

**ORTONVILLE CITY COUNCIL MEETING MINUTES**  
**REGULAR MEETING**  
**CITY OFFICE MEETING ROOM**  
**315 Madison Avenue, Ortonville, MN**  
**Monday, April 6, 2009**  
**7:00 P. M.**

**CALL TO ORDER AND ROLL CALL:**

Mayor Blair Johnson called the Regular Meeting of the Ortonville City Council to order at 7:00 P.M. Roll Call was taken with the following present: Mayor Blair Johnson, Nick Anderson, Craig Randleman, Bob Meyer, John Cunningham, Mike Dorry and Steve Berkner. Staff Present: City Administrator David Lang, Deputy Clerk Susan Lundell, Police Officer Clinton Sova, Police Chief Curtis Hormann, Pool Manager Sara Karels City Attorney Craig Ash. Media Present: Mike Swenson (*Ortonville Independent*). Police Commission Members: Jay Larson, Al Ross, and Mary Gustafson. Others Present: Jon Olson of Ulteig Engineers, Bruce Kimmel of Ehlers & Associates, Dennis Dragt, Bob Carlson, Penny Hormann, Lindsey Ruth, Elsie Perrine, Doug Fraasch, Penny Baybridge, Artie Arndt and other interested citizens.

**AGENDA AMENDMENTS:**

**12.f. Add: Foot of the Lake.**

**Motion by Anderson, second by Meyer to approve the Agenda as amended.**

**All in favor. 7-0. MCU. (Motion carried unanimously)**

**CITY ATTORNEY REPORTS & RECOMMENDATIONS:**

3.a. Acquiring Easements-Sanitary Sewer Forcemain - Utility and Street Improvements-McCloud Street. Property data has been collected and Attorney Ash is working with Ulteig Engineers to come up with the proper documents to present to property owners.

**RECOGNITIONS/PRESENTATIONS/INTRODUCTIONS:**

**6.a. Bruce Kimmel, Ehlers & Associates-Resolution Providing For The Issuance and Sale of \$1,875,000 General Obligation Water Revenue Refunding Bonds, Series 2009A and Pledging for the Security Thereof Net Revenues**

Ehlers & Associates negotiated directly with United Bankers Bank to sell \$1,875,000 in General Obligation Water Revenue Refunding Bonds on behalf of the City. These bonds were initially sold in 2000. Renegotiating the interest rate results in a true interest rate of 3.93%. The savings to the City will be approximately \$70,000.00.

**Resolution 09-051 Providing For The Issuance and Sale of \$1,875,000 General Obligation Water Revenue Refunding Bonds, Series 2009A and Pledging for the Security Thereof Net Revenues**

**Motion by Anderson, second by Randleman to adopt Resolution 09-051 Providing For The Issuance and Sale of \$1,875,000 General Obligation Water Revenue Refunding Bonds, Series 2009A and Pledging for the Security Thereof Net Revenues**

**Upon roll call vote the following voted Aye: Johnson, Anderson, Dorry, Meyer, Randleman, Cunningham, Berkner. Nay: None.**

**All in favor. 7-0. MCU.**

**RECOGNITIONS/PRESENTATIONS/INTRODUCTIONS: (Cont.)**

**6.b. Bruce Kimmel, Ehlers & Associates, Credit Enhancement Program**

Cities can now use a State of Minnesota guarantee that allows the City to receive an AAA Bond Rating thus qualifying the City for a lower interest rate on bond sales for certain projects.

**6.c. Jon Olson, Ulteig Engineers-Sanitary Sewer Forcemain; Utility and Street Improvements-McCloud Street-Special Assessments**

Olson reviewed with the Council the proposed 2009 Underground Utility and Street Improvements-McCloud Street and Forcemain Replacement West of Lake Shore Drive. The total cost for the project is estimated at \$715,000.00 with 30% of the total cost assessed to affected property owners and 70% of the total cost paid by the City. Exceptions to the assessments are the water services and the driveway aprons and those will be paid 100% by the property owner. City Attorney Craig Ash is working on obtaining the easements for this project. The estimated assessable cost for a 100-foot lot is \$11,220.00. Olson asked that a Public Hearing be held regarding the project on the third Monday in May.

**Motion by Cunningham, second by Randleman to set an assessment hearing for 7:00 PM on Monday, May 18, 2009.**

**All in favor. 7-0. MCU.**

**6.d. Jon Olson, Ulteig Engineers- Resolution Approving Proposal from Braun Intertec for Geotechnical Services-\$6,800.00**

**Resolution 09-052 Approving Proposal from Braun Intertec for Geotechnical Services-\$6,800.00**

**Motion by Randleman, second by Berkner to adopt Resolution 09-052 Approving Proposal from Braun Intertec for Geotechnical Services-\$6,800.00.**

**Upon roll call vote the following voted Aye: Johnson, Anderson, Dorry, Meyer, Randleman, Cunningham, Berkner. Nay: None.**

**All in favor. 7-0. MCU.**

**CITIZENS TO BE HEARD:**

7.a. Penny Hormann stated that her testimony at a prior meeting was not represented accurately in the City Council meeting. She also said that not all of her questions appeared in the minutes.

7.b. Dennis Dragt asked to attach signs in honor of our deployed Troops to light poles along Main Street.

**Motion by Cunningham, second by Meyer to allow the attachment of signs honoring deployed Troops to Street Lights on Main Street contingent upon the approval of the Utility and Maintenance Supervisors.**

**All in favor. 7-0. MCU.**

7.c. Penny Baybridge stated that the Citizens to be Heard portion of the minutes from the March 16, 2009 were incomplete and inaccurate. She blamed City Administrator David Lang and EDA Community Development Coordinator Vicki Oakes for denying her a link

**CITIZENS TO BE HEARD: (Cont.)**

to the City's website and influencing the Chamber to deny her access to their website also. She asked the Council to investigate this issue.

**CONSENT AGENDA:**

**8.a. Approve Minutes of City Council Regular Meeting March 16, 2009**

**8.b. Approve Minutes of City Workshop Meeting March 16, 2009**

**8.c. Approve Hangar/Tie Down Lease Agreement-David Langseth**

Council Member Dorry asked that item 8.a. March 16 Regular Meeting Minutes be taken off the Consent Agenda.

**Motion by Randleman, second by Berkner to approve the Consent Agenda with item 8.a. removed.**

**All in favor. 7-0. MCU.**

Council Member Dorry reported the Golf Course has lost money the past few years and in 2008 the loss was \$95,000. He stated this included depreciation. Dorry asked that his vote on 10.d. in the March 16, 2009 minutes be changed from Nay to Abstain. The issue was Amending the Appointed Officials and naming Norm Van Overbeke as Building Official and Roy Bailey as Limited Building Official.

**Motion by Cunningham, second by Anderson to approve amending the March 16, 2009 minutes, part 10.d. to read that Dorry abstained from the vote and to approve the minutes with this change.**

**All in favor. 7-0. MCU.**

**RECOMMENDATIONS OF CITIZEN BOARDS, COMMITTEES AND COMMISSIONS:**

**9.a. Utility Committee Recommendation: Adopt a Policy to Replace Street Lights with LED Lights When Replacement is Needed**

LED lights consume 10% of the energy that other bulbs use. The first two will be put up on the Liebe Drug corner.

**Motion by Randleman, second by Anderson to replace street light bulbs with LED lights when replacement is needed at approximately \$800 per light. There is a limit of \$5,000 initially.**

**All in favor. 7-0. MCU.**

**9.b. Utility Committee Recommendation: Assess Sewer Forcemain Project at 30% Paid by Property Owner and 70% Paid by the City of Ortonville**

**Motion by Cunningham, second by Randleman to Assess Sewer Forcemain Project at 30% Paid by Property Owner and 70% Paid by the City of Ortonville.**

**Discussion and questions followed as to whether or not the City should pay for 100% of the forcemain project or some other percentage allocation. The engineering estimate is \$140,000.**

**Upon roll call vote the following voted Aye: Johnson, Anderson, Dorry, Meyer, Randleman, Cunningham. Nay: Berkner.**

**6-1. MCU.**

**RECOMMENDATIONS OF CITIZEN BOARDS, COMMITTEES AND COMMISSIONS: (Cont.)**

**9.c. Utility Committee Recommendation: Assess Street and Utility Projects along Big Stone Lake and McCloud Street at 30% Paid by Property Owner and 70% Paid by the City of Ortonville**

**9.d. Utility Committee Recommendation: Assessments Calculated by the Lineal Foot For Lateral Underground Utility Connections and Driveway Aprons be Charged at 100% to Property Owners**

*Motion by Randleman, second by Cunningham to Assess Street and Utility Projects along Big Stone Lake and McCloud Street at 30% Paid by Property Owner and 70% Paid by the City of Ortonville (9.c.) and to Approve Assessments Calculated by the Lineal Foot For Lateral Underground Utility Connections and Driveway Aprons be Charged at 100% to Property Owners (9.d.)*

**Discussion and questions followed.**

**All in favor. 7-0. MCU.**

**9.e. Utility Committee Recommendation: Resolution Approving Purchase of Radio Controls for the Civil Defense Siren-\$8,520.00**

**Resolution 09-053 Approving Purchase of Radio Controls for the Civil Defense Siren-\$8,520.00**

*Motion by Cunningham, second by Anderson to adopt Resolution 09-053 Approving Purchase of Radio Controls for the Civil Defense Siren-\$8,520.00.*

The existing fixed cost for the current telephone line system is \$120.00 per month. If the City switches to radio controls the siren can be operated remotely and the City will not have to pay monthly fees.

**Upon roll call vote the following voted Aye: Johnson, Anderson, Dorry, Meyer, Randleman, Cunningham, Berkner. Nay: None.**

**All in favor. 7-0. MCU.**

**9.f. Park Board Recommendation: Resolution Approving Hiring Sara Karels as 2009 Pool Director at Step 9 on the Wage Schedule for Seasonal Employees**

**Resolution 09-054 Approving Hiring Sara Karels as 2009 Pool Director at Step 9 on the Wage Schedule for Seasonal Employees**

*Motion by Dorry, second by Meyer to adopt Resolution 09-054 Approving Hiring Sara Karels as 2009 Pool Director at Step 9 on the Wage Schedule for Seasonal Employees*

**Upon roll call vote the following voted Aye: Johnson, Anderson, Dorry, Meyer, Randleman, Cunningham, Berkner. Nay: None.**

**All in favor. 7-0. MCU.**

**9.g. Park Board Recommendation: Approve 2009 Pool Rates and Fees**

*Motion by Randleman, second by Cunningham to Approve 2009 Pool Rates and Fees.*

Discussion and questions followed regarding a single rate structure for 2009. Council Member Dorry expressed concern regarding raising swimming pool rates and Fairway View Rents, but not raising Golf Course Membership Fees. He questioned rate increases on the youth and elderly but not on golfers.

**All in favor. 7-0. MCU.**

**9.h. Airport Board Recommendations: 1. Solicit Bids for Replacement of Lobby**

**RECOMMENDATIONS OF CITIZEN BOARDS, COMMITTEES AND COMMISSIONS: (Cont.)**

**Windows**

**Motion by Dorry, second by Meyer to solicit bids for replacement of Lobby Windows at the Airport.**

**All in favor. 7-0. MCU.**

**2. No Airshow This Year Due to 2009 Taxi Way-Apron Reconstruction; Consensus Approval.**

**3. Resolution Approving Paying Verheul for 41 Hours of Extra Snow Removal Time Due to Excess Snow This Year**

**Resolution 09-055 Approving Paying Verheul for 41 Hours of Extra Snow Removal Time Due to Excess Snow This Year**

**Motion by Cunningham, second by Dorry to adopt Resolution 09-055 Approving Paying Verheul for 41 Hours of Extra Snow Removal Time Due to Excess Snow This Year.**

**Discussion and questions followed.**

**Upon roll call vote the following voted Aye: Johnson, Anderson, Dorry, Meyer, Randleman, Cunningham, Berkner. Nay: None.**

**All in favor. 7-0. MCU.**

**9.i. Police Commission Recommendation: Resolution Approving Hiring Clinton Sova as Full-Time Police Officer**

**Resolution 09-056 Approving Hiring Clinton Sova as Full-Time Police Officer**

**Motion by Meyer, second by Dorry to adopt Resolution 09-056 Approving Hiring Clinton Sova as Full-Time Police Officer.**

**Discussion and questions followed.**

**Upon roll call vote the following voted Aye: Johnson, Anderson, Dorry, Meyer, Randleman, Cunningham, Berkner. Nay: None.**

**All in favor. 7-0. MCU.**

**Motion by Berkner, second by Meyer to advertise for part-time officers.**

**9.j. EDA Board Recommendation: Resolution Providing \$35,000.00 to the EDA to Enable the EDA to Apply for a \$99,000.00 USDA Rural Development Rural Business Enterprise Grant (RBEG) Program**

**Resolution 09-057 Providing \$35,000.00 to the EDA to Enable the EDA to Apply for a \$99,000.00 USDA Rural Development Rural Business Enterprise Grant (RBEG) Program**

**Motion by Randleman, second by Cunningham to adopt Resolution 09-057 Providing \$35,000.00 to the EDA to Enable the EDA to Apply for a \$99,000.00 USDA Rural Development Rural Business Enterprise Grant (RBEG) Program provided the first \$35,000.00 paid back be paid back to the Sewer Pond Replacement Fund.**

**Upon roll call vote the following voted Aye: Johnson, Anderson, Dorry, Meyer, Randleman, Cunningham, Berkner. Nay: None.**

**All in favor. 7-0. MCU.**

**RECOMMENDATIONS OF CITIZEN BOARDS, COMMITTEES AND COMMISSIONS: (Cont.)**

**Resolution 09-057A Approving Authorizing USDA Rural Business Enterprise Grant (RBEG) Application**

**Motion by Randleman, second by Cunningham to adopt Resolution 09-057A Approving Authorizing USDA Rural Business Enterprise Grant Application.**

**Upon roll call vote the following voted Aye: Johnson, Anderson, Dorry, Meyer, Randleman, Cunningham, Berkner. Nay: None.**

**All in favor. 7-0. MCU.**

**REPORTS FROM COUNCIL COMMITTEES:**

10.a. Board of Review Committee Report-Craig Randleman. Randleman reported on the April 1<sup>st</sup> Board of Review Meeting.

10.b. Planning and Zoning Commission-Building Official Update-John Cunningham  
State Planning Officials will meet with Ortonville City Employees and the certified building official on April 19 to review the new building permit process. Council Member Dorry stated that he felt the building permit system is becoming too complicated.

10.c. Fairway View Senior Community-February Financial Statement-John Cunningham  
The Council reviewed the report.

**UNFINISHED BUSINESS:**

11.a. Resolution Approving Donation to Big Stone County Agriculture Society for 2009 Big Stone County Fair. Died for lack of a motion.

**NEW BUSINESS:**

**12.a. Approve Expenditures**

**Motion by Randleman, second by Cunningham to approve the Expenditures as submitted. 6-0-1. Abstain: Berkner. MC.**

**12.b. Resolution Approving Amendments to Pioneerland Library System Joint Powers Agreement**

**Resolution 09-058 Approving Amendments to Pioneerland Library System Joint Powers Agreement**

**Motion by Berkner, second by Meyer to adopt Resolution 09-058 Approving Amendments to Pioneerland Library System Joint Powers Agreement.**

**Upon roll call vote the following voted Aye: Johnson, Anderson, Dorry, Meyer, Randleman, Cunningham, Berkner. Nay: None.**

**All in favor. 7-0. MCU.**

**12.c. Resolution Approving 2009 Lease Agreement with Darwin Asmus for the Golf Course Clubhouse**

**Resolution 09-059 Approving 2009 Lease Agreement with Darwin Asmus for the Golf Course Clubhouse**

**Motion by Cunningham, second by Berkner to approve Resolution 09-059 Approving 2009 Lease Agreement with Darwin Asmus for the Golf Course Clubhouse.**

**NEW BUSINESS: (Cont.)**

**Upon roll call vote the following voted Aye: Johnson, Anderson, Dorry, Meyer, Randleman, Cunningham, Berkner. Nay: None.**

**All in favor. 7-0. MCU.**

**12.d. Request for Proposal from DSI for Grant Writing-Grant Application for Federal Stimulus Fire Station Funds**

**Motion by Anderson, second by Randleman to Authorize A Request for Proposal from DSI for Grant Writing-Grant Application for Federal Stimulus Fire Station Funds.**

**All in favor. 7-0. MCU.**

**12.e. Renew TDS Telecommunications Service Agreement**

**Motion by Randleman, second by Cunningham to Refer the TDS Telecommunications Service Agreement to the Telecommunications Committee.**

**All in favor. 7-0. MCU.**

**12.f. Big Stone Walleye Club-Artie Arndt.** There is a water drainage problem at the foot of The Lake Park. Artie has talked to City Maintenance Employees Kent and Wade and they have agreed put a small sewer pipe in under the road for drainage. About 90% of the water would be drained by this improvement. If the road is made of fly ash, a permit from the MPCA would be required.

**Motion by Berkner, second by Randleman to approve City Maintenance employees to install a small sewer pipe under the road for water drainage in the Lake Park area contingent upon approval of the Upper MN River Watershed District.**

**All in favor. 7-0. MCU.**

**CITY CLERK-ADMINISTRATOR REPORTS & RECOMMENDATIONS:**

13.a.Update: Small Cities Development Grant Program-12 Property Owners Qualify

13.b.Update: Columbian Hotel-Beam Installation

13.c.Ortonville TIF District Creation and Potential TIF Bond Issue-Meeting Tomorrow

13.d.Economic Stimulus Information-Modify, Upgrade, Construct Fire Stations

13.e.OAHS Bond Proceeds Draw Schedule

13.f.Sanitary Sewer Forcemain Improvements along Big Stone Lake; Street and Utility Improvements on McCloud Street

13.g.Library Steps Grant Update-Completion in Late May

13.h.Workers Comp Premium Update

13.i. MN Housing Finance Agency-Affordable Housing Financing

13.j. 2009 Proposed Pool Budget Adjustments

13.k. COPS Hiring Recovery Program

13.l. 2009-2010 Local Government Aid Update

13.m.Sanitary Sewer Forcemain Project along Big Stone Lake-Easements

13.n. Federal Stimulus Infrastructure Funding Update

13.o. Pet Vaccination Clinic-Saturday, April 4, 2009, 1-4 PM

13.p. Compliance With Non-Aeronautical Activity-Non-Airport Activities

13.q. 2009 Ortonville Summary Budget Data

Mayor Johnson recessed the Regular Meeting at 8:43 P.M.

**EXECUTIVE SESSION:**

Closed Meeting for Consideration of Charges and Allegations Against an Employee

A closed meeting was scheduled, but Police Chief Hormann requested that the meeting regarding charges and allegations against an employee be open. Mayor Johnson declared the meeting open.

City Attorney Craig Ash stated the Council has jurisdiction to conduct this meeting Mayor Blair Johnson proceeded to read the seven allegations.

Police Chief Hormann's Attorney Ron Frauenshuh claimed that some of the allegations were factually inaccurate.

Item #1

Item #2

Item #3

Item #4

Item#5

Item#6

Item #7

Mayor Johnson stated the sum of the items leads one to question whether our city is being adequately patrolled. The Ortonville Police Department response to the Ortonville Public School lock-down was the most important item on the list.

City Attorney Ash noted that the Police Commission investigation is not required to be completed within a 10-day limit established for a trial.

Mr. Frauenshuh speaking on behalf of Mr. Hormann objected to the procedure of using the City Council before engaging the Police Commission and he accused the City Council of politicizing the police issue. Mr. Frauenshuh then addressed the Council on all of the remaining issues.

Attorney Frauenshuh stated that in none of the seven incidents was any law, policy or procedure violated. Chief Hormann stated that no law, policy or procedure was violated in any of the incidents and said he cannot understand why we are here.

Discussion was held regarding the appropriateness of holding a closed session regarding charges and allegations against a police employee and it was decided that the appropriate forum for further consideration of these complaints was before the Police Commission. More discussion and questions followed.

**Motion by Berkner, second by Randleman** *to have these complaints investigated by the Police Commission.*

**All in favor. 7-0. MCU.**

**ADJOURNMENT:**

Mayor Johnson adjourned the meeting by consensus at 9:23 PM.

APPROVED:

ATTEST:

\_\_\_\_\_  
Blair Johnson  
Mayor

\_\_\_\_\_  
David A. Lang  
Clerk-Administrator