

## **Hamburg City Council Meeting January 27, 2009**

Mayor Richard Malz called the regular meeting of the Hamburg City Council to order at 7:00 p.m. with Councilmember Cumiskey, Councilmember Mueller, Councilmember Barnes, and Councilmember Trebesch present. Others present were Fire Chief Brad Droege, City Clerk Gruenhagen, Deputy Clerk Block, Diane Mackenthun (625 Park Ave), and Mike Buckentin (190 Scheele Ave). Maintenance Worker Byerly was absent.

### **Former Mayor Buckentin & Council Member Mackenthun**

- The City of Hamburg recognized former Councilmember Diane Mackenthun and former Mayor Mike Buckentin for their years of service. Both were presented with a plaque.
- City Clerk Gruenhagen personally thanked Diane Mackenthun and Mike Buckentin for their years of service because they were two of the original members when City Clerk Gruenhagen was interviewed and started his job with the city.
- Former Mayor Buckentin served from 1991 to 1998 and again from 2001 to 2008.
- Former Councilmember Mackenthun served from 1993 to 2008.

### **Agenda Review (Added Items) and Adoption**

- City Clerk Gruenhagen informed Council that Joel Frank from the Lions Club was unable to attend. He will be put on the agenda for the next City Council meeting.
- Maintenance Worker Byerly was unable to attend for his son had a wrestling match. City Clerk Gruenhagen will present the Public Works & Utilities report.
- City Clerk Gruenhagen asked Council if they wanted to approve the minutes monthly as a whole or each meeting. Council and Mayor Malz responded by saying each meeting.
  - Deputy Clerk Block informed Council that the last Council meeting minutes were completed.
- ***Councilmember Mueller moved to adopt the agenda as printed with the additions. Councilmember Trebesch second and motion unanimously carried.***

### **Approve Claims for December 2008 and January 2009**

- City Clerk Gruenhagen informed Council that the reason the December 2008 claims were in their agendas again meeting was because there were a few items added to the December claims. The added items were budgeted transfers that Council had previously approved. City Clerk Gruenhagen wanted Council to see where the money was transferred.
- Mayor Malz noted that the Bobcat repair was on the January 2009 claims list and asked if the Bobcat problem had been fixed. City Clerk Gruenhagen thought it was but has not received any information from Maintenance Worker Byerly on the subject.
- Councilmember Mueller asked what was wrong with the Hall upstairs cooler. City Clerk Gruenhagen responded that Maintenance Worker Byerly had not informed him of the problem and he does not know what was wrong.
  - City Clerk Gruenhagen will inform Maintenance Worker Byerly to keep an eye on the cooler. Deputy Clerk Block will add this to "Dennis's Project List".
- ***Councilmember Mueller moved to approve December 2008 and January 2009 claims #13559 to #13678. Councilmember Trebesch second and motion unanimously carried.***
- ***Councilmember Mueller moved to amend the motion to, approve December 2008 and January 2009 claims #13559 to #13684. Councilmember Trebesch second and motion unanimously carried.***

# Hamburg City Council Meeting

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### Fire Department Report – Chief Brad Droege

#### Community Service

- The Community Service person has been at the Community Center washing walls. He has 7 ½ hours remaining and he will be wiping down the Township room walls and the bathroom walls. If anyone from Council has anything for him to do, let Fire Chief Droege know.

#### Vests

- The Fire Department has a few extra tear away vests if the City would be interested in them contact Fire Chief Droege.

#### Fire Board Meetings

- There will be a Fire Board meeting on Thursday, January 29, 2009 at 7:00 p.m. Councilmember Trebesch, Councilmember Mueller, and the Township have been informed of the meeting.

#### DNR Grant

- Final paper work was sent in and the \$500 grant money should be received shortly.

#### US Fish & Wildlife Grant

- The equipment has been received but the paperwork has to be completed and sent in to receive \$3,029.80 in grant money; actual amount to city would be \$2,970, minus city portion.

#### FEMA Grant

- Fire Chief Droege received approval from FEMA to receive \$13,153 in grant money and he presented the City with a check for the \$13,153.
- The Fire Department paid for new Boots through their gambling fund so \$8,000 will go towards the purchase and \$3,300 will go towards the Fire Department paying off their part of the new Fire Truck. The remainder of the money will go into the Fire Department's Training fund to help cover expenses for 2009.

#### New Fire Department Members

- Justin Spande and Jennifer Baker are new Fire Department members.
- Both still have to pass holding a charged line at 150 PSI for 3 minutes. This test will be delayed until the weather warms up.

#### Fitness Testing – Requirement by OSHA

- The testing will start Monday, February 2, 2008 at 4:30 p.m. and take to about 7:30 p.m. Every 15 minutes someone will be tested.
- The fitness testing will include; mask fitting, EKG, diabetes test, and hearing test.

#### Emergency Services Agreement with Washington Lake Twp

- This agreement is between the City of Hamburg and Washington Lake Township to have Hamburg's Fire Department provide emergency fire fighting, accident, and disaster response services to sections 1,2,3,4, and 5 of Washington Lake Township.
- Council and Fire Chief Droege agreed to have the City Attorney Mac look over the agreement before it is approved by Council.

#### NESC Code Violation (Excel Energy) – Letter from Excel

- Xcel Energy has a three phase pole located on the East side of Jacob Street at Broadway (County Rd 50). Currently on this pole is a street light, electric, TV and telephone cables. The City of Hamburg also has a privately owned riser (festoon box) on this pole. The privately owned facilities are in violation of the NESC Section 238-b Table 238-1. In order for the public utilities to work safely and be in compliance with the NESC you will need to remove your facilities by April 1, 2009.

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- Fire Chief Droege informed Council that the box has been removed. Xcel Energy removed it on 01-22-2009. The box was for a Christmas light; a light will no longer be placed on the pole.

### **HFD Relief Association – Required Municipal Contribution for 2009**

- This has changed by approximately \$1,000 because Steven Siewert was not on the roster list. City Clerk Gruenhagen informed City Council that the actual City Contribution for 2009 increased \$2,564.00.
- Eric Schoenbauer will be the new FD Treasurer effective February 1, 2009, replacing Russ Schneewind.

### **New Electronic Sign**

- The new electronic message sign will be installed on Thursday, January 29, 2009 and should be up and running by the evening. Robb's Electric will be doing the electrical installation.

### **Fireman's Convention**

- The Hamburg Fire Department will drop one person from going to the convention. The city will be paying for two FF and the Fire Department will be paying for one FF from the Relief Association Fund. At the convention there are Relief meetings to attend. This will free up \$600.

## **Dennis' Report (Public Works & Utilities)**

Maintenance Worker Byerly was absent so City Clerk Gruenhagen presented his report.

### **Project List (Added Items)**

- Add – Watch/Check cooler at Hall.
- Add – Mark horseshoe pits in Park.
- Deputy Clerk Block informed Council that Dennis's Report is lengthy and a lot of the projects are completed. However, Maintenance Worker Byerly has never stopped in the office to let her know which projects are done.
  - Councilmember Trebesch made the comment that there is not anything on the report that he is doing now during the winter months and questioned what Maintenance Worker Byerly is doing.
  - Mayor Malz said that if we ever find him, to corral him, and find out what has been completed. Mayor Malz also asked if Dennis was given a copy of his project list and Deputy Clerk Block responded yes but he never turns it back in.
- Disconnect Car Wash Well from City System
- Councilmember Mueller said he had talked to the owner (Ken Bauer) and Ken said that anytime the city can do it to let him know
  - Dennis is to contact Dan Swanson or Gary Carlson and get a hold of Ken Bauer to unlock the building so this can get done.
  - City Clerk Gruenhagen suggested Maintenance Worker Byerly call the Minnesota Department of Health on this. The MDH informed the city in the Wellhead Protection Plan that this had to be done.
    - Maintenance Worker Byerly can talk to the MDH to find out if just a certified plumber could cap the line or if there are any other requirements.
  - Council decided to have this done when the weather warms up.
- Repairs to Community Center Roof Vent
  - These repairs will be completed once the weather is warmer.
- General Maintenance Schedule
  - This topic has been discussed at past Council meetings and a schedule/checklist should be put together on what Maintenance Worker Byerly should be doing daily, weekly, and/or monthly.

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- Today on January 27, 2009 this was brought up at the Safety Meeting and City Clerk Gruenhagen will be emailing the League of MN Cities to get some sample checklists.
- The city should have documentation of what has been done incase OSHA comes in and asks what has been inspected. One example that could be put on the check list is to inspect the cities fire extinguishers. Check if they are in proper working condition incase they are needed to put out a fire.

### **Overtime for City Employees**

- Today, January 27, 2009 Minnesota's Governor announced that there will be major cuts in the States Budget due to the slow economy.
- To save the city money and to keep the budget expenses down City Clerk Gruenhagen informed Council that overtime has to be cut down or eliminated.
- Jeremy is salaried so overtime does not apply to him and Deputy Clerk Block is keeping her hours down.
- Maintenance Worker Dennis Byerly had 14 and 15 hours of overtime in the first two pay periods in January (2009).
  - City Clerk Gruenhagen informed Maintenance Worker Byerly that this was an important Council meeting that he should attend because of the overtime topic. Maintenance Worker Byerly decided not to attend.
  - With LGA and Market cuts by the MN State Government the City of Hamburg can not afford to continue paying 14 to 15 hours of overtime every two weeks.
    - The exceptions would be snow removal, cleaning the Community Hall during the weekends, power outages, or water main breaks, and emergencies.
  - City Clerk Gruenhagen noted that the "rounds" on weekends should only take 40 minutes each day, Saturday and Sunday. Maintenance Worker Byerly is paid two hours of overtime per day on the weekends at \$28.38 per hour x 4 hours = \$115.76. Other cities are paying a flat weekend fee of approximately \$35 to \$40 or two hours per day at the employee's regular pay. Two hours of Dennis's regular pay is \$18.92/Hour x 4 hours = \$77.16.
  - City Clerk Gruenhagen also mentioned to Council that additional vacation time was established to help compensate for the inconvenience of doing rounds, cleaning and setting up at the Hall, and for emergency call outs on weekends.
    - Vacation days were set from the usual 5 days per year to 7 days per year to compensate employees. This structure was set up approximately 10 or 12 years ago when the employee handbook was first written to compensate employees for above forth mentioned. Additional time is now also given for completing rounds on the weekends, holidays, and for emergencies.
- Mayor Malz commented that he wished Maintenance Worker Byerly was present for this discussion.
  - Council should put some ideas together and further discuss this issue at the next Council meeting.
- Council discussed possible options for cutting Maintenance Worker Byerly's overtime.
  - City Clerk Gruenhagen reminded Council that the way the current Handbook is written that no matter how his hours are arranged Maintenance Worker Byerly will get paid 2 hours overtime per weekend for rounds.
- Councilmember Mueller noted to Council that who else could you get to come in on holidays and weekends to clean the Hall and/or do rounds.
- Mayor Malz suggested talking to Maintenance Worker Byerly to see if he has any ideas on ways to cut his overtime down.
- Councilmember Cummiskey noted that other cities have more than one maintenance worker for rotation of duties.

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- Fire Chief Brad Droege asked if anyone checked with the City of Plato, they have the same situation as Hamburg.
- City Clerk Gruenhagen noted that the city of Green Isle pays a flat fee for weekend rounds.
- Mayor Malz asked City Clerk Gruenhagen to contact the city of Plato to see what their policy is.
- Council continued to discuss the hours Maintenance Worker Byerly puts in cleaning the Hall. One suggestion was to hire someone else to clean the Hall.

### **Deputy Clerk & City Clerk/Treasurer Reports**

#### **Old City Business (Memo)**

- City Clerk Gruenhagen informed Council the Open Ended Project List had been updated according to Council's instructions during the last City Council meeting.
- Mayor Malz commented on item #5 – Gather information on designing the city's web site.
  - He had talked to two different persons and both had the same question as to what the city's budget was. The cost to set up and maintain the web site would be approximately \$500 per year.
  - If Council would like to continue perusing these two options Mayor Malz will check if they can draw something up for Council to look at.
  - Council discussed who would maintain the site, the company or us. They decided to get two quotes, one for the price for them to maintain, and one where the city would maintain.
- Mayor Malz noticed item #7 – Fix gap in Hall doors.
  - Council discussed and decided this was fixed and to take it off the list.
- City Clerk Gruenhagen instructed Deputy Clerk Block to add to item #9 (discrepancy in verbiage in Ordinance #95.6) to include with zoning ordinance update.

#### **Delinquent Utility Bills Report – Deputy Clerk Block**

- Jon Reed is scheduled to pay his water bill by January 31, 2009.
- The City Office received a letter from Chris Tordsen that they will pay their water bill (\$515.38) in full when they receive their tax return at the end of February.
- Emily Siebold called and said she will pay her water bill on February 6, 2009.
- Darrell Grams sent in a payment plan showing he will pay a \$100 each week until (and including) February 24, 2009.
- Robert Gregonis and Chad Flewelling were sent delinquent notices but did not respond.
  - City Clerk Gruenhagen asked Deputy Clerk Block to draw up a delinquent letter stating that their water will be shut off in three days and have the CSO post the letters.

#### **Business Plan for Rita Boettcher (Bed & Breakfast Request)**

- City Clerk Gruenhagen received an email from Ann Perry (RSC Consulting Planner) and pointed out the following concerns from Ann Perry:
  - Draft ordinance update will contain conditional use permit provisions for B&B's
  - Cities of Mayer, New Germany, and Cologne have no regulations for B&B's.
  - Major concern is that no one will be living on site.
  - Lack of adequate parking assuming full occupancy.
  - Ability of the home to meet building, fire and health code requirements
  - If meals are served on premises a commercial kitchen may be required.
    - Ms. Boettcher will need to check with MDH and the State Building Inspector.

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- Mayor Malz asked if the City of Hamburg would benefit from having a Bed & Breakfast.
  - City Clerk Gruenhagen replied that the city would not receive any additional tax money. The house would still be zoned residential, not business.
- Mayor Malz mentioned that everything concerning allowing the Bed & Breakfast is negative, is there anything positive?
  - No one from the public or the council came up with anything positive.
- City Clerk Gruenhagen added that location is everything. This house is in the middle of a residential area, there is nothing historical about the home, and it is not close to trails or close to a scenic view like most B&B's. It would not fit in with its surroundings.
- Councilmember Mueller reminded Council that when Ms. Boettcher originally approached council she had said that the home would be used as a retreat. (A retreat is a haven, hideaway, sanctuary, refuge - very different than a B&B (a place to sleep).
- City Clerk Gruenhagen noted that the fees to rent the home are extremely high and during the current economy crisis who would spend that much money for a weekend. Also, if the prices are too high and it does not draw interest the city would be stuck with the residence as a B&B.
- Councilmember Cummiskey stated that Council should go ahead with the B&B ordinance but we should look to see what Ms. Boettcher wants to say when drafting the ordinance. The ordinance should definitely include the number of off street parking spaces needed and owner/manager living at the residence.
- City Clerk Gruenhagen informed Council that the city may have to get back to Ms. Boettcher and give her a decision as to where the city is going with her request because of the 60 day rule.
- Councilmember Trebesch asked what the neighbors think about having a B&B next door.
  - City Clerk Gruenhagen responded that a public meeting has not been held to find out what the neighbors opinions are.
- Mayor Malz stated that setting up a public meeting should be the Council's next step.
- Councilmember Trebesch mentioned that until the city finds out what the neighbors want there is no reason to continue until a public hearing is held.
- City Clerk Gruenhagen mentioned that in the email from Ann Perry she had stated that a draft ordinance update would be presented at a council meeting in early spring but this will not do any good for Ms. Boettcher's request.
  - City Clerk Gruenhagen will contact Ann Perry on how to proceed with Ms. Boettcher's request.
- Councilmember Barnes said that one of the things that bothers him about issuing a conditional use permit is that a conditional use permit attached to the property remains in effect indefinitely as long as the use complies with the conditions. She could turn around and sell the property and who knows what you're going to get. Members of Council agreed with him.
- City Clerk Gruenhagen mentioned and Council agreed that any complaints about the B&B would be forwarded to him.
- Mayor Malz asked City Clerk Gruenhagen to get a hold of Ann Perry to see what the next step should be.
  - City Clerk Gruenhagen will also find out from Ms. Perry if there are any requirements the city has to do on the 60 day rule requirement.

### **2008 Comprehensive Plan Update – Met Council Review**

- Ann Perry is working with Jim Uttley (Sector Representative – Metropolitan Council) on making the necessary updates on the Comprehensive Plan.

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### **Resolution Number 2009-01 – Support for Rail Line Upgrade**

- This resolution was passed at the last council meeting. It was put in this council meeting agenda for informational purposes. The resolution was adopted by the City Council of Hamburg on January 13, 2009.

### **2009 Local Board of Appeal/Equalization/Open Book Meetings**

- City Clerk Gruenhagen informed members of Council that years ago the City of Hamburg decided to have the county handle the cities Board of Review. If anyone has an issue with their house evaluation they would have to go down to the Court House to the Assessors Office between April 6<sup>th</sup> and 10<sup>th</sup>, 2009 from 8:00 a.m. to 4:30 p.m. to state their case.

### **City Fee Schedule for 2009**

- The Public Hearing for the 2009 City Fee Schedule will be held on February 10, 2009 at 6:00 p.m.

### **Preliminary Engineering Report – Sanitary Sewer and Storm Sewer**

- Councilmember Mueller asked if notices will be sent out to anyone.
  - City Clerk Gruenhagen replied yes. Notices are required to be sent out to our areas of local government, Township, and County.
- Councilmember Mueller asked if any residents will be notified.
  - City Clerk Gruenhagen stated that the notice was put in the NYA Times newspaper and notices could be sent out to residents. Council discussed and agreed to have a notice sent out to all city residents informing them of the Public Meeting being held on February 10, 2009 at 6:05 p.m. to discuss the 1.3 million dollar Sanitary Sewer and Storm Sewer project.

### **Informational Items**

- City Clerk Gruenhagen briefly went over the information items listed on the agenda. Council had no questions on the topics only a few personal comments.

### **Emails on Agendas**

- City Clerk Gruenhagen asked Council if the informational emails that he forwards to them, if they also want them included with the agendas.
  - Council decided that if they have any questions they will either ask for the topic to be put on the next council meeting agenda or will bring up the question during the meeting.

### **Vacation Time**

- City Clerk Gruenhagen informed Council that he might be taking vacation from April 1, 2009 to April 15, 2009. He will update Council as soon as he knows for sure what dates.

## **City Council Reports**

**Councilmember Mueller (Sewer & Water)** had nothing further to report.

**Councilmember Cummiskey (Streets)** had nothing further to report.

**Councilmember Trebesch (Buildings)** had nothing further to report.

- Thanked the Fire Chief Droege for doing a good job on all the grants they receive.

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**Councilmember Barnes (Parks)** – had nothing further to report.

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### **Mayor Malz**

- Mayor Malz asked Councilmember Barnes, because he is new to council, if he had anything he would like explained to him or had any comments/questions.
  - Councilmember Barnes replied that some day when Maintenance Worker Byerly has some time he would like to be shown around the Water Treatment Plant. Fire Chief Droege has already offered to show him around the Fire station.
    - Mayor Malz said he would also like to be shown around the Water Treatment Plant because he has never been in it.
- Mayor Malz asked members of council what they thought of starting the Council meetings with the Pledge of Allegiance.
  - All council members agreed that this was a good idea and to start the next Council meeting with the pledge of allegiance.

### **Fire Chief Droege**

- Fire Chief Droege let Council know that Adam Glander (Hamburg Fire Fighter) just arrived from the Auto Aid meeting held in Sibley County.
  - On February 1, 2009 Auto Aid will be started. Examples on how it will work is if Green Isle Fire Department is called out on a fire call, Hamburg's Fire Department will automatically be paged to go to Green Isle. If Hamburg's Fire Department gets called out on a fire call, Green Isle will be called.

### **Update on Gerald Keast**

- Due to the nature of his work Mr. Keast has to reside in the Cities (that will be his residence). His girlfriend or wife will remain living in Hamburg. Mr. Keast has filled the paper work for the move.

***Councilmember Mueller moved to adjourn the Hamburg City Council meeting at 8:22 p.m. Councilmember Barnes second and motion unanimously carried.***

Submitted by:

Sue Block  
Deputy Clerk