

ORTONVILLE CITY COUNCIL MEETING MINUTES
CITY COUNCIL REGULAR MEETING
CITY OFFICE MEETING ROOM
315 Madison Avenue, Ortonville, MN
Monday, May 4, 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 7:06 P.M. Roll Call was taken with the following Present: Mayor Blair Johnson, Craig Randleman, Steve Berkner, Bob Meyer, John Cunningham, Mike Dorry, and Nick Anderson. Staff Present: City Administrator David Lang, Deputy Clerk Susan Lundell, Public Works Director Tim Scherer, Police Chief Curt Hormann, Police Officer Jason Mork, Pool Director Sarah Karels. Media present: Julie French (*KDIO Radio*). Others present: Elsie Perrine, David Dinnel, Penny Hormann, Penny Baybridge, Gary Dinnel Ken Simonitch, Jim Loeschke and other interested citizens.

AGENDA AMENDMENTS/APPROVAL:

Add:

12.i. Highway 75 Reconstruction-North Approach to Public Works Building

12.j. Refer Police Chief Issue to the Police Commission

12.f.2. Chief Hormann Resignation/Retirement

Motion by Cunningham, second by Berkner to approve the Agenda as amended.

All in favor. 7-0. MCU. (Motion Carried Unanimously).

CITY ATTORNEY REPORTS & RECOMMENDATIONS:

3.a.Update: Acquiring Easements-Sanitary Sewer Forcemain; Utility and Street Improvements-McCloud Street. Attorney Ash is working on the easements.

CITIZENS TO BE HEARD:

None.

CONSENT AGENDA:

8.a. Approve Minutes of City Council Regular Meeting April 6, 2009

8.b. Approve Minutes of City Council Regular Meeting April 20, 2009

8.c. Approve VFW Post 3964 Application for Temporary On-Sale Liquor License June 20-21, 2009 Ortonville Armory

8.d. Resolution Approving Hiring 2009 Pool Employees and Setting 2009 Salaries for Pool Employees

Resolution 09-066 Approving Hiring 2009 Pool Employees and Setting 2009 Salaries for Pool Employees

Motion by Randleman, second by Cunningham to adopt Resolution 09-066 Approving Hiring 2009 Pool Employees and Setting 2009 Salaries for Pool Employees

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

CONSENT AGENDA (Cont.)

All in favor. 7-0. MCU.

8.e. Approve use of Lakeside Park, Ottertail Land and all surrounding land for TRAM on July 26

Council Member Dorry asked that the April 6, 2009 Minutes be removed from the Consent Agenda.

Motion by Randleman, seconded by Cunningham to approve the Consent Agenda with the April 6th Minutes removed.

All in favor. 7-0. MCU.

Council Member Dorry stated that Police Chief Hormann's defense Attorney Ron Frauenshuh has asked that the following statements be added to the April 6, 2009 minutes: "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 of all remaining issues."

Motion by Dorry, second by Berkner to add said language to the April 6, 2009 regular meeting minutes.

All in favor. 7-0. MCU.

RECOMMENDATIONS OF CITIZEN BOARDS, COMMITTEES AND COMMISSIONS:

9.a. Telecommunications Committee Recommendation: Resolution Approving One-Year Renewal of TDS Contract-\$29.50/Line

Resolution 09-067 Approving One-Year Renewal of TDS Contract-\$29.50 Per Line

Motion by Anderson, second by Cunningham to adopt Resolution 09-067 Approving One-Year Renewal of TDS Contract-\$29.50 Per Line. Discussion and questions followed.

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

All in favor. 7-0. MCU.

9.b. Border City Tax Committee Recommendation: Resolution Approving Border City Tax Credit Applications

Resolution 09-068 Approving Border City Tax Credit Applications

Motion by Berkner, second by Randleman to adopt Resolution 09-068 Approving Border City Tax Credit Applications.

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

All in favor. 7-0. MCU.

REPORTS FROM COUNCIL COMMITTEES:

10.a. City Council Update-John Cunningham-Urban Forestry Presentation

John Cunningham and Mike Dorry reported on an Urban Forestry Presentation put on by Gary Johnson of the University of Minnesota. It was reported that Ash trees are threatened. Some white ash species will be safe to plant. A survey of all ash trees in town needs to be conducted. Discussion and questions followed.

NEW BUSINESS:

12.a. Approve Expenditures

Motion by Randleman, second by Cunningham to approve expenditures as submitted. Upon roll call vote the following voted Aye: Johnson, Anderson, Meyer, Cunningham, Randleman. Nay: Dorry. Abstain: Berkner. 5-1-1. MC.

12.b. Approve DNR Deer Hunt and Approve Administering Deer Hunt Program

Motion by Dorry, second by Cunningham to Approve DNR Deer Hunt and Approve Administering Deer Hunt Program.

All in favor. 7-0. MCU.

12.c. Resolution Approving Authorization of Transportation Grant Agreement for Airport Improvement Excluding Land Acquisition-Agreement No. 94571

Resolution 09-069 Approving Authorization of Transportation Grant Agreement for Airport Improvement Excluding Land Acquisition-Agreement No. 94571

Motion by Berkner, second by Anderson to adopt Resolution 09-069 Approving Authorization of Transportation Grant Agreement for Airport Improvement Excluding Land Acquisition-Agreement No. 94571

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

All in favor. 7-0. MCU.

12.d. Resolution Accepting Resignation and Declaring a Vacancy-Council Member John Cunningham

Resolution 09-070 Accepting Resignation and Declaring a Vacancy-Council Member John Cunningham

Motion by Anderson, second by Dorry to adopt Resolution 09-070 Accepting Resignation and Declaring a Vacancy-Council Member John Cunningham.

Council Member Dorry asked that Dave Dinnel's name be submitted for consideration for the vacant council seat. Mayor Johnson has names of two people who want to serve on the Council. After advertising the opening an appointment will be made at the first meeting in June.

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

6-0-1. MC.

12.e. Dixon Street Improvements-Nick Anderson

Resolution Approving Dixon Street Improvements at the Minnesota Street Intersection at County Contract Prices-\$12,470.00.

Resolution 09-071 Approving Dixon Street Improvements at the Minnesota Street Intersection at County Contract Prices-\$12,470.00.

Motion by Cunningham, second by Berkner to adopt Resolution 09-071 Approving Dixon Street Improvements at the Minnesota Street Intersection at County Contract Prices-\$12,470.00 with a 30% benefitted property owner and 70% city special assessment.

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

All in favor. 7-0. MCU.

12.d. Resolution Approving the Payment of Legal Fees for Police Chief Curt Hormann's Defense-\$786.25

NEW BUSINESS (Cont.)**Resolution 09-072 Approving the Payment of Legal Fees for Police Chief Curt Hormann's Defense-\$786.25**

Motion by Berkner, second by Dorry to adopt Resolution 09-072 Approving the Payment of Legal Fees for Police Chief Curt Hormann's Defense-\$786.25.

Discussion and questions followed. Mayor Johnson stated that to pay attorney's fees for an employee would set a bad precedent. Berkner stated that the matter should have gone before the Police Commission first thus possibly avoiding the closed meeting and the letter stating there were "charges and allegations" against the Police Chief. He said had we followed a different line, there would have been no need for Curt Hormann to hire an attorney. Dorry also stated that the issue should have gone to the Police Commission first for their review.

City Clerk-Administrator Lang stated he was in constant contact with the League of Minnesota Cities regarding the issue and used their template notice for the closed meeting. Lang stated that we could have had a closed meeting had the employee not asked to have it open. Dorry stated that Lang should have shared the information from the League with the Council and felt that the issue could have been resolved before a closed meeting was scheduled.

Berkner did not remember the words "charges and allegations" being used in previous closed meetings. He stated that the wording was a mistake on the City's part. Lang stated that he was not responsible for the charges and allegations and that a Council Member and the Mayor brought the list to him for action. He explained that no mention of the person's name can be in the public notices for a closed meeting. Lang stated that the City Council is given the authority to investigate affairs of the city and conduct of any city department, office or agency according to the City Charter, Section 2.09.

Upon roll call vote the following voted Aye: Dorry, Meyer, Berkner. Nay: Johnson, Anderson, Cunningham, Randleman. 3-4. Motion Failed.

12.g. Approval of Letter of Retirement from Police Chief Curtis Hormann

Council Member Berkner asked if the Letter of Retirement from Curtis Hormann was public information. City Attorney Craig Ash stated the letter will go into his personnel file but is only public if Hormann gives permission for it to be released. Hormann gave Berkner permission to refer to his letter. Berkner stated that the contents of the letter indicate that there may be bullying going on as far as the police department is concerned. The letter also indicates that the morale is low on the police force. Berkner asked that the allegations in Hormann's letter be investigated. He appealed to the Police Chief to reconsider retiring. Hormann stated that he has no support from this Council based on how the vote went to pay his legal fees. Mayor Johnson asked if a committee to investigate the matter should be formed.

NEW BUSINESS (Cont.)

Motion by Berkner, second by Dorry to appoint Council Members Bob Meyer and Steve Berkner and Mayor Johnson to a Committee to investigate the allegations in Police Chief Curtis Hormann's letter of retirement and to review the Analysis of Contracting Law Enforcement Services as prepared by SJWorth Consulting, LLC.

All in favor. 7-0. MCU.

Council Member Meyer asked Hormann if he would consider staying on as the Police Chief if the issues in his letter could be resolved. Hormann said he would consider it depending on the outcome of the investigation.

Motion by Berkner, second by Meyer to ask Police Chief Curtis Hormann to reconsider his retirement.

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

5-2. Motion Carried.

12.h. Approve Commencing Negotiations with Big Stone County to Consolidate Law Enforcement Services

Discussion and questions followed. Council Member Berkner referred to the consultants study stating, "It would seem well advised to consistently recommend that a municipality stay with it's own system of law enforcement service, if feasible, before contracting." Berkner stated that the City continues to lose good officers because the Council does not support the police department. There was a question as to whether or not the City would save money by consolidating with the County for law enforcement services. Anderson and Berkner asked that the consideration for consolidating law enforcement services with the county be delayed for a month or two.

Tabled until the regular May 18, 2009 City Council meeting.

12.i. Resolution Approving Reconstruction of Highway 75 Entrance to the City Public Works Garage-\$3,600.00

Resolution 09-072 Approving Reconstruction of Highway 75 Entrance to the City Public Works Garage-\$3,600.00

Motion by Berkner, second by Randleman to adopt Resolution 09-072 Approving Reconstruction of Highway 75 Entrance to the City Public Works Garage-\$3,600.00

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

All in favor. 7-0. MCU.

12.j. Refer Police issues to the Police Commission.

Motion by Dorry, second by Randleman to refer Police issues to the Police Commission.

All in favor. 7-0. MCU.

CITY CLERK-ADMINISTRATOR REPORTS & RECOMMENDATIONS

- 13.a.Update: Small Cities Development Grant Program
- 13.b.Update: Columbian Hotel
- 13.c.Ortonville TIF District Creation and Potential TIF Bond Issue
- 13.d.Economic Stimulus Information-Modify, Upgrade, Construct Fire Stations
- 13.e.Update: Sanitary Sewer Forcemain Improvements along Big Stone Lake; Street and Utility Improvements on McCloud Street-Public Hearing 7:00 PM-05-18-09
- 13.f Library Steps Grant Update
- 13.g.2009-2010 Local Government Aid Update
- 13.h.Federal Stimulus Infrastructure Funding Update - Regional Resource Fair 04-21-09
- 13.i.MRES Bright Energy Solutions Rollout – Week of April 20, 2009
- 13.j.Update: 2009 Taxiway and Apron Project-Ortonville Airport
- 13.k.Update: Earth Day Observance-Central Park Restoration
- 13.l. Summer Recreation Program Scholarships
- 13.m.Annual Gopher State One-Call Ad
- 13.n.Cities Without Municipal Liquor Stores Training-May 14, 2009
- 13.o.Closing Memorandum-General Obligation Water Revenue Refunding Bonds
- 13.p.Update: 2010 Infrastructure Improvement Project Funding Applications

EXECUTIVE SESSION: (If needed)

ADJOURNMENT:

Motion by Randleman, second by Anderson to adjourn the meeting at 8:10 P.M.

All in favor. 7-0. MCU.

APPROVED:

ATTEST:

Blair Johnson
Mayor

David A. Lang
Clerk-Administrator