

Hamburg City Council Meeting March 24, 2009

Mayor Malz called the regular meeting of the Hamburg City Council to order at 7:00 p.m. Councilmember Larry Mueller, Councilmember Steve Trebesch, City Clerk Jeremy Gruenhagen, Deputy Clerk Block, and Maintenance Worker Byerly was in attendance. Councilmember Brian Cumiskey arrived at 7:10 p.m. and Councilmember John Barnes was absent. Others present were Laurie Hilgers (The Peace Village Campus), Jeff Arndt (180 Jacob Street), Fire Chief Brad Droege (Fire Department), and Elroy Latzig (Cable Comm – The Peace Village Campus).

Agenda Review (added Items) and Adoption

- Added – Washington Lake Township Agreement
- Added – Portable Restroom for Park
- Added – Copier Donation from Wm Mueller & Sons
- Added – Peddler/Solicitor Permit - Mediacom
- Added – Test Water Meter for Lois Willemsen
- ***Councilmember Mueller moved to approve the agenda with the additions, seconded by Councilmember Trebesch and motion carried. All Council Members were present except Councilmember Barnes.***

Old City Business - Council members did not have any additions or completions for the report.

Fire Department Report – Chief Brad Droege

2008 FEMA Grant – nothing to report at this time

DNR Grant – nothing to report at this time

US Fish & Wildlife Grant

- The grant money (\$2,970) has not been received yet.

2008 Annual Township Report

- The 2008 Annual Township Report was presented at the last City Council meeting on March 10, 2009 however a motion to accept the report was not done.
- ***Councilmember Mueller moved to accept the 2008 Annual Township Report, seconded by Councilmember Trebesch and motion carried. All Council Members were present except Councilmember Barnes.***

Washington Lake Township Contract

- During the Washington Lake Township meeting the members decided not to accept the re-written Emergency Services Agreement between Washington Lake Township and the Hamburg Fire Department. Hamburg's Attorney Mac Willemsen had added a paragraph stating;
 - The township agrees to hold harmless, indemnify and defend the city from any and all claims which might arise as a result of any action, or failure to act, on the part of city and its fire and emergency personnel. The duty to defend shall include all costs of defense, including all attorneys' fees and out of pocket expenses incurred by or on behalf of the city in defending against any and all claims. Should any third parties owe money for fire and/or emergency services provided by the city, the township specifically guarantees the payment of said money to the city. Said guaranty by the township shall become effective and required at such time as city determines that said third parties have not made appropriate payment to the city and city notifies township of same by first class mail, return receipt, addressed to township at its mailing address.

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The township shall then make the required payment to the city within three weeks of city's date of mailing of said notice.

- Council discussed the contract agreement and decided to remove the added paragraph, to keep the original contract as it was before the City Attorney added the paragraph stated above.
- City Clerk Gruenhagen added that the reason Mac added the paragraph was to cover the city in case they would get sued over a serious issue due to injury, response time, no insurance and the city would not receive payment, etc. The City of Hamburg does have insurance if something like this would happen.
- ***Councilmember Trebesch moved to adopt the contract, without the added paragraph, as it was before, seconded by Councilmember Mueller and motion carried. All Council Members were present except Councilmember Barnes.***

Policing for Zummerfest

- Fire Chief Brad Droege commented that hiring additional policing for Zummerfest at \$54.00 per hour for each police officer; two are required. The city already has 3Robert and 3Adam patrolling at night and they will stay close to Hamburg during Zummerfest.
- Councilmember Trebesch asked if there are any requirements to have so many cops for so many people at an event like this.
 - Chief Droege replied, no.
- Councilmember Cumiskey asked if there was a plan to not hire one police officer and instead have two Firemen, with radios, patrolling the grounds.
 - Chief Droege replied that there are Fire Department officers attending Zummerfest that carry radios. Zummerfest is no different than having a wedding dance at the Hall with no policing, if there is trouble they call 911. Chief Droege also commented that he is not going to schedule volunteer fire fighters to patrol Zummerfest.
 - Councilmember Mueller commented that most people carry cell phones and they could or would call dispatch.
- City Clerk Gruenhagen questioned if the city could borrow policing time from other cities.
 - Fire Chief Droege answered by saying that he has spoken with Tom Fadden (Police Sergeant) and he does not think this would be possible due to Hamburg's current policing schedule.
- Fire Chief Droege asked Council just to think about whether or not they want to hire policing for Zummerfest. He has till the end of April before a final decision has to be made.

Wm Mueller & Sons – Donation of Copier

- Brad Droege informed Council that Wm. Mueller & Sons is purchasing a new copier and would like to donate their old copier to the city office. It copies about 25-30 pages per minute, is in good condition, and has an extra toner cartridge. If it does fall apart he would get rid of it for the city.
- ***Councilmember Cumiskey moved to accept the donation of the copier from Wm. Mueller & Sons, seconded by Councilmember Mueller and motion carried. All Council Members were present except Councilmember Barnes.***
- Mayor Malz and Deputy Clerk Block thanked Mr. Droege for the donation.

Committee for Flood Relief (Information)

- Chief Droege is putting together a group of volunteers to help clean up, remove sand bags, in the Fargo/Moorhead area after the flood waters recede.
- Chief Droege looked up his records from 1997. The group was there from May 14th to 18th, 1997. They removed 500,000 sandbags in three days, 320 loads of debris, and 40 loads of clay. The group consisted of 68 people, 5 loaders, trucks, bobcats, and muscle. They were self contained; they had their own water, food, cooks, and a couple of paramedics.

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- Times have changed and due to the economy the group going this year will be strictly volunteers, volunteer time and equipment. Chief Droege will try and raise donations from American Legions, VFW's, Fire Departments, and Relief Associations to help cover the cost of food, fuel, and minor repairs to equipment brake downs.
- Mayor Malz asked Chief Droege to keep the Council informed as to what is happening with this project.

New Audio/Visual Equipment for The Harbor (NYA)

Laurie Hilgers – The Harbor (NYA)

- Laurie Hilgers (Housing Manager for The Harbor) presented Council with information on The Harbor and Peace Villa.
 - They are senior assisted living facilities located in Norwood/Young America, MN.
 - Peace Villa has 66 units and The Harbor has 36 independent living apartments.
 - They are two separate buildings but The Harbor was built attaching it to Peace Villa. They are considered a campus.
- Laurie Hilgers was at the Council meeting representing the Peace Villa Campus and asking if the Mediacom Franchise fees could be used to purchase and install new audio/visual equipment at Peace Villa Campus.
- The Harbor has become a popular gathering place for community wide presentations, speakers, and meetings. However the campus does not have suitable audio/visual equipment for these types of presentations.
- The campus is in need of a cable channel and Mr. Latzig was present at the Council meeting because he has worked closely with Mediacom Cable Company and EPA Audio Visual, Inc. He can give Council more detail information on the cable channel.
 - Having a cable channel the residents could view the daily menu, listen to and view speakers if they are unable to go to the meeting room, watch church services, listen to old time music, high school sports, all types of movies, the weather channel, and the news, etc.

Elroy Latzig – Cable and Audio/Visual

- Mr. Latzig informed Council that what Peace Villa is looking at is a complete in-house cable system that would broadcast Channel 18. The equipment that they would like to purchase:
 - Camcorder, DVD Burner and Player, Tri-pod, Microphones, Small Lobby Monitor, a fully integrated audio system (with speakers in the ceiling) in The Harbor Dining Room, Digital Signage (Magic Box) System, and two flat panel LCD displays, equipment rack. The price of the project also includes labor and training.
- Mr. Latzig has worked with EPA for the last 25 years. One of the reasons EPA was chosen was because they do a lot of free stuff for them. They are located out of Rockford, MN.
- The total cost of all the equipment and installation is \$27,940.

Laurie Hilgers added that this equipment is not just for Norwood/Young America but the whole area. Some of their residents are from Hamburg. People from the area come to have lunch at The Harbor and/or listen to speakers or watch presentations.

Councilmember Mueller asked who would own the equipment; Hamburg, Norwood/Young America, or the Cable company.

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- Mr. Latzig replied that technically Hamburg and Norwood/Young America would own the equipment but then technically both Councils would donate the equipment to the Campus. Technically then the Campus would take ownership of it.

Mayor Malz asked who would program and maintain the schedules and information on the system.

- Laurie Hilgers replied that she, the community assistant, Elroy, and Brenda Schmidt would do the programming.

City Clerk Gruenhagen asked Elroy if he thinks everything is efficient for years to come and not just a quick fix. Elroy replied by saying, Yes he does think it is efficient.

City Clerk Gruenhagen informed Council that there is \$85,359.96 in the Mediacom Account (JPBCC).

Councilmember Mueller moved to purchase the equipment then donate it to The Peace Villa & The Harbor Campus, seconded by Councilmember Trebesch and motion carried. All Council Members were present except Councilmember Barnes was absent.

- City Clerk Gruenhagen asked when the payment was needed by.
 - Laurie Hilgers will check into this and get back to City Clerk Gruenhagen.

Mr. Latzig reported on the meeting with Mediacom that he, along with City Administrators Tom Simmons and Jeremy Gruenhagen, and Councilmember Malz attended to discuss the expiring franchise contract. The contract is expiring March 27, 2009. Norwood/Young America and Hamburg only want a 1 or 2 year contract but Mediacom wants both cities to sign a 15 year contract.

- The agreement or contract is still being worked on.

Mr. Latzig also informed Council that he is looking into purchasing three new cameras. The cameras he has now to record events and transmit the data are at least 20 years old. He is looking for cameras in the price range of about \$300 each. City Council agreed that it was time to replace them.

Abdo, Eick & Meyers – 2008 Financial Report

- The city auditors will attend the April 28, 2009 City Council Meeting to present the 2008 Financial Report. City Clerk Gruenhagen informed Council that everything came out number wise but there are a few coding adjustments that need to be made.

Variance Request - Jeff Arndt (180 Jacob Street)

- Mr. Arndt requested a variance to build a deck on the rear of his home. The deck would be 15 feet from the rear lot line.
 - City ordinance requires a 35 foot set back from the rear property line.
- City Council and Ann Perry (Hamburg City Planner) did not have any objection to his request and set a Public Hearing for April 14, 2009 starting at 6:45 p.m.
- City Clerk Gruenhagen will put the Public Hearing in the local newspaper.
 - After the Public Hearing, if there are no objections, the City Council can adopt the resolution at the next City Council meeting.
- Deputy Clerk Block will work with Ann Perry in drafting a letter to send to Mr. Arndt's neighbors (350 foot circumference from his address of 180 Jacob St.). Ann Perry will draft the resolution.

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- *Councilmember Mueller moved to hold a Public Hearing for the requested variance on April 14, 2009 at 6:45 p.m., Councilmember Trebesch seconded and motion carried. All Council Members were present except Councilmember Barnes was absent.*

Dennis' Report (Public Works & Utilities)

Work Schedule - Overtime for 2009

- City Clerk Gruenhagen informed Maintenance Worker Byerly that Council agreed that overtime has to be cut down and no overtime unless approved by City Clerk Gruenhagen or Mayor Malz.
- Council discussed how many hours Maintenance Worker Byerly should work during the week, 36 or 40 hours per week. Should an overtime rate be paid for Saturday and Sunday rounds, 2 hours each day, or regular time for 2 hours each day?
- City Clerk Gruenhagen stated reason for cutting out overtime is because the city has to cut back on spending due to the cuts in LGA from the State.
- Councilmember Mueller made the comment that Council should not go after only one employee. Deputy Clerk Block's hours should be cut also.
- Council continued to discuss options that would be fair to Maintenance Worker Byerly cutting his hours. They decided on having the Maintenance Workers hours set at 36 hours per week and 2 hours overtime pay for rounds on Saturday and 2 hours overtime pay for Sunday rounds and two hours overtime for any call outs.
- Council discussed how many hours a week the Deputy Clerk should work. Councilmember Mueller proposed setting Deputy Clerk Blocks hours at 32 per week.
- *Councilmember Mueller moved to set Maintenance Worker Byerly weekly hours at 36 hours per week, 2 hours minimum overtime pay for Saturday rounds and 2 hours minimum overtime pay for Sunday rounds, and 2 hours minimum pay for call outs after hour; set Deputy Clerk Block hours at a maximum of 32 hours per week, any overtime has to be approved by City Clerk Gruenhagen or Mayor Malz, starting on March 30, 2009, Councilmember Trebesch seconded and motion carried. All Council Members were present except Councilmember Barnes was absent.*

Seal Coating & Crack Sealing for 2009

- City Clerk Gruenhagen reminded Council that approximately \$18,000 still needs to be cut out of the budget for this year and next year it will be double that amount. Sooner or later Council is going to have to make decisions on what they want cut.
- Mayor Malz brought up that some streets in Hamburg really need to be crack sealed.
- Council members commented that this winter was exceptionally hard on the city streets.
- Mayor Malz asked what council's wishes were.
- Councilmember Mueller commented that the city office parking lot should be seal coated and not put off for another year. Last year it was already put on hold for this year. Something needs to be done before the whole parking lot has to be dug up and redone.
 - Donald Ave and the end of Brad Street do not need to be seal coated until the storm sewer project is completed. The unpaved end of Brad Street will be dug up during the storm sewer project so there is no reason to seal it this year.
- City Clerk Gruenhagen suggested having Maintenance Worker Byerly get quotes on how much it would cost to do the city office parking lot.
- Council discussed if slurry or chips should be used to coat the lot and who to contact. It was decided to get estimates on both.

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- City Clerk Gruenhagen informed Council that \$7,500 was set aside this year for seal coating. There was \$6,000 in the budget from last year.

Sidewalk Repair – Railroad Street (Maria Ave to Sophia Ave)

- Council discussed and decided to repair the sidewalk this year (2009) before someone was injured.
- City Clerk Gruenhagen put together a list of contractors that Maintenance Worker Byerly could contact for estimates.
- Councilmember Mueller commented that if the sidewalk repair on Railroad Street does not cost very much or does not go over budget then possible the sidewalk across from Parkside Tavern by the vacant lot could be redone. The sidewalk could be sloped backwards with out putting up a retaining wall.
- City Clerk Gruenhagen informed Council that there is \$10,000 in the budget for the Railroad Street sidewalk repair.
- Councilmember Trebesch asked if the city should apply for grant money from the American Recovery and Reinvestment Act (ARRA) Transportation Enhancements Funds.
 - Councilmember Mueller and City Clerk Gruenhagen both responded that this would cost the city more money. Repairing the sidewalk would have to meet AEA standards and the Railroad Street sidewalk would not meet them. An Engineer would also have to be hired to draw up the plans which would add about 25% to the cost. The city would have to receive a 100% grant to cover all the costs but more than likely it will be only 50%.
 - Council decided not to apply for the money.
- The sidewalk along Railroad Street would have to be put back “as it was” when repairing.

Wm. Mueller & Sons Safety Meetings (March 24th & 25th)

- Maintenance Worker Byerly attended the March 24th, 2009 safety meeting.

City Keys – City Buildings

- Maintenance Worker Byerly has a lock box to put the city keys in once they are made. The box will be located in the shop area.

Project List

- The flag by the City offices was replaced, however, the one in the park was not. Maintenance Worker Byerly will replace the park flag.
- City Clerk Gruenhagen and Deputy Clerk Block requested that the wheels on the chair racks located in the Community Center be oiled.
- Councilmember Mueller asked Maintenance Worker Byerly to put a water meter in at the ballpark. Baseball will be starting in a few weeks so the water is ready to be turned on.

General Maintenance Schedules

- City Clerk Gruenhagen requested Maintenance Worker Byerly to make a Maintenance Schedule.

Water Meter Policy

- City Clerk Gruenhagen informed Council that city resident Lois Willemsen who has previously contacted the city office with a complaint that her water meter was not working properly. Mrs. Willemsen brought in a \$35.00 deposit (per city policy) to have her meter sent in to be checked.
 - Maintenance Worker Byerly will have the meter sent in to be tested.

Public Portable Restroom for Park

- City Clerk Gruenhagen questioned when the portable restroom for the Park area should be ordered. The Easter Egg hunt for this year will be held in the Hall so they are not needed as soon as last year.
- Council discussed if one should be ordered or to save the city money and not order it this year.
 - City Clerk Gruenhagen noted that it cost the city \$713.00 last year to have one rented.
- Councilmember Mueller suggested renting a portable restroom this year from June 1st to September 1st.

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- Council continued to discuss and decided to make the following motion:
- ***Councilmember Mueller moved to have a handicapped portable restroom located on the west side of the Park's east parking lot from June 1st to September 1st, 2009, 4 months, seconded by Councilmember Trebesch and motion carried. All Council Members were present except Councilmember Barnes was absent.***

Compost Dumpster

- Councilmember Mueller suggested that as soon as it dries up the compost dumpster should be ordered.
 - Maintenance Worker Byerly request a load of class 5 gravel be dumped on the site before the dumpster arrives.
- ***Councilmember Mueller moved to dump a load of class 5 gravel at the compost dumpster site and have Maintenance Worker Byerly spread it out before the compost dumpster is ordered for this year (2009), Councilmember Trebesch seconded and motion carried. All Council Members were present except Councilmember Barnes was absent.***

Street Sweeping

- Maintenance Worker Byerly will call Lonnie and ask him when he can come to sweep the city streets.

Time Off Request

- Maintenance Worker Byerly requested Wednesday afternoon, March 25th, and Friday, April 27th off.
- Council did not have any objections.

Deputy Clerk Report

Delinquent Utility Bills Report

- Deputy Clerk Block reported that there was nothing new. Certified delinquent letters were sent out and have not heard from the residents yet. If arrangements have not been made or if the city has not received payment in full by April 15th, 2009 their water will be shut off April 16th, 2009.
- A new resident moved into 311 Maria Avenue so the city will be collecting at least one more water/sewer bill. 612 Donald Ave has been sold and a new resident will be moving in so the city will have two new residents.

City Clerk/Treasurer Report

March 16th Meeting With Senate Economic Development Committee

- City Clerk Gruenhagen reported that Mayor Malz, Councilmember Mueller, and he attended the bus tour of Hamburg and the public meeting held in Norwood/Young America. About 11 to 13 Senators came out to tour the area cities and answer questions at the meeting.
- The main topic discussed was JOBZ (Minnesota's Job Opportunity Building Zones). JOBZ is Minnesota's key initiative to stimulate economic development activity in Greater Minnesota by providing local and state tax exemptions to new and expanding businesses.
- The Cities of Norwood/Young America, Mayer, and Hamburg gave the most testimony to the State Board on how JOBZ does not benefit their cities.
- At the dinner meeting Hamburg was able to voice more concern to Senator Ortman that their voices be heard. Senator Ortman did let them know that this is one of the Governors pet projects.
- City Clerk Gruenhagen commented that he hopes the Senator's realize the impact JOBZ has on smaller communities when they lose a business.

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Mediacom Franchise Agreement Meeting

- City Clerk Gruenhagen updated Council that the meeting was held and the attorney from Norwood/Young America (as a joint power) will be used and the cost will be taken out of the Cable Comm. Account. Right now the two cities are “buying time” with meetings waiting to see what Jaguar Communication (optic fiber line company) offers.
- Mediacom wants a 15 year contract and Council agreed this is too long of a time for a contract and only wants 1 or 2 years.

Workers Compensation Renewal for 2009-10

- City Clerk Gruenhagen reported that the renewal is due and was wondering if Council wants to continue coverage on elected officials and volunteers. The cost is \$32.00 to insure elected officials, City Council, and \$218.00 for volunteers.
- Council discussed if the city will be doing any city projects or city events where volunteers would be needed.
 - Examples of volunteer work would include keeping up the Duck Pond and Park flowers.
- Councilmember Mueller suggested keeping the Workers Compensation on Elected Officials and volunteers. It only takes one incident and \$218 is cheap.
- ***Councilmember Cumiskey moved to continue coverage of Workers Compensation for elected officials and volunteers, Councilmember Mueller seconded and motion carried. All Council Members were present except Councilmember Barnes was absent.***
- City Clerk Gruenhagen will fill out and send in the Workers Compensation application.

Budget Cuts for 2009

- City Clerk Gruenhagen will keep this on the agenda as a reminder that more items or projects will need to be cut.

Employee Handbook

- Councilmember Mueller questioned if it states anywhere in the handbook that if any employee of the city or person from the fire department is picked up for a DWI does that person have to report it immediately to the city, if the person drives a city vehicle.
 - City Clerk Gruenhagen will check on this.
- City Clerk Gruenhagen asked Council if they wanted to implement random drug and alcohol testing pool.
- Council discussed that a lot of cities do testing because of the CDL license requirement and also the cost of being put in a pool for the testing.
 - It costs \$150 per year to be put in the pool and then \$55 or \$60 to be tested.
- Councilmember Mueller asked where the testing would be done.
 - City Clerk Gruenhagen replied that the city could be put in the pool with the testing company Wm. Mueller & Sons use. They have their own lab and there own set up.
- Council continued their discussion on the cost involved, whether they should or shouldn't include.
- Council decided to leave “reasonable suspicion” in the handbook and do not go in the pool. Council added if an employee or fire fighter is suspected of alcohol or drugs the cost will be incurred by them to pay if they fail the test and if an employee (fire fighter) have their license suspended for any reason they must immediately report it to their superior

Vacation Time

- City Clerk Gruenhagen reminded Council that he will be on vacation from March 31st to April 15th, 2009 and will leave Council and Deputy Clerk Block with his personal e-mail address if something pressing should come up.

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ARRA Transportation Enhancements Funding

- The American Recovery and Reinvestment Act has funding available for pedestrian and bicycle education, walking and riding paths, landscaping, etc. The application must be received by April 3, 2009. Council decided that there was not enough time to put in a request.

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.

Councilmember Barnes (Parks) was absent.

Mayor Malz had nothing further to report.

Approve Claims List for March 2009

- City Clerk Gruenhagen reported that at the last council meeting had added claim #13758 – NYA Times – Hall and City Ad - \$340.00. He reported that the claim was removed from the Claims List and will be added when the billing statement arrives.
- Councilmember Trebesch questioned claim #13768, USA Blue Book, for ½” Hayward PVC Ball Valve in the amount of \$28.76. Why would a ball valve cost this much?
 - Other members of Council replied that this is a special plastic ball valve for the Water Treatment chemical lines. Cheaper ones were used but they started leaking within 3 months of installation. The ball valve used now has a special washer on the ball to keep the chemicals from damaging it.
- ***Councilmember Mueller moved to approve March 2009 Claims #13758 to #13772 with the one ACH payment, seconded by Councilmember Trebesch and motion carried. All Council Members were present except Councilmember Barnes was absent.***

Additional Items – City Clerk Gruenhagen

- City Clerk Gruenhagen reported to Council the letter he sent to PFA to get on the IUP 2009 for the sanitary sewer/storm sewer improvements.
- Peddler/Solicitor permit for Todd Ernst representative from Mediacom Cable. Mr. Ernst is requesting to solicit on March 25, 2009 to May 31, 2009 from 9 a.m. to 8 p.m.
 - ***Councilmember Cummiskey moved to approve the Peddler/Solicitor Permit request from Todd Ernst pending completion of his background check, seconded by Councilmember Mueller and motion carried. All Council Members were present except Councilmember Barnes was absent.***

Councilmember Mueller moved to adjourn the Hamburg City Council meeting at 8:58 p.m. seconded by Councilmember Cummiskey and motion carried. All Council Members were present except Councilmember Barnes was absent.

Submitted by:

Sue Block
Deputy Clerk