

**City of Menahga
Regular City Council Minutes
Monday, May 9, 2022**

1. Call to Order

The Menahga City Council held their Regular Monthly Meeting on Monday, May 9, 2022.

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

Mayor Olson asked Art Huebner about the cell phone that he had directed at her (from about 4 feet away) if he was recording? Huebner replied "Yes, I've got it pointed right where I want it". Mayor Olson then read the following: Mr. Huebner, are you recording this City Council Regular Meeting? If so, let the Minutes reflect that this is the third meeting in which Councilmember Art Huebner has refused to abide by, uphold and be respectful of the Council's Resolution #2022-016. A Resolution of the Menahga City Council Establishing Criteria for City Officials Recording of City Meetings.

2. Roll Call

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

Mayor Elizabeth Olson	Durwin Tomperi	Art Huebner
Dan Warmbold	Absent:Robyn Keranen	

Also present: Temporary City Administrator Betty Thomsen

3. Pledge of Allegiance

4. Approval of Agenda

Main Motion: To approve the agenda with the following amendments: To add the Proclamation for National Skilled Nursing Care Week, prior to 9 a. Greenwood Connections.

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

5. Notices and Communications:

a. Wadena County Variance Public Notice – FYI

b. Water Tower Funding

Betty Thomsen provided the council with a Memo from Ulteig Engineering dated May 5, 2022, regarding the water tower funding. The memo made it perfectly clear that the reason the city did not receive any grant money for the water tower, was not because of missed deadlines or any lack of competence on behalf of the current City Administrator Betty Thomsen. The decision was made by PFA with the information that they were provided by the City and City Engineer Brian Hiles, prior to Betty Thomsen's hire with the City of Menahga.

Main Motion: To acknowledge receipt of the memo from Ulteig and the explanation given by City Administrator Betty Thomsen.

Moved by:	Warmbold
Seconded by:	Tomperi
Action:	Motion carried by 4-0 voice vote.
In favor:	Tomperi, Warmbold, Huebner, Olson
Opposed:	none

6. Public Forum and Correspondence: None

7. Consent Agenda – Minutes to Approve

a. April 11, 2022 – Regular Meeting

b. April 18, 2022 – Board of Review Meeting

c. April 25, 2022 – Special/Work Session Meeting

Main Motion: To approve the minutes of April 11, 2022 and April 18, 2022, as presented. To approve the minutes of April 25, 2022 with the addition of clarifying that the city will return to Ewanika's and pick up the street sweeper from Ewanika's and have it repaired elsewhere, since they have refused to answer any correspondence from the City of Menahga.

Moved by:	Warmbold
Seconded by:	Tomperi
Action:	Motion carried by 4-0 voice vote.
In favor:	Tomperi, Warmbold, Huebner, Olson
Opposed:	none

8. Public Hearings - None.

9. Acknowledgment/Motion of receipt of board/commission minutes.

Mayor Olson read the Proclamation for National Skilled Nursing Care Week which is May 8-14, 2022.

Main Motion: To accept the Proclamation for National Skilled Nursing Care Week.

Moved by:	Tomperi
Seconded by:	Warmbold
Action:	Motion carried by 4-0 voice vote.
In favor:	Tomperi, Warmbold, Huebner, Olson
Opposed:	none

**a. Greenwood Connections Board Minutes & Report – Laura Ahlf
Greenwood Connections Board Minutes:**

- Nursing Home census was 83% for April 2022.
- Census is 54 today.
- Dining Room tables and chairs have been delayed until June, due to shipping issues.
- The facilities Annual Survey found no deficiencies in resident care, the last Annual Survey was done in 2020 and that survey also showed no deficiencies in resident care.
- Approved a quote from Delco Energy in the amount \$10,865.47 to replace the dining room chandeliers and fluorescent lights.
- Approved a possible land sale of a strip of property 20 feet by 140 feet (R170221090) to an adjoining landowner (R170221100).

Main Motion: To approve the Greenwood Connections Board Report and Minutes as presented by Administrator Laura Ahlf.

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

b. Acknowledge the Planning and Zoning Minutes for April 7, 2022 and May 5, 2022. - FYI

10. New Business

a. Matson of Minnesota, Inc. Variance

Jensine Kurtti presented the council with the background information on the property owned by Matson of Minnesota, Inc. On January 8, 2022 Lyle Matson applied for splitting his two lots in Odland's Addition into four lots (parcel #R176200060 and R176200070). Once the split was approved by council (February 14, 2022), the variance was brought before the Planning Commission on May 5, 2022 and a public hearing was held on the application. The commission voted 4-0 to approve the variance, with the condition that the lots could not be split any further and any building on these lots must remain under one ownership.

Main Motion: To approve the variance for Matson of Minnesota, Inc. allowing for a 10-foot side yard setback, with the stipulation that the lots cannot be divided any further, and any building on these lots must remain under one ownership.

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

b. Date of May 2022 Work Session/Special Meeting

Main Motion: To schedule the May Work Session/Special Meeting for Tuesday May 31, 2022 at 6 pm.

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

c. Carlson SV Letter of Understanding

Betty Thomsen presented the Audit Engagement Letter from Carlson SV who was the city auditor for the last several years. Carlson had earlier declined auditing the city because of the time it had taken in recent years due to the state of the recordkeeping. With the return of the former Deputy Clerk Alvina Kytta and Temporary City Administrator Betty Thomsen, the firm felt that they would be willing to prepare the 2021 audit for the city.

Main Motion: To hire Carlson SV to perform the audit for the year ending 12/31/21, as outlined in the engagement letter and to

authorize the mayor to execute the agreement at an estimated cost of \$18,000.

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

d. DEED Grant Monitoring Report

Betty Thomsen reported on the DEED Monitoring Report that the City had received. It identified one residential property that required corrective action which was being addressed and corrected.

Main Motion: To acknowledge the receipt of the Monitoring of Grantee Performance, Menahga Comprehensive Project, Grant Number: CDAP-17-0061-O-FY18.

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

e. Museum Donation

Betty Thomsen reported to the council, that while cleaning and organizing the storage areas she came across an old Village of Menahga seal and Paymaster machine. Thomsen felt that since they are no longer being used, the museum may be interested in displaying them.

Main Motion: To adopt Resolution # 2022-026 donating historical items to the Menahga Historical Museum.

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

CITY OF MENAHGA, MINNESOTA Resolution No. 2022-026

A Resolution Donating Historical Items to the Museum

WHEREAS the city council of the City of Menahga is desirous of sharing the following historical items with the public:

- Menahga Village Seal

- Check Protector

LET IT BE RESOLVED, by the city council of the City of Menahga that the city will donate the aforementioned items to the Menahga Historical Museum to be preserved and shared with the public.

Adopted by the city council of the City of Menahga this 9th day of May 2022.

Elizabeth Olson, Mayor

Betty J Thomsen, Temporary City Administrator

f. Ehler’s – Existing Bonds

A letter was received from Ehler’s Public Finance Advisors regarding the city’s existing bonds. No action is needed, but Thomsen wanted the council to acknowledge receipt of the information.

Main Motion: To acknowledge receipt of the report on the existing bond issues as provided by Ehler’s Public financial Advisors dated 4-28-22.

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

g. “Miles for Michael” – Route

Nate and Angie Erickson are planning a “Miles for Michael” run on September 17, 2022 in memory of their late son Michael. A detailed route map was provided for council consideration.

Main Motion: To approve the route for the “Miles for Michael” run provided they get the appropriate permit from MN DOT.

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

h. WCTA Cost Savings Proposal

Betty Thomsen reported that she had met with a representative of West Central Telephone Association (WCTA) to discuss options for the city’s technology needs. The current system server the city now uses, was installed in 2011 and the monthly cost is now \$1455.81. The proposed system will be with a new server

and the city will own their own exchange server and domain, at a cost of \$5586.81. The monthly cost for the new system will be \$761.49 a month. The one issue would be if the server goes down, the current system can be fixed in about 20 minutes and the new system could take between one and seven days. But the likeliness of new equipment breaking down would probably be less than the old system from 2011.

Main Motion: To approve the proposal from WCTA as per the cost savings proposal presented, with the payment option of full payment in the amount of \$5586.81, with the monthly payment becoming \$761.49 a month.

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

i. Cameras for Indoor Fire Department

Fire Chief Dave Kicker had requested an indoor camera for the inside of the fire hall garage. Outdoor cameras are already installed.

Main Motion: To accept the proposal from WCTA for a camera and installation for the fire station at a cost of \$389.95.

Moved by:	Tomperi
Seconded by:	Warmbold
Action:	Motion carried by 4-0 voice vote.
In favor:	Tomperi, Warmbold, Olson, Huebner
Opposed:	none

j. Excess City Property for Sale

Police Chief Adam Gunderson had requested that he be allowed to sell some excess items from the Police Department. No action was taken as Gunderson did not have all the information needed. The council will take action at a later meeting.

k. Hire Part-time Mowing Position

On May 9, 2022 Ron Yliniemi and Betty Thomsen interviewed James Moeller for the part-time mowing position. Two applications were received, but the other candidate withdrew his application. The position is for 24 hours a week at \$15 per hour, with the position ending September 15, 2022. This position is under the direct supervision of Ron Yliniemi. Yliniemi will direct the employee to help at the campground if needed.

Main Motion: To approve the hiring of James Moeller for the part-time mowing position at a rate of \$15 per hour for 24 hours per week, after the receipt of a satisfactory background check.

Moved by:	Warmbold
Seconded by:	Tomperi
Action:	Motion carried by 4-0 voice vote.
In favor:	Tomperi, Warmbold, Olson, Huebner
Opposed:	none

I. Greenwood Connections Land Sale

Jensine Kurtti gave the council the background on the situation on a piece of tax-forfeited property on Twin Lakes Road (Parcel # R170221100). There is an interested party in purchasing the property and split the parcel into two lots. To accommodate a split, the required front footage is 150 feet per city ordinance, and the current footage is 142 feet. The city owns the adjoining property (R170221090) and has a narrow strip which is 20 feet by 140 feet and would be willing to sell this to whomever buys the tax-forfeited parcel. This request was taken before the Greenwoods Connections Board and was approved.

The value of this strip was discussed by council, Kurtti will contact the Wadena County Assessor and bring back information to the May 31, 2022 Special Meeting.

m. Preliminary Consideration of Allegations against a City Council Member

Mayor Olson read a statement regarding two complaints that were received. The allegations were made against council member Art Huebner. Mayor Olson asked Art Huebner if he wanted the proceedings to be open or closed. Huebner replied "Closed". Mayor Olson then closed the meeting at 6:42pm.

Main Motion: To go into closed meeting at 6:45 pm.

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

Main Motion: To reopen the meeting at 6:52 pm.

Moved by:	Tomperi
Seconded by:	Warmbold
Action:	Motion carried by 4-0 voice vote.
In favor:	Tomperi, Warmbold, Huebner, Olson
Opposed:	none

The date of the hearing for the complaints was set for May 31, 2022 at 6 pm.

Main Motion: To hold a Public Hearing regarding the allegations against a city councilmember on May 31, 2022 at 6 pm.

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

11. Unfinished Business

a. GPS on city-owned vehicles

Dan Warmbold reported that Betty Thomsen and he had met to discuss the GPS options for the city. Thomsen had stated that the best deal for the city may be through Verizon, as there is special pricing when going through Sourcewell, which will cost the city \$177.50 per month for 10 vehicles. The GPS will be monitored through the City Administrator’s Office. Thomsen also mentioned the need for policies on the GPS Systems and the security cameras that have recently been installed at city hall, which she will be working on.

Main Motion: To direct Betty Thomsen to move forward with Verizon on obtaining GPS for the city vehicles .

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

b. Police Decal – Police Chief

Chief Gunderson came forward with a sheet showing three graphic designs samples on squad cars. The council asked Gunderson to get more information and pricing as to the cost of installation. The final decision will be acted on at a future meeting.

c. Spirit Lake Lumber Snow Removal Contract

A draft of the contract was presented and discussed by the council. The council felt that there was a couple of things that should be discussed and decided. The original contract stated that the city would provide a city dump truck and the city Payloader when removing snow from the beach parking lot, and Spirit Lake Lumber would

provide one dump truck. The council felt that due to the amount of snow that is placed on the lot from the lumberyard, the city should provide the Payloader, and Spirit Lake Lumber will supply the dump truck. Ron Yliniemi felt that there should be two dump trucks, so that the Payloader and operator are not waiting around for the truck to come back from unloading. It was also decided that the beach parking lot should be cleaned prior to the third Saturday of January, so that the Fishing Derby attendees have a place to park, Yliniemi agreed that the parking lot will have all the snow removed for the event.

Main Motion: To approve the Snow Removal Contract between the City of Menahga and Spirit Lake Lumber and authorize the Mayor to execute said contract, with two changes. The changes were that Spirit Lake Lumber will provide two trucks for hauling and that the Beach Parking Lot will be totally cleaned, prior to the Menahga C & C Fishing Derby each year.

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

d. PFA Resolution

Betty Thomsen read the resolution as to how the Water Tower would be funded. The city will be receiving a PFA loan for \$614,500, after other funding sources are used on the project.

Main Motion: To adopt Resolution #2022-025 Identifying Funding Sources for the Construction of the Water Tower and to submit resolution to the PFA .

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

CITY OF MENAHGA, MINNESOTA Resolution No. 2022-025

A Resolution Identifying Funding Sources for the Construction of the Water Tower

WHEREAS the city council of the City of Menahga recognizes that bids have been awarded for the construction of the new 100,000-gallon water tower and the cost of the water tower with engineering fees is \$1,288,000.00,

LET IT BE RESOLVED, by the city council of the City of Menahga that the city will fund the \$1,288,000.00 water tower as follows:

- \$300,000 – draw down from 4M Fund of reserves
- \$231,250 – ARPA funds from Wadena County
- \$142,250 – ARPA funds awarded to the City
- \$614,500 – PFA Loan

Adopted by the city council of the City of Menahga this 9th day of May 2022.

Elizabeth Olson, Mayor

Betty J Thomsen, Temporary City Administrator

e. Resolution from Public Hearing

A Public Hearing was held on April 11, 2022 which dealt with complaints that were filed against Council Member Art Huebner dated March 9, 2022. Mayor Olson read the resolution into record. The resolution was attorney-client privileged and it could not be disclosed until the point at which the council is ready to consider the resolution, then it becomes public. The resolution was embedded in a Memorandum that the councilmembers received via email from Flaherty & Hood legal counsel for the City.

Main Motion: To adopt Resolution #2022-027 – Resolution of Censure Against City Council Member Art Huebner.

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

RESOLUTION NO. 2022-027

RESOLUTION OF CENSURE AGAINST CITY COUNCIL MEMBER ART HUEBNER

WHEREAS, on December 10, 2012, the City of Menahga City Council (City Council) adopted the City of Menahga Code of Conduct (Code of Conduct) and the City of Menahga Statement of Values (Statement of Values) that primarily establish the standards of conduct for elected officials and a process for handling alleged violations of such standards;

WHEREAS, on March 9, 2022, Mayor Elizabeth Olson (Mayor Olson) received a Completed City of Menahga Complaint Form with attachments of March 9, 2022 (Complaint), related to and against City Council Member Art Huebner (Councilor Huebner), along with a Letter of March 9, 2022 (Letter), with attachments related to Councilor Huebner addressing additional complaints submitted by a City of Menahga Employee (Employee);

WHEREAS, on March 28, 2022, the City Council met in an open meeting, per the request of Councilor Huebner, for preliminary consideration of allegations against Councilor Huebner. The City Council duly approved a motion that: (1) the Complaint and/or Letter constitute written complaints under the Code of Conduct and the Statement of Values; (2) the factual allegations in the Complaint and/or Letter state a sufficient claim of a violation of the Code of Conduct and the Statement of Values; (3) the complaint has been lodged in good faith and not for impermissible purposes such as delay; and (4) a hearing would be held on the Complaint and Letter on April 11, 2022, at 6:00 p.m.; and

WHEREAS, the City Council met on April 11, 2022, in an open session, per the request of Councilor Huebner, to continue its preliminary consideration of the allegations against City Council Member Art Huebner, including a hearing on the Complaint and Letter and an opportunity for a response from Councilor Huebner.

NOW, THEREFORE, BE IT RESOLVED by the City of Menahga City Council, Menahga, Minnesota as follows:

1. The City Council makes the following findings:
 - A. On October 20, 2021, Councilor Huebner exceeded his authority by attempting to call a special meeting to order when he had no authority to do so as there was not a quorum of the council present.
 - B. From October 2021 through February 2022, Councilor Huebner repeatedly used his city computer for personal use to access the online gaming platform "Farmville," which created several security alerts to our City E-mail (cmenahga@wcta.net) from Avast Business CloudCare when accessing the "Farmville" on-line gaming platform by Councilor Huebner.
 - C. From October 2021 through March 2022, Councilor Huebner has used his position to harass and belittle City employees, specifically: (1) insults City employees by calling them names and sneering/chuckling when the employees attempt to speak; (2) sends derogatory emails demanding employees follow his directives; (3) criticize employees for any failure to comply with his demands.
 - D. Since October 2021, Councilor Huebner has continued to undermine actions taken by the City Council and personnel issues acted upon by authorized City Council designees.

- E. Councilor Huebner has failed to contribute to a supportive, respectful, and non-threatening work environment.
- 2. The City Council concludes that Councilor Huebner's above-conduct violates the Statement of Values and the Code of Conduct, which state:

Statement of Values.

As a representative of the City of Menahga,

- 1. I serve the public interest.
- 2. I fulfill the duties and responsibilities of holding public office.
- 3. I am ethical.
- 4. I am professional.
- 5. I am fiscally responsible.
- 6. I am conscientious.
- 7. I communicate effectively.
- 8. I am collaborative.
- 9. I am forward-thinking.

Code of Conduct.

- Subd. 1. No member of the City Council or city board or Council may knowingly:
 - a. Violate the Open Meeting Law.
 - c. Use the person's public position to secure the special privileges or exemptions for the person or for others.
 - e. Use the person's position for personal gain.
- 3. The City Council:
 - A. Disapproves and condemns Councilor Huebner's above conduct;
 - B. Finds and concludes that such conduct is acting beyond the scope of Councilor Huebner's office and authority;
 - C. Disclaims any duty to defend or indemnify Councilor Huebner for such unauthorized conduct or any liability or responsibility for claims arising therefrom to the extent such disclaiming is consistent with law and the applicable liability insurance; and
 - D. Determines that this resolution constitutes a censure against Councilor Huebner.
- 4. Councilor Huebner is directed to not engage in any conduct that violates the above-standards or any other standards applicable to City Council members, and, that if he does, the City Council: (i) disapproves and condemns any such conduct; (ii) concludes and determines that such conduct would be acting beyond the scope of his office and authority;(iii) may take any appropriate action against him; and (iv) disclaims any duty to defend or indemnify him for such unauthorized conduct or any liability or responsibility for claims arising therefrom to the extent such disclaiming is consistent with law and the applicable liability insurance;.

5. Councilor Huebner is directed to not make any communication as a City Council member directly with City employees, city elected officials, and third parties that violate the above-standards.
6. Councilor Huebner is prohibited from being assigned to any committee, liaison, or representative role for the City Council.
7. That Mayor Elizabeth Olson consults with legal counsel to draft and provide Councilor Huebner with any appropriate notice related to this resolution.

Passed and adopted by the City of Menahga City Council on this 9th day of May 2022.

CITY OF MENAHGA

By: Elizabeth Olson
Its Mayor

By: Betty Thomsen
Its City Administrator

12. Consideration of Bills

- a. Batch #042822PAY - \$214.40
- b. Batch #050922PAY - \$180,176.83

Main Motion: To approve Batch #042822PAY for \$214.40 and Batch #050922PAY for \$180,176.83 for a total of \$180,391.23.

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

13. Adjournment

Main Motion: To adjourn at 7:32 pm.

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

Temporary Administrative Tech, Jensine Kurtti

Mayor Elizabeth Olson