



## AGENDA ITEM #3.1

# REPORT TO CITY COUNCIL

**Report Prepared by: Nancy Malecha**

---

**Date: April 5, 2016**

**Subject: City Council Minutes**

**Report: The minutes for the following City Council Meetings are attached for your review.**

- February 29, 2016 Special Meeting
- February 29, 2016 Regular Meeting

**Council Action Requested: Council motion approving the City Council Meeting minutes for the February 29, 2016 meetings.**

**SPECIAL MEETING OF THE PEQUOT LAKES CITY COUNCIL  
MONDAY, FEBRUARY 29, 2016  
PEQUOT LAKES CITY HALL**

Members Present: Mayor Sjoblad, Council Members Akerson, Loukota, and Pederson

Members Absent: Council Member Karr

Staff Present: Nancy Malecha, City Administrator/Clerk and Police Sergeant Chad Turcotte (arrived at 5:54 p.m.)

1. Call Meeting to Order

Mayor Sjoblad called the special meeting of the Pequot Lakes City Council to order at 5:30 p.m.

1.1. Pledge of Allegiance

Mayor Sjoblad led with the Pledge of Allegiance.

2. Consider Agenda

The agenda was accepted.

3. Preliminary Consideration of Allegations or Charges Against a City of Pequot Lakes Employee

Mayor Sjoblad stated that the agenda item is preliminary consideration of allegations or charges against a City of Pequot Lakes employee. The employee is Joni O'Donnell.

Mayor Sjoblad stated that this portion of the meeting will be closed pursuant to Minnesota Statutes, section 13D.05, subdivision 2(b).

**COUNCIL MEMBER AKERSON MOVED TO CLOSE THE MEETING PURSUANT TO MINNESOTA STATUTES, SECTION 13D.05, SUBDIVISION 2(b). COUNCIL MEMBER LOUKOTA SECONDED THE MOTION. MOTION CARRIED 4-0.**

The Council went into closed session at 5:34 p.m.

The closed session was electronically recorded.

Present at the closed session were: Mayor Sjoblad, Council Member Akerson, Council Member Loukota, Council Member Pederson, and City Administrator/Clerk Nancy Malecha.

The Council discussed the agenda item.

The City Council meeting reopened from the closed session at 5:53 p.m.

**MAYOR SJOBLAD MOVED THAT:**

- 1. JONI O'DONNELL BE DISMISSED FROM EMPLOYMENT WITH THE CITY OF PEQUOT LAKES, EFFECTIVE 2-29-16, FOR, BUT NOT LIMITED TO, THE REASONS STATED IN CITY ADMINISTRATOR NANCY MALECHA'S LETTER TO JONI O'DONNELL OF 2-25-16.**
- 2. CITY ADMINISTRATION PROVIDE MS. O'DONNELL WITH ANY APPROPRIATE NOTICES RELATED TO THIS DECISION.**

**COUNCIL MEMBER PEDERSON SECONDED THE MOTION. MOTION CARRIED 4-0.**

(Police Sergeant Chad Turcotte arrived at the meeting.)

**4. Hearing to Review and Appeal Potentially Dangerous Dog Declaration**

Sergeant Turcotte explained that this hearing is an appeal of the potentially dangerous dog declaration that the City Council approved on August 4, 2015 regarding Annette Fennell's dog Mya. Sergeant Turcotte further noted that every six months dog owners have a right to appeal the declaration and process and the Council can affirm or overrule the previous declaration.

Sergeant Turcotte informed the Council that Mr. and Mrs. Fennell were unable to attend tonight due to the unknown start time for this hearing based on the previous agenda item and he provided the Council with background information on the incident that occurred on July 10, 2015. Sergeant Turcotte noted that the Police Department has had no other issues with Mya and has no concerns on removing this dog from the potentially dangerous dog status.

Mayor Sjoblad questioned if the Fennell's paid the vet bill for the wounded dog. Sergeant Turcotte stated that they had.

Council Member Akerson questioned if the Fennell's have met all of the condition requirements. Sergeant Turcotte stated that they had.

Sergeant Turcotte explained that if the Council believes that the July 10<sup>th</sup> incident caused provocation of the dog then the Council may want to consider the dog as not potentially dangerous; however, if the incident did not cause provocation, then the Council may want to consider the dog as potentially dangerous.

**MAYOR SJOBLAD MOVED TO ADOPT RESOLUTION 16-06  
OVERRULING THE FINDINGS, CONCLUSIONS AND ORDER OF  
PEQUOT LAKES CITY COUNCIL REGARDING PEQUOT LAKES  
POLICE DEPARTMENT'S JULY 12, 2015 POTENTIALLY DANGEROUS  
DOG DECLARATION. COUNCIL MEMBER AKERSON SECONDED  
THE MOTION. MOTION CARRIED 4-0.**

5. Adjourn

The special meeting of the City Council adjourned at 6:00 p.m.

Respectfully submitted,

---

Nancy Malecha  
City Administrator/Clerk

---

David Sjoblad  
Mayor

**MEETING OF THE PEQUOT LAKES CITY COUNCIL  
MONDAY, FEBRUARY 29, 2016  
PEQUOT LAKES CITY HALL**

Members Present: Mayor Sjoblad, Council Members Akerson, Loukota, and Pederson

Members Absent: Council Member Karr

Staff Present: Nancy Malecha, City Administrator/Clerk; Dawn Bittner, Zoning Specialist; Tom Nelson, Fire Chief; Eric Klang, Police Chief; Chad Turcotte, Police Sergeant; Mike Loven, Public Works Supervisor; and Tim Houle, City Engineer

1. Call Meeting to Order

Mayor Sjoblad called the meeting of the Pequot Lakes City Council to order at 6:30 p.m.

1.1 Pledge of Allegiance

Mayor Sjoblad led with the Pledge of Allegiance.

2. Consider Agenda

Nancy Malecha requested to add item 10.5 - Request to Use Employment Agencies.

**MAYOR SJOBLAD MOVED TO APPROVE THE AGENDA AS AMENDED WITH THE ADDITION OF ITEM 10.5 – REQUEST TO USE EMPLOYMENT AGENCIES. COUNCIL MEMBER AKERSON SECONDED THE MOTION. MOTION CARRIED 4-0.**

3. Consent Agenda

Council Member Loukota questioned the negative amounts on the check register for Pine River Area Sanitary District. Nancy Malecha informed the Council that PRASD did not receive their November services check from the City which was voided and reissued.

**COUNCIL MEMBER LOUKOTA MOVED TO APPROVE THE CONSENT AGENDA AS FOLLOWS:**

**3.1. JANUARY 28, 2016 AND FEBRUARY 2, 2016 CITY COUNCIL MEETING MINUTES.**

- 3.2. PAYMENT OF BILLS FROM FEBRUARY 3, 2016 THROUGH FEBRUARY 29, 2016.
- 3.3. FINANCIAL REPORT ENDING JANUARY 31, 2016.
- 3.4. LIBRARY REPORT FOR FEBRUARY 2016.
- 3.5. RESOLUTION 16-07 ACCEPTING CONTRIBUTIONS FROM JANUARY 22, 2016 THROUGH FEBRUARY 18, 2016.
- 3.6. 2016 FIRE PROTECTION AGREEMENT WITH THE CITY OF NISSWA.
- 3.7. NJPA SCHOLARSHIP FOR CLERKS INSTITUTE
- 3.8. UTILITY CREDIT REQUEST FOR MIKE WENZLER IN THE AMOUNT OF \$147.40.

**COUNCIL MEMBER PEDERSON SECONDED THE MOTION. MOTION CARRIED 4-0.**

4. Open Forum

Mark Jurchen, 31378 Lakeside Avenue, Pequot Lakes, addressed the Council. Mr. Jurchen noted that the Sibley Lake Association is working on a grant for funding to make improvements at Sibley Lake Park which would include removal of the steps, repair of eroded areas, and replanting of vegetation. The grant deadline is March 31<sup>st</sup>.

5. Presentations

There were no presentations.

6. Planning and Zoning

6.1. Planning Commission Report

The February 19, 2016 Planning Commission Report and February 18, 2016 draft Planning Commission minutes were received by Council.

6.2. Wellhead Protection Program Evaluation

Mayor Sjoblad noted that the City's Wellhead Protection Program far exceeds what other cities are doing and commended Dawn Bittner for her efforts.

**COUNCIL MEMBER LOUKOTA MOVED TO ACKNOWLEDGE RECEIPT OF THE WELLHEAD PROTECTION PROGRAM EVALUATION. COUNCIL MEMBER AKERSON SECONDED THE MOTION. MOTION CARRIED 4-0.**

6.3. Ordinance Amendment

Dawn Bittner distributed a revised copy of the interim use ordinance amendment. Ms. Bittner noted that an interim use is similar to a conditional use but would end on a particular date or a specified event. The Planning Commission unanimously recommends the interim use permits for extractive use in the forest management and agriculture zones based on three findings of fact.

**MAYOR SJOBLAD MOVED TO ADOPT ORDINANCE 16-01 TO INCLUDE THE DEFINITION OF INTERIM USE, AMEND SECTION 17-5.15 LAND USE MATRIX TO REQUIRE INTERIM USE PERMITS FOR EXTRACTIVE USE IN THE FOREST MANAGEMENT AND AGRICULTURE ZONES, AND TO INCLUDE SECTION 17-11.13 INTERIM USE PERMITS. COUNCIL MEMBER PEDERSON SECONDED THE MOTION. MOTION CARRIED 4-0.**

7. Fire

7.1. Firefighter Resignation

The Council acknowledged Patrick Selter's resignation from the Fire Department and thanked Mr. Selter for his years of service.

7.2. Request to Purchase Extrication Tool

Tom Nelson informed the Council that the Fire Department's 2016 Budget includes a rescue tool cutter and spreader but not a ram. The Fire Department would like to purchase all three components for a complete extrication tool set using donations received and remaining capital outlay funds.

**COUNCIL MEMBER AKERSON MOVED TO APPROVE THE PURCHASE OF A GENESIS HYDRAULIC RAM (EXTRICATION TOOL) AT A COST OF \$8,085 FROM HEIMAN FIRE EQUIPMENT TO BE PAID FROM THE FIRE FUND CAPITAL OUTLAY BUDGET WITH DONATIONS RECEIVED. COUNCIL MEMBER LOUKOTA SECONDED THE MOTION. MOTION CARRIED 4-0.**

8. Police

8.1. Request to Hire Office Manager

Chief Klang informed the Council that the Police Department has concluded the selection process for hiring a full-time office manager. He noted that twelve applications were received and four applicants were interviewed by himself, Sergeant Turcotte, Officer Petersen, and Administrator Malecha. Chief Klang recommended that the Council hire Jennifer Anderson as the office manager for the Police Department. Ms. Anderson has experience in law enforcement and will begin after the proper notification has been extended to her present employer.

**COUNCIL MEMBER AKERSON MOVED TO HIRE JENNIFER ANDERSON AS A FULL-TIME OFFICE MANAGER IN THE POLICE DEPARTMENT EFFECTIVE TWO WEEKS AFTER NOTIFICATION TO HER PRESENT EMPLOYER; CONTINGENT ON SUCCESSFUL BACKGROUND CHECKS, PRE-EMPLOYMENT SCREENINGS, AND THE ACCEPTANCE OF A CONDITIONAL OFFER OF EMPLOYMENT; TO BEGIN AT STEP 3 OF THE PAY SCALE AND MOVING TO STEP 4 CONTINGENT ON A SUCCESSFUL SIX-MONTH PROBATION. COUNCIL MEMBER LOUKOTA SECONDED THE MOTION. MOTION CARRIED 4-0.**

9. Public Works

9.1. Consider Bids for WWTF Improvements

Tim Houle informed the Council that the City received eight bids for the Wastewater Treatment Facility Improvements project ranging in cost from \$868,704 to \$1,226,737 with Borden Excavating from Merrifield as the low bidder.

**MAYOR SJOBLAD MOVED TO AWARD THE CONSTRUCTION CONTRACT FOR THE 2016 WASTEWATER TREATMENT FACILITY IMPROVEMENTS TO BORDEN EXCAVATING, INC. FOR THEIR LUMP SUM BID OF \$868,704. COUNCIL MEMBER AKERSON SECONDED THE MOTION. MOTION CARRIED 4-0.**

9.2. Request to Purchase Tractor/Mower

**COUNCIL MEMBER PEDERSON MOVED TO REMOVE THE REQUEST TO PURCHASE A TRACTOR/MOWER FROM THE TABLE. COUNCIL MEMBER LOUKOTA SECONDED THE MOTION. MOTION CARRIED 4-0.**

Mike Loven updated the Council on his request to purchase a Challenger MT515E, four-wheel drive, tractor/mower. Mr. Loven noted that ordering

this equipment now will allow for delivery later this year and will enable the public works department to begin using this equipment in 2017. The proposed mowing areas maintained by this equipment was noted in red on the map provided. Mr. Loven explained that the mapped areas do not take into consideration the additional maintenance of the retention pond areas that will be created with the Highway 371 Expansion Project

Mayor Sjoblad noted that it is wise to purchase this piece of equipment now as more incremental equipment purchases will be needed in the near future.

Mr. Loven noted that the City could be receiving turnbacks of smaller streets as they are completed which also increases the need for this equipment purchase.

Council Member Pederson stated that the City is in essence purchasing this piece of equipment now so it is ready to use in 2017, plus the City is receiving a discount if purchased now.

**COUNCIL MEMBER LOUKOTA MOVED TO APPROVE THE PURCHASE OF A CHALLENGER MT515E TRACTOR/MOWER FROM ZIEGLER CAT AS PART OF THE STATE COOPERATIVE PURCHASING VENTURE AT A COST OF \$139,589 TO BE PAID FROM THE HIGHWAY 371 FUND (\$60,000), THE ROADS AND STREETS DEPARTMENT OF THE GENERAL FUND (\$40,000), AND THE SEWER FUND (\$39,589). MAYOR SJOBLAD SECONDED THE MOTION. MOTION CARRIED 3-1. COUNCIL MEMBER AKERSON OPPOSED.**

9.3. Engineering Contract – Construction Phase Services

Tim Houle explained that the Construction Phase Engineering Services Proposal from Widseth Smith Nolting (WSN) for the Wastewater Treatment Facility Row Irrigation project highlights seventeen services that their firm will provide ranging from reviewing construction documents to field observations.

Council Member Pederson questioned if WSN charges by the hour. Mr. Houle noted that during the construction phase the number of hours are estimated and when these hours approach the \$84,500 estimated amount, the Council will be informed. Mr. Houle further noted that if less hours are utilized, the City will be charged less.

**MAYOR SJOBLAD MOVED TO APPROVE THE CONSTRUCTION PHASE ENGINEERING SERVICES PROPOSAL FROM WIDSETH**

**SMITH NOLTING FOR THE WASTEWATER TREATMENT FACILITY ROW IRRIGATION PROJECT FOR AN ESTIMATED AMOUNT OF \$84,500. COUNCIL MEMBER AKERSON SECONDED THE MOTION. MOTION CARRIED 4-0.**

9.4. Highway 371 Update

Tim Houle updated the Council on activities relating to the Highway 371 Expansion Project. He requested that the Highway 371 City Coordination Team be convened to discuss street names and other items for Council consideration.

9.5. Sibley Lake Park Playground

**COUNCIL MEMBER AKERSON MOVED TO ACCEPT THE \$50,000 DONATION FROM THE BABINSKI FAMILY AND COMMIT THE MONEY FOR THE PURCHASE OF PLAYGROUND EQUIPMENT FOR SIBLEY LAKE PARK. COUNCIL MEMBER LOUKOTA SECONDED THE MOTION. MOTION CARRIED 4-0.**

**COUNCIL MEMBER AKERSON MOVED TO APPROVE THE PLAYGROUND EQUIPMENT DESIGN CONTINGENT ON THE PARK COMMISSION'S REVIEW OF AN OVERALL SITE PLAN FOR SIBLEY LAKE PARK. COUNCIL MEMBER LOUKOTA SECONDED THE MOTION. MOTION CARRIED 4-0.**

10. Administration

The February 16, 2016 draft EDC minutes, and the February 16, 2016 HRA minutes were received by Council.

10.1. Economic Development Commission Appointment

**COUNCIL MEMBER LOUKOTA MOVED TO APPOINT JON LUBKE TO THE ECONOMIC DEVELOPMENT COMMISSION FOR A THREE-YEAR TERM EXPIRING ON DECEMBER 31, 2018. COUNCIL MEMBER AKERSON SECONDED THE MOTION. MOTION CARRIED 4-0.**

10.2. Park Commission Appointment

**COUNCIL MEMBER AKERSON MOVED TO APPOINT NANCY ADAMS TO THE PARK COMMISSION FOR A THREE-YEAR TERM EXPIRING ON DECEMBER 31, 2018. COUNCIL MEMBER PEDERSON SECONDED THE MOTION. MOTION CARRIED 4-0.**

10.3. Quote for Personnel Policies Project

Nancy Malecha informed the Council that the City's employment-related policies are in need of revisions as they are outdated and do not reflect the new personnel structure of a City Administrator.

**MAYOR SJOBLAD MOVED TO APPROVE PHASE 1 AND 2 OF THE PERSONNEL POLICIES PROJECT WITH FLAHERTY & HOOD AT A COST RANGE OF APPROXIMATELY \$2,430 TO \$3,645 TO BE PAID FROM COUNCIL CONTINGENCY. COUNCIL MEMBER AKERSON SECONDED THE MOTION. MOTION CARRIED 4-0.**

10.4. Vision Statement for City

Council Member Pederson disbursed his list of information in relation to the City's vision statement. He noted that a vision statement fulfills the mission for the City and funnels down to various committees and departments with the charge to do the work that points back to the vision.

Mayor Sjoblad explained that his list of items is what he would like to see occur in the short-term because if you build it they will come.

Council Member Akerson noted that the City needs to be cognizant on activities and family friendly ideas.

Mayor Sjoblad stated that the purpose of the vision statement is as a tool for decision makers to recognize directives.

Council Member Pederson noted that any directive has to relate back to vision and mission of the City. He recommended that this task be addressed by the City's committees and valuable entities to broaden the discussion and task at hand.

The Council instructed Nancy Malecha to inform stakeholders of this task at the March 9<sup>th</sup> Trailside Park Master Planning Meeting and update the various committees and community organizations as well.

10.5. Request to Use Employment Agencies

Nancy Malecha requested the use of employment agencies in the Baxter/Brainerd area to search for potential applicants for the vacant Administrative Assistant position. Ms. Malecha noted that employment agencies have a temp to hire program in which they process a search for

applicants and allow City staff to interview the top two or three candidates. The top candidate selected would then work at the City through the services of the employment agency for a period of hours. Once these hours have been utilized, the City has the option to hire the candidate as a full-time employee. Ms. Malecha noted that this process may work better than the traditional means of hiring as the employment agencies have a greater outreach for potential applicants.

**COUNCIL MEMBER AKERSON MOVED TO ALLOW THE CITY ADMINISTRATION OFFICE TO USE EMPLOYMENT AGENCIES FOR THE ADMINISTRATIVE ASSISTANT POSITION ON A TEMP TO HIRE BASIS. COUNCIL MEMBER LOUKOTA SECONDED THE MOTION. MOTION CARRIED 4-0.**

11. Other Business

Mayor Sjoblad noted that a donation request letter was received from the Crow Wing County Historical Society. The consensus of the Council was to decline this request due to budgetary constraints.

12. Adjournment

There being no further business, **COUNCIL MEMBER AKERSON MOVED TO ADJOURN. COUNCIL MEMBER LOUKOTA SECONDED THE MOTION. MOTION CARRIED 4-0.**

The meeting of the City Council adjourned at 7:56 p.m.

Respectfully submitted,

---

Nancy Malecha  
City Administrator/Clerk

---

David Sjoblad  
Mayor