

City of Menahga
Special Meeting/Work Session City Council Minutes
Monday, July 29th, 2024

a. Call to Order

The Menahga City Council held a Special Meeting/Work Session Meeting on Monday, July 29, 2024.

Mayor Elizabeth Olson called the meeting to order at 6:00 pm.

b. Roll Call

Comprising a quorum of the Council, the following members were present:

Mayor Elizabeth Olson Dan Warmbold Mike Netland

Jody Bjornson Durwin Tomperi

Administrative staff: Clerk/Treasurer Brett Gagnonpalick

c. Pledge of Allegiance

d. Department Reports

- **Fire Department, Chief Dave Kicker** – Absent.
Kicker sent in his statistics for the month, resulting in 6 calls for the month of July.
- **Police Department, Chief Amy Lane** – Lane reported 234 calls from June 18th to July 24th. The PD received a donation from Enbridge of \$6,000 and \$500 from a Sebeka community member. She stated that she has ordered two computers for the squads to be paid with the donations she has received. Lane also reported that the National Night Out is being held from 5 pm-7 pm at the Menahga Memorial Campground, August 6th.
- **Public Works – Director Ron Yliniemi** – Yliniemi updated the Council on the City Shop Roof project, which is nearly complete. The recycling area just

outside City Hall has been staked and roped off to prevent people from driving through the drainage area causing erosion.

Ron reported that all the Midsummer event items have been returned to their designated areas and that clean-up went well.

Public Works hosted a mock inspection of the shop area. There were several deficiencies found, and coordination is being done to address them.

Minnesota Department of Health came and inspected the City's drinking water which resulted in zero issues. A pipe was identified that needed new paint, otherwise nothing significant to report.

Yliniemi requested Council consensus to begin clean-up of the old softball field that the City owns. There are several defunct concrete buildings that gain the attention of hoodlums for painting purposes. To make the area more appealing, Public Works wishes to clean the area up.

- **Liquor Store Manager, Heather Shepersky** – Shepersky stated that profits for June were low due to a majority of other large payments landing on that month. The liquor store reported a total profit of approximately \$66k, lower than previous years.
- **Greenwood Connection, Administrator Laura Ahlf** – Ahlf discussed rates and comparing year-to-year and the challenges it takes to produce the document as requested by Netland. Ahlf suggested that that method is not the best for comparing year-to-year.
Olson asked if nurses are required to be on location 24/7 or if there has been a change to this requirement. Ahlf informed the council that it is still being worked out.
The update on the Philippines nurses is that they have applied for visas. Ahlf mentions that some of her board members who did not get their evaluation turned into City council on time, would like their input heard. Ahlf requested a re-evaluation.
The topic of the Ordinance was discussed. Tomperi mentioned that changes have occurred with the document. Netland would like Council feedback on the Ordinance. Tomperi reported that after the last Ordinance working group meeting, he believed everything was close to completion. Netland found a couple items that he would like to see added to protect the City's interests. The Ordinance working group agreed to meet another time to finalize any and all changes.

Main Motion: To approve the monthly report and financials, with the exception of the Bi-Laws and Ordinance, as presented by GWC Administrator Laura Ahlf.

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

- **City Park Manager, Ralph Cox** – Cox reported that the campground revenues are up from this time last year and it is continuing to be busy. He submitted the Oak Wilt report , which found that there is no oak wilt in Menahga.

- **City Administration, City Clerk/Treasurer, Brett Gagnonpalick**

- 1. Monthly Report – June Budget YTD Revenue-Expenditure, Check Reconciliation, Cash and Investments – FYI.**

- 2. Charge off Water Bills**

The City has been sending bills to two individuals that longer reside in Menahga, with one that has passed away and the other person did not leave a forwarding address with the City or post office. We would ask that the following accounts be charged off, as we mail these bills every month and they come back undelivered.

Account # 01-00000240-00-7 - Joshua Keith for \$4.22; and
Account # 00-00002740-01-2 - Wayne Maaninga for \$40.95

Main Motion: To approve the charge off of two utility accounts, for Wayne Maaninga for \$40.95 and Joshua Keith for \$4.22, for a total of \$45.17.

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

- 3. Crandall - Fifth Street Driveway Access - from Larch and 5th Lane NW**

The approximate 40-acre parcel (#17-021-3020) that is owned by the Crandall family will be going up for sale. There will be a 6-acre parcel

that will be sold to a family member on the NE corner, and the remaining land will be sold. The question that came to the City was if the new owners could access the property from the deeded right-of-way which is west of the intersection of Larch and 5th Lane NW. It was explained to the individual that if the City agreed to allow the temporary access, the cost of clearing the trees and building the road to the City's specifications to the property line of parcel, would be their responsibility. The individual that contacted the City has future plans of subdividing this parcel, which would result in a system of City Streets. Their plan is to have the street run from 1st NW to 5th Lane NW in the final plat.

Main Motion: To allow a temporary access road to parcel #17-021-3020, for the new owners of the 34-acre parcel which is for sale, not to exceed 1 year of the temporary access road.

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

4. Campground Manager Replacement Discussion

Ralph Cox will be leaving the City for personal reasons and has requested the City Clerk/Treasurer to replace him with Brian Soukup, to take over the role as Campground and Building Maintenance Manager from 15 April – 15 October. The City will formulate a plan that will best serve the needs of the community.

e. New Business

1. Propane Contract Pre-Pay

The City utility shop in the past has entered into a pre-pay contract for the propane for the main City shop building. Lakes Community Cooperative has provided the City with the proposed rate for the 2024-2025 season. The per gallon rate is \$1.60 and must be paid in full by August 16, 2024.

Main Motion: To approve the pre-pay propane contract for 1,748 gallons with Lakes Community Cooperative for \$1.60 per gallon, to be paid in full by August 16, 2024.

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

2. Resolution 2024-25 Donation for Get Hooked on Fishing

Main Motion: To approve Resolution No. 2024-25, accepting the \$1,500 generous donation to the Get Hooked on Fishing Program from the Wolf Lake Wolf Pack Baseball Club.

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

3. Resolution 2024-26 Donation for Sounds of Spirit Lake

Main Motion: To approve resolution 2024-26, accepting a donation of \$100 From Active Acupuncture LLC for the Sounds of Spirit Lake.

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

4. Resolution 2024-27 Donation to the Menahga Police Department

Main Motion: To approve resolution 2024-27, accepting the donation from Rose Bakke in the amount of \$500 for the Menahga Police Department.

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

5. Shoreland District Evaluation

The City is currently under the State of Minnesota DNR shoreland guidelines, which is 1000 feet from the Ordinary High-Water Level of Spirit Lake. The City may be allowed to vary from that distance, with a survey that denotes special circumstances of parcels and the effects that stormwater runoff has on Spirit Lake. Jay Michels, a Senior Project Manager for Emmons and Olivier Resources came to Menahga on July 17th, 2024 and met with city staff. Michels has been involved in a stormwater project Menahga about 15 years ago, and he felt that because Menahga is located on sandy soil and in a rain event, the soil would allow for rapid absorption, may not have to extend the 1,000 feet. Michels stated that his company would be willing to provide the City with an evaluation and scope of the shoreland district. The fee (quote) for this service is estimated at no more than \$10,000. When the estimated quote is received, the quote will be submitted to Sourcewell for pre-approval of a third-party services grant, which grant does not require a match from the City.

Main Motion: To approve submitting the Emmons and Olivier quote of no more than \$10,000 to Sourcewell for pre-approval, for a shoreland evaluation for the City.

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

6. Consideration of Allegations Against an Individual City Council Member - Hearing.

Mayor Olson stated that this Agenda item was for the consideration of allegations against a Council Member and hearing relating to such allegations. The City Council Member is Jody Bjornson. Olson went on to state that given City Council Member Bjornson's unique and distinct personal interest in a potential City Council determination in this matter, that he must abstain from participating in any City Council discussion on the matter, except for his opportunity to respond. Mayor Olson stated that the Council is considering the allegations against City Council Member Bjornson and that more details related to this matter were described in Flaherty & Hood, P. A.'s memorandum to the City Council. Mayor Olson then went over the process and proposed action with the City Council first provide Councilor Bjornson the actual action the Council is considering taking and

then give Bjornson a chance to respond and then discuss again the action to take after hearing from Councilor Bjornson. The city was joined by the City Attorney, Mr. Nicholas K.C. Garcia Lisle, Associate Attorney with Flaherty & Hood, P.A., throughout the proceeding and who read the Complaint. After the process was complete, the Council provided the following action:

Main Motion: To issue a Censure against Councilmember Bjornson by Resolution, subject to review and approval by City Council.

Moved by:	Warmbold
Seconded by:	Tomperi
Action:	Motion carried by a 4-0 voice vote
In favor:	Olson, Tomperi, Warmbold, Netland
Opposed:	None

Main Motion: To designate Mayor Olson and Councilmember Tomperi to work with the City Attorney, to draft the Censure Resolution, to be acted upon at a later City Council Meeting.

Moved by:	Netland
Seconded by:	Warmbold
Action:	Motion carried by a 4-0 voice vote
In favor:	Olson, Tomperi, Warmbold, Netland
Opposed:	None

f. Closed Session – Preliminary consideration of allegations against a City of Menahga City Council Member under Minnesota Statutes, section 13D.05, subdivision 2 (b).

Mayor Olson's opening statement was that this Agenda item is Preliminary consideration of allegations against a City of Menahga City County Member under Minnesota Statutes 13D.05, Subd. 2(b). The City Council Member is Mike Netland. Council Member Netland was asked if he would request that this meeting be open, whereby Council Member Netland stated, "No".

Mayor Olson then asked for a motion to close the meeting.

Main Motion: To close this portion of the meeting.

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

Mayor Olson reported that the time was 8:34 p.m. and stated the City Council would go into closed session in the City Council Chambers. She further stated that only the City Council and legal counsel could attend any portion of the closed session.

Following the closed meeting for Preliminary Consideration of Allegations against a City Council Member, Mayor Olson stated the City Council Meeting was now open and the time was 8:59 p.m.

Main Motion: The Council has determined the following: 1. That the allegations do not constitute a Complaint under the Code of Conduct; 2. The complaint does not state a sufficient claim of a violation of the Code of Conduct and Statement of Values, and shall not proceed to a hearing as determined by Council; and 3. No determination was rendered as to whether the claim was filed for impermissible purposes.

Moved by:	Tomperi
Seconded by:	Warmbold
Action:	Motion carried by a 3-1 voice vote Netland - Abstained
In favor:	Olson, Tomperi, Warmbold
Opposed:	Bjornson

That the determinations were not made requiring a hearing, and therefore, Mayor Olson was directed to consult with legal counsel to draft and provide Councilmember Netland and any individual making the allegations at issue with any appropriate notice.

Statement/Summary of Determination on the Closed Session: The Complaint did not state a sufficient claim of a violation of the Code of Conduct and Statement of Values.

g. Consideration of Bills

The Council was provided with the actual invoices for Batch #070824LScheck - \$1400.00, Batch #063024EFT2 - \$150.47 and Batch #072924checks - \$92,525.31. No questions were asked.

Main Motion: To approve Batch #070824LScheck - \$1400.00 and Batch #063024EFT2 – \$150.47 – Batch #072924checks - \$92,525.31 for a total of \$94,075.78

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

h. Adjournment

Main Motion: To adjourn at 9:02 pm

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

Clerk/Treasurer Brett Gagnonpalick

Mayor Elizabeth Olson