

**City of**  cityofhokah-mn.gov  
**Hokah Minnesota**  
Home of Como Falls  
**MINUTES**  
**REGULAR COUNCIL MEETING**  
**April 4<sup>th</sup>, 2017 / 6:00 pm**

The Hokah City Council met at the Hokah Fire Station at 6:00pm on Tuesday, April 4, 2017. In attendance were City Administrator Rod Blank, Mayor Mike Walsh, and Council Members Rebecca Albrecht, Don Bissen, Cindy Pfiffner and Matt Vetsch. Mayor Walsh called the meeting to order, and following the Pledge of Allegiance the Council moved on to the consent agenda. Fire Chief Matt Vetsch added two bills to the list of bills to be paid: one from Med Compass for annual physical examinations and one from Heiman Fire Equipment for repair and maintenance of a gas gauge system. Totals added: \$1,238 and \$86.76. Council Member Albrecht moved to approve the consent agenda, but Council Member Bissen raised a question about the minutes from the previous meeting regarding a debate on the city's proposed new parking lot ordinance. Bissen asked if the quote attributed to Police Chief Bob Schuldt that read "48 hours is a long time if you're parked the long way, taking up five stalls." Bissen commented that he did not remember the Police Chief saying those words, and had conferred with Chief Schuldt prior to the meeting, who told Council Member Bissen he also didn't remember saying the words. Bissen went on to say that Schuldt told him the words, if true, were "taken out of context."

Administrator Blank replied, "We do have an audio tape of [the previous meeting] at the office for review, but that's what he said, and I think him and I talked about it, and he agreed with me that is what he said." Administrator Blank went on to call on Chief Schuldt in the gallery to give his perspective. Chief Schuldt replied that he would "have to listen to the tape," stating that Council Member Bissen had stopped into his office the previous day with a question as to how the quotes were being presented in the meeting minutes. "Is 48 hours a long time for him to be parked that way?" Schuldt continued, "yeah, I don't think they were parked there that long, and I think that's what I was pointing out. I was talking about the loading and unloading and whatnot, I'd have to listen to the tape to see what my exact words are, but it wasn't in a negative way about it, being parked the long way, but 48 hours would be a long time to be parked that way." Administrator Blank reiterated that the minutes contained a direct quote, and that Chief Schuldt's direct quote did not delineate between loading/unloading and long-term parking. "That's what these minutes state," Blank said, "that's what he said, that's what he just repeated."

Administrator Blank addressed Council Member Bissen. "He didn't say you were. He said that would be a long time to park there." Chief Schuldt replied "I've never seen any parked across the lanes for over 48 hours, is how it was meant to be brought out." Blank clarified again that "that's what the minutes state," to which Chief Schuldt replied he was "just answering your question." Administrator Blank then invited Council Member Bissen to review the tape at the city administration building. Bissen replied he will review the tape, and concluded his questions regarding the consent agenda. Council Member Pfiffner

seconded Council Member Albrecht's motion to approve the consent agenda. Council Members Vetsch, Bissen, Pfiffner, Albrecht and Mayor Walsh all voted to approve the consent agenda; and the Council moved on to city reports.

The Council heard from City Employee Chris Oliver first. Oliver reported that the city had a site inspection from Steven Speltz from the Minnesota Pollution Control Agency. Speltz reported to Oliver that there were some deficiencies and a few decimal misplacements on forms. Speltz told the facility to purchase new thermometers, and Oliver sent Speltz a letter fixing the issues on the reports. The facility also changed out their UV bulbs, and updated its cleaning schedule from monthly to bi-weekly. Oliver said "Mr. Speltz seemed happy with how we handled that, so everything is taken care of." Council Member Pfiffner asked if Speltz will be coming back to double check, and Oliver replied that he will be monitoring future paperwork to see if anything becomes an issue at the facility.

The Council moved on to hear the report from Librarian Shari Carlson, who presented the 2016 Annual Library Report, which had been completed and submitted. Carlson presented additional data collected since her January presentation, saying that attendance to the library is up 35% over the past three years, and an 89% increase in programs offered, with twice as many people participating in said programs. "Due to popular demand," Carlson continued, "the after-school program has been extended through the end of the school year on Thursdays, from 3:30-4:30, and the library has new computers thanks to the Arlin Falck Foundation." The city then heard from the Police Department: Chief Schuldt said that the Council has his monthly activity report, and mentioned that city pet licenses were due by the end of the month. Schuldt also mentioned the possibility of a "Slow, Children at Play" sign near Twin Creeks Golf Course to raise awareness. Schuldt noted that the city did not have that signage in stock, but that the property owner might be willing to contribute to the expense of a new sign. Employee Oliver replied that the price would be "roughly \$50 a sign," and that a double-sided sign would be roughly \$100. Schuldt referred the issue to the Streets Department for further review, and the Council moved on to the City Attorney's presentation.

City Attorney Skip Wieser circulated new copies of the proposed city ordinance regulating city parking. Wieser mentioned that section 2 was discussed last month, and rather than discuss the entire ordinance he offered to present what had been changed and then field questions or comments. Wieser said that section 2 now states that it would be "unlawful or in violation of an ordinance to park or permit a vehicle to remain in one of the city-owned parking lots" for more than 48 consecutive hours. Additionally, Wieser read from section 2 that it would be in violation of the new ordinance "if the vehicle is not parked within the confines of a single parking space." Wieser continued that the focus of last month's meeting was the second half of the reading, and that the Council had discussed regulation pertaining to vehicle height, size, or length, and that the Council had directed him as City Attorney to keep the wording of the ordinance to stall per vehicle, which will indirectly enforce some of the aforementioned issues. Wieser noted another change, stating that section 5 states that the Council could change parking lot hours or put up additional signage by simple resolution rather than a formal ordinance process.

Attorney Wieser then made himself available to questions from the Council, saying that following the discussion the Council could either approve the ordinance as presented by majority vote, approve the ordinance with any proposed changes, or not to approve. Fire Chief Vetsch asked if it would be a violation of the new ordinance to have the Fire Department's training trailer across multiple spaces, to which Wieser replied that the ordinance would not be seen as applicable to public safety vehicles. Mayor Walsh asked a question regarding loading and unloading of trucks in the city lots, to which Wieser replied that, as written, the loading issue is not addressed in the new ordinance. The city could, he continued, place a cap on loading within the city lots, making it not applicable to the ordinance but instead to the capped amount of time unique to loading and unloading. Wieser also suggested designating part of the lot for loading or unloading, but admitted he did not know what the parking situation was in the city lot on a day to day basis.

Mayor Walsh opened the ordinance to questions from the Council. Councilman Bissen stated that he still objects to the ordinance where it pertains to "not allowing larger vehicles in the parking lots." Bissen said the lots had always been used for that purpose, and that "it doesn't make any sense to have bigger vehicles parked on Main Street taking up valuable parking places. Bissen said those spots are valuable for local businesses' customers, and that "any time there's a truck and a trailer, takes up two, three, four spots, people come into town with four wheelers, a trailer, they go to the bar, they're gonna take up three spots on Main Street if they can find a spot that they fit." Bissen continued that parking the trailer in the city lot would allow the larger units to be "out of the way," and that he parks his truck and trailer in there. "I park my truck and trailer in there when I'm heading out of town the next day, or when I get back late. I can pull in there, park it, do something with it the next day... or I can drive it down to my store, and find a ride home, find a ride back in the morning, while the parking lot sits empty.

Bissen said that the parking lot was built by the Hokah Commercial Club 40 years ago "so that business people had a place to park for the employees, and customers could park there when the street was full." Bissen said he conducted an independent survey of the lot over the last seven days, saying the lot had anywhere from zero to 10 cars at most in it, checking it four times a day. Bissen then said that the parking lot has approximately 23 spaces. "I don't think I've ever had my truck and trailer parked there, or Tommy was," referring to Hokah citizen Tommy Bernsdorf, "when there was snow plow... so that's my thoughts. They haven't changed." Bissen then spoke about community complaints regarding the ordinance, saying "As far as last meeting, we heard about complaints, as far as something parked there, not in spaces." Bissen then asked Police Chief Schuldt in the gallery, "how many, Bob, how many times have you had complaints about how cars and trucks were parked in the parking lot?" Chief Schuldt replied that there have been zero official complaints. Bissen commented that he didn't know if the complaints were just someone "blowing off" or somebody driving by who "didn't like the looks of somebody's truck parked there, I don't know... we didn't hear any more about the complaints, just that there was some."

Mayor Walsh took several comments from the gallery on both sides of the issue, with some saying no change was needed and others expressing issues with other parking situations in the city. One comment from the gallery prompted a response from the Council: a citizen said the whole situation "is a little out of control" and that "we don't need a letter," referring to a mailing Council Member Bissen, acting as a private business owner, had sent to the city protesting the new ordinance. Bissen replied that he thinks the city needed the letter, because it brought people into the Council meeting to voice their opinions on the issue. "Normally," he said, "there's three people in the audience... I think we needed the letter."

Librarian Carlson spoke to Council Member Bissen regarding the letter, saying that "you have been very open about the fact that this is an issue that affects you personally, and you should have recused yourself from even the discussion about it." Bissen replied that he had spoken with City Attorney Wieser about that part of the issue, saying Wieser had told him there is no conflict. Matt DeJarlais spoke up from the gallery, saying "this affects a lot more people than Don [Bissen]." Council Member Matt Vetsch replied that it will affect the taxpayers of the city. "If we go spend thirty grand to re-blacktop [the city parking lots], and then repeatedly wreck them with heavy trucks, that's going to affect everyone in here." A citizen asked from the gallery if the city lots could be done over with gravel instead of blacktop, and several people spoke up to say the current state of the lot was already similar to a gravel lot. Mayor Walsh then had to call the meeting to order as more citizens began to speak at once.

More citizens were allowed to speak by Mayor Walsh, discussing how the parking lot affects them personally, the city at large, and the costs and materials for repaving the lot for of heavy truck use and without. Employee Oliver was asked to discuss the agenda item of resurfacing bids, saying that Mathy had been contracted for the Mill & Overlay project on Main Street to begin in May. Oliver responded to comments around town that Mathy would pull off of the Main Street project to quickly re-pave the city lot, but that that would not happen as they are two separate projects by the State of Minnesota and the City of Hokah, respectively. Mathy would be able to do it cheaper, due to already having the equipment in the area, and Oliver provided two bids for the city project: one for a four-inch lift to handle the use by heavy trucks and trailers, and a two and a half inch lift. The difference between the two bids as reported by Oliver was roughly \$6000. A citizen asked when the last time was the city repaved the lot, and Oliver replied that he had approach the Council to do so last year, but was told not to. Mayor Walsh and Council Member Vetsch added that the Council was waiting for the major MNDOT Main Street project to come through before working on the parking lot, and Mayor Walsh mentioned that the lot had been sealcoated multiple times before.

Mayor Walsh allowed for more comments from the gallery, but City Attorney Wieser reminded the mayor that this was not a public hearing and that any comments from the gallery needed to stay directly on the issue of the parking ordinance. Mayor Walsh had to call the meeting to order again after more public comment. City Administrator Blank asked City Attorney Wieser about Council Member Bissen's earlier comments about a conflict of

interest. The attorney replied "in and of itself, because all things voted on at a city, you're all residents of a city, you have to be residents of a city to be on the city Council... so in and of itself, because person A may use a lot more than person B, that doesn't create a conflict of interest, is what I said." Administrator Blank asked Wieser if he thought Council Member Bissen had a conflict of interest on the parking ordinance, to which Wieser replied "that's a decision for each Member to make, and that's a decision for each Member to ask themselves, but I'm not aware, typically, conflicts relate to personal interests relating to financial gain - this doesn't strike as one of those situations, or there's so intertwined with the issue they can't separate personal interests from the interests of the city. So, when you're in the elected capacity, even though you may personally disagree with it or personally don't like it, you're supposed to conduct yourselves, or vote in the interest of the city, not in something that may or may not be advantageous to you or other people you know."

Mayor Walsh heard from more gallery comments, and the Council discussed further the repaving of the lot. City Employee Oliver recommended a 4 inch blacktop life if trailers and heavy trucks were going to continue to be permitted, which would cost the city \$6000 more to complete. Oliver mentioned that the 4 inch lift would be essentially a "heavy highway" sort of construction, but would still require a one-ton limit for overnight parking. The Council heard more comments from the gallery regarding the costs of repairing the lot, and the issues facing the MNDOT street repair project set to begin in May. Police Chief Schuldt then spoke regarding the ordinance on the table, saying that some action needs to be taken to prevent abandoned cars from being used as dumpsters in the city lots. Schuldt mentioned that the city already has a "nice ordinance" relating to parking on the city streets, and suggested applying the same restrictions to the city parking lots: 48 hour limit, one ton weight limit, and no unattached trailers. Schuldt acknowledged that those restrictions did not "bring into check" the issues raised by Council Member Bissen. There were more comments from the gallery regarding issues with oversized trucks and snowmobiles using the lot.

Mayor Walsh ended gallery discussion and asked the board to move on the ordinance. Council Member Bissen made a motion to enact the previous parking plan set forth at the October 2016 meeting, featuring only the 48 hour limit and nothing else. Council Member Bissen's motion failed to garner a second, and failed. Council Member Vetsch motioned to approve the ordinance as written by Attorney Wieser for the current meeting, which included the one vehicle per stall requirement. Council Member Pfiffner seconded the motion, and the Council voted: Vetsch, Albrecht, and Pfiffner "aye" to Bissen and Walsh "no." The motion passed with a 60% majority. Attorney Wieser asked the Council to approve a motion enabling his office to publish the new ordinance in the newspaper of record. Motion made by Vetsch, seconded by Pfiffner, and the Council voted: Vetsch, Pfiffner, Albrecht and Walsh "aye" to Bissen "no." The vote passed on an 80% majority. The Council asked Attorney Wieser to stay for another item before the Council at this meeting.

The Council then heard from Employee Oliver for the Streets Department report. Oliver asked the Council if he should move forward with the aforementioned bids to re-blacktop

the city's western parking lot. Mayor Walsh asked Oliver to check into any possible alternative construction material for the lot beyond blacktopping. Council Member Albrecht asked to see a resurfacing bid for the city's eastern parking lot. Oliver replied that the east lot has issues with a sinkhole and an old foundation underneath it, but Albrecht asked him to keep looking into possible bid prices. Council Member Bissen asked about reshaping the lot for better drainage, and asked Oliver to consider that possibility when looking at bids for the eastern lot. The Council then heard from the Recreation Board: Samantha Mullen presented Hokah Summer Rec Registration, which will be held on April 19 & 26 at the fire station between 5pm and 7pm. Mullen then announced that there would be no daytime softball league this year, and that she is looking instead to form a softball camp. Mullen mentioned that she felt the camp would be a better option than putting the children in a 14 and under nighttime league, which would put all Hokah 8-14 year olds up against 14 year olds in a different league. Mullen also requested liming of the Veterans' Park ball diamond so the softball camp can use it for camp while the other city diamond is being used for baseball. Mayor Walsh asked Employee Oliver to look into the possible costs. Mullen also announced a pilot program for a volunteer-run basketball "open gym" at City Hall, and that the pool will be opening on June 3<sup>rd</sup>. Mullen continued that the float company has agreed to replace the broken pool float at no charge to the city, and stressed a need for lifeguards to apply to work at the pool for the summer. Mullen also announced that the Pool Cleanup Day is scheduled for May 21, and asked the maintenance crew to look over the pool area for some upkeep and repairs before the June 3<sup>rd</sup> opening.

The Council then heard from the Planning and Zoning Commission. Council Member Vetsch described two applications, and the Council moved on to hear a scheduled item for consideration from Hokah citizen Tom Sauer. Sauer asked the Council to look into the issue of his next-door neighbor's motocross track, saying it poses a noise and safety hazard to his home, along with causing him frustration. Sauer asked the Council to take action regarding the complaint. The Council & Police Chief Schuldt discussed the issue, and ruled that while there have been multiple complaints there was not a specific ordinance on the books in Hokah that outlawed the behavior. Attorney Wieser mentioned that a dirtbike track would be an issue to a zoning code usually if there was a large enough amount of dirt moved for the construction, and that the act of riding an ATV or a dirtbike is not a direct violation. Administrator Blank asked Attorney Wieser if this situation would be illegal in La Crescent, and Wieser replied that every city interprets rules differently. Mayor Walsh asked Police Chief Schuldt to follow up with Attorney Wieser on the issue.

The Council heard from a citizen regarding the beautification measure of hanging flower pots on Main Street. Citing the main issue of sustained road construction for most of the summer through almost all of Main Street, the Council decided to only use the sidewalk planters for 2017 and not the hanging flower baskets. Motion by Vetsch, second by Pfiffner. Vote unanimous. The Council heard comments from Council Member Albrecht, who spoke regarding brochures and promotion for primitive campgrounds near the city pool. Albrecht has also looked into the purchase and installation of portable toilet facilities for the campground. Albrecht then spoke about a meeting city officials had had with a representative of SolarStone regarding Hokah subscribing to solar power facilities in

Winona County and earning solar credits in return. SolarStone required access to the city's previous electrical usage history, and the Council voted to release the information to SolarStone.

The Council then announced the next meeting, which will take place at 6pm on Tuesday, May 2, 2017 at the Hokah Fire Station. On the item for the next meeting is the Minnesota Basic Code: Administrator Blank said that Hokah's current ordinance code has been the source of issues in the past and that he is working with Attorney Wieser on the possibility of introducing the Basic Code. The Council then moved to a closed meeting for a performance evaluation of City Clerk Eric Leitzen. The motion was made to close the meeting by Vetsch, seconded by Bissen, and the vote was unanimous. The meeting closed at 7:49 pm.

#### Closed Meeting:

Administrator Blank requested a closed meeting to perform an evaluation of City Clerk Leitzen as his probationary employment period sunsets on April 6, 2017. City Clerk Leitzen approved the closing of the meeting. Motion by Vetsch, seconded by Bissen, and the vote was unanimous to close the meeting.

Administrator Blank related that on March 16 & 17, 2017 The Personnel Committee meet with Clerk Leitzen, consisting of Maintenance Head Oliver, Council Member Albrecht, former City Clerk/Administrator Sloan and on the March 16 meeting Council Member Cindy Pfiffner met as a Personnel Committee to discuss Clerk Leitzen's performance in his first year and a half as City Clerk/Treasurer. Following discussion, The Personnel Committee ruled to extend the probationary period for six months, until October 6, 2017, on the condition that Leitzen will complete further financial education and certification in continuing education. Further, that Leitzen is to have been substantially enrolled, participating and or completing education requirements within the first 90 days. Classes for continuing education were approved to be reimbursed by the Council after Clerk Leitzen had completed them. Motion by Vetsch to approve extension by 6 months including the 90 day clause. Second by Albrecht rollcall all approve. Closed session adjourned at 8:23 pm.

The City Council moved to Adjourn the April 2017 meeting at 8:25 pm by Motion by Vetsch, Albrecht second all approve.