Council Member Huebner and/or his representative(s) an opportunity to respond to such.
- 3) After he has made his presentation, the City Council will continue deliberations.
- 4) If we are going to take any formal action today, we could do that in an open session after the closed session is concluded through a motion and vote.

Given City Council Member Huebner's unique, distinct, substantial, and materially adverse personal interest in a potential City Council determination in this matter, he must abstain from participating in any City Council discussion on this matter, except for his opportunity to respond.

City Council members, do you have any comments on the proposed process?

B. Council deliberation on proposed action

Council Members, I propose that we consider the proposed actions outlined in the May 26, 2022 Memorandum, and then proceed by:

- 1) determine whether action is appropriate, and if action is appropriate, what type of action is most appropriate;
- 2) provide Councilor Huebner an overview of any action we are considering taking and give him the chance to respond to the April 2022 Complaints and the proposed action. Members of the City Council may ask questions to Councilor Huebner; and
- 3) discuss again the action, if any, we want to take after hearing from Councilor Huebner, and asking questions.

So, what are everyone's thoughts on the action, if any, to take and the language to include in such action?

The council was directed that it must deliberate on the complaint and make a determination, taking into consideration the factors of the complaints dated April

12, 2022 and April 15, 2022. Mayor Olson then read a statement from Flaherty & Hood directing the proceedings.

The three factors to address were:

1. Whether the City Council believes further investigation is necessary into whether Councilor Art Huebner has engaged in any inappropriate conduct as a City Council Member.
2. Whether after hearing from Councilor Huebner, the City Council concludes that Councilor Huebner is likely to have engaged in any inappropriate conduct.
3. The appropriate action the City Council should take.

The deliberation then proceeded. Mayor Olson asked if there was sufficient claim of allegations, and if there was violations of the Statement of Values and Code of Conduct?

Olson went on to say that Huebner was not following the Statement of Values, conducting himself both professionally and publicly above reproach, not to undermine city staff and to respect their roles and responsibilities. Ethics; that the council is supposed to be trustworthy. Olson stated that the Council is to exclude themselves from harassment and intimidation, support a respectful and non-threatening work environment.

Council member Durwin Tomperi stated that he felt the allegations presented had risen to a level of misconduct. That the April 12, 2022 and April 15, 2022 complaints had risen to a violation of the Statement of Values and Code of Conduct.

Council deliberated the charges against Huebner. Stating that there were 61 attachments of emails from Huebner to staff. There is evidence that Huebner has harassed and bullied staff, as well as using his powers on social media to make comments to harass and bully. Dan Warmbold remarked that this seems to be repetitious with Huebner. Durwin Tomperi stated that he felt that a sufficient claim does exist against Huebner. Mayor Olson asked Art Huebner if he had any comment? Huebner responded, "Nothing to say at this particular point, I will take it up later". Robyn Keranen said that after reviewing the complaint, she felt that parts of the complaints are legitimate, and that some of the responses are harsh. Keranen stated that some of the emails only were what staff had received, and not the staff responses.

Main Motion: That evidence provided in the complaints does show that Art Huebner violated the Code of Conduct and Statement of Values.

Moved by:	Tomperi
Seconded by:	Warmbold
Action:	Motion carried by 3-1 voice vote. Abstain - Keranen
In favor:	Tomperi, Warmbold, Olson
Opposed:	Huebner

Main Motion: To direct Mayor Elizabeth Olson to consult with legal counsel to draft any appropriate documents and communication related to a Resolution to censure Art Huebner, on the two complaints.

Moved by:	Tomperi
Seconded by:	Warmbold
Action:	Motion carried by 3-1 voice vote. Abstain - Keranen
In favor:	Tomperi, Warmbold, Olson
Opposed:	Huebner

b. GWC-City Land Sale

Jensine Kurtti had contacted the Wadena County Assessor Lee Brekke and asked if he could provide the city with a value of the 20 foot by 140 foot section of Parcel # 170221090. Brekke stated that the square foot cost in the City of Menahga was between .05 and .60 cents, depending on whether the lot would be a buildable lot or not. This lot as a stand-alone lot would not be buildable. Greenwood Connections Administrator Laura Ahlf asked for clarification on a couple of items. Is the lot not going to be built on? Kurtti stated that it will more than likely be used as the setback portion of the property. Ahlf then asked if that strip was there, so that the city could use it to access a drainage area behind the Assisted Living if there was a need. Kurtti said that the strip was more than likely created for future access by the Salo's when this area was being subdivided. The council felt that the sale was a "Win-Win" for the city in finally having that lot back on the tax rolls.

Main Motion: To offer For Sale the 20 feet by 140 foot strip of Parcel #170221090 at a price of \$800, and offer the adjoining property owner (Parcel #170221100) first right of refusal. The purchaser will also pay all costs associated with transferring the property.

Moved by:	Olson
Seconded by:	Keranen
Action:	Motion carried by 5-0 voice vote.
In favor:	Tomperi, Warmbold, Olson, Huebner, Keranen
Opposed:	none

F. Approval of Bills

a. Batch #052022 - \$41,641.10 and Batch #053122PAY - \$56,351.06 for a total \$97,992.16

Questions were asked regarding Torvinen's Auto Body as to repairs on Officer Waaraniemi's squad car. Ramstad, Skoyles attorney fees (Police Department)

were questioned. Charges for phone cases from Amazon were questioned (Public Works).

Main Motion: To approve Batch # 052022 in the amount of \$41,641.10 and Batch # 053122PAY in the amount of \$56,351.06, for a total of \$97,992.16.

Moved by:	Huebner
Seconded by:	Tomperi
Action:	Motion carried by a 5-0 voice vote
In favor:	Olson, Tomperi, Warmbold, Keranen, Huebner
Opposed:	None

Adjournment

Main Motion: To adjourn at 8:11pm

Moved by:	Huebner
Seconded by:	Tomperi
Action:	Motion carried by a 5-0 voice vote
In favor:	Olson, Tomperi, Warmbold, Keranen, Huebner
Opposed:	None

Administrative Assistant, Jensine Kurtti

Mayor Elizabeth Olson