

**MINUTES  
REGULAR CITY COUNCIL MEETING**

**JANUARY 11, 2012**

Mayor Jeff Thompson called the meeting to order at 6:03 p.m. Council members present were Jeff Bertram, Jean Soine, Dennis Zimmerman, and Gene Beavers (6:04 p.m.). Others present were Renee Eckerly, City Administrator; Ron Mergen, Public Works Director; Jennifer Welling, Administrative Assistant; Stephanie Hormann, Cable Coordinator; Chuck DeWolf, Bolton & Menk, Inc.; Bill Spooner, City Attorney; Kent Kortlever, Chief of Police; Mike Jacobson, Press; Bill Ludwig, Liquor Store Manager; Joel Burr, Delane Burr, Greg Friederichs, Doris Wendlandt, Tom Wendlandt, Bob McDaniel, Dick Johnson, Sheri Wegner, and Tim Wegner.

The Pledge of Allegiance was recited.

Zimmerman led the Council in prayer. Council members gave verbal activity reports.

Bill Ludwig gave a Liquor Store report including:

- Up 13% in sales for December
- Profit is up 12%
- Holidays were busy
- Wine up 1,790 bottles
- Year to date sales up 9%
- Profit is 7%
- 14,206 bottles of wine have been sold
- Audit showed \$222.68 short
- \$129,832.00 in inventory or 12%
- Three new staff members
- Attended beverage and alcohol training through MMBA
- Rum Night is being planned
- Wine club continues on a monthly basis

**CONSENT AGENDA**

Motion to approve the minutes from the following meetings: November 22, 2011 Public Safety Committee, December 6, 2011 Liquor Board, December 5, 2011 Planning Commission, December 12, 2011 Budget & Finance Committee, October 6, 2011 Park & Tree Board, December 14, 2011 Truth In Taxation Public Hearing, December 14, 2011 City Council, and December 28, 2011 City Council.

Motion to approve the following vouchers:

Vouchers:

1/5/12	#83487-83522	\$ 36,034.50
Total		\$ 36,034.50
Payroll:	None	
ACH:	None	

Motion to accept the resignations from Bob Jung, Kirk Johnson, and Jack Winter from the Park & Tree Board, Budget & Finance Committee, and Public Safety Committee respectively.

**Motion was made by Zimmerman to approve the Consent Agenda. Seconded by Bertram and unanimously carried.**

### **APPOINTMENT OF FIRE DEPARTMENT CHIEF & OFFICERS**

The Fire Department members recommended appointing the following:

Chief – Bob Liestman  
Assistant Chief – Ron Mergen  
Secretary – Andy Soine  
Treasurer – Len Gilmore

**Motion was made by Bertram to appoint the following Fire Department Chief & Officers:**

**Chief – Bob Liestman  
Assistant Chief – Ron Mergen  
Secretary – Andy Soine  
Treasurer – Len Gilmore**

**Seconded by Zimmerman and unanimously carried.**

### **SPECIAL PARKING – PAYNESVILLE TOTAL ENTERTAINMENT CENTER**

Resolution 2012-01 Authorizing Placement Of Signs At Designated Locations Limiting Parking To 30 Minutes was presented. This Resolution would authorize the placement of signs at designated locations limiting parking to 30 minutes for the 2012 year.

**Motion was made by Zimmerman to approve Resolution 2012-01 Authorizing Placement Of Signs At Designated Locations Limiting Parking To 30 Minutes. Seconded by Beavers and unanimously carried (Soine abstained).**

### **2012 FEE SCHEDULE**

The 2012 Fee Schedule was presented. The Budget & Finance Committee has reviewed this and recommends approval.

**Motion was made by Beavers to approve the 2012 Fee Schedule. Seconded by Soine and unanimously carried.**

### **2012 LIQUOR STORE LEASE PAYMENT**

The 2012 Liquor Store Lease payment is \$17,520.00 to come from Fund 106 Liquor Capital Improvement. The lease is to be paid in monthly installments of \$1,460.00; payable to Teals Management.

**Motion was made by Zimmerman to pay the 2012 Liquor Store lease in monthly installments of \$1,460.00 from Fund 106 Liquor Capital Improvement; payable to Teals Management. Seconded by Soine and unanimously carried.**

### **CABLE CONSULTING – RUDY VIGIL**

The proposal in the amount of \$1,600.00 for the 2012 calendar year from Rudy Vigil for cable consulting services was presented.

**Motion was made by Soine to approve the amount of \$1,600.00 for the 2012 calendar year from Rudy Vigil for cable consulting services. Seconded by Beavers and unanimously carried.**

### **CONFERENCE ATTENDANCE**

In the past the City Council has pre-approved the attendance (registration, mileage, usual expenses, per diem (if applicable), lodging, and staff time) of the City Administrator and any Council member to the following events for 2012:

- LMC Annual Conference
- LMC Regional Meetings
- Mayor's Conference
- Legislative Conference – Thursday, March 22, 2012
- Stearns County Municipal League

It was suggested to add the LMC Newly Elected and Experienced Conference.

**Motion was made by Zimmerman to approve the attendance (registration, mileage, usual expenses, and per diem (if applicable), lodging, and staff time of the City Administrator and any Council member to the following events for 2012:**

- LMC Newly Elected and Experienced Conference**
- LMC Annual Conference**
- LMC Regional Meetings**
- Mayor's Conference**
- Legislative Conference – Thursday, March 22, 2012**
- Stearns County Municipal League**

**Seconded by Beavers and unanimously carried.**

### **ELECTION OF MAYOR PRO TEM**

Nominations for Mayor Pro Tem. The past Mayor Pro Tem was Jean Soine. The Mayor Pro Tem performs the duties of the mayor during the absence of the mayor. It was suggested to rotate this position.

**Motion was made by Beavers to appoint Jean Soine as Mayor Pro Tem. Seconded by Zimmerman and unanimously carried.**

## **OFFICIAL DEPOSITORIES FOR CITY FUNDS**

Resolution 2012-02 Designating Depositories Of Funds, Designating A Chief Financial Officer & Establishing Authority To Act was presented.

**Motion was made by Bertram to approve Resolution 2012-02 Designating Depositories Of Funds, Designating A Chief Financial Officer & Establishing Authority To Act. Seconded by Beavers and unanimously carried.**

## **2012 COUNCIL COMMITTEE APPOINTMENTS**

Mayor Thompson recommends the following 2012 Committee appointments:

Administrative Fine Hearing Board – Gene Beavers & Dennis Zimmerman

Airport Commission – Gene Beavers

Budget & Finance Committee – Jean Soine & Dennis Zimmerman

Cable & Technology Commission – Dennis Zimmerman

Community Ed Representative – Jeff Thompson

EDAP Board – Gene Beavers & Jean Soine

Environmental Committee – Gene Beavers

Joint Planning Board – Jeff Thompson

Labor Negotiations Team – Jeff Bertram & Dennis Zimmerman

Park & Tree Board – Jean Soine

Paynesville Area Joint Trails Board – Jeff Thompson

Policies & Procedures Committee – Gene Beavers & Jeff Bertram

Planning Commission – Jeff Bertram

Public Safety Committee – Jeff Thompson

Public Works Committee – Jeff Bertram

Weed Inspector – Jeff Thompson

Wellhead Protection Committee – Jeff Bertram

**Motion was made by Zimmerman to approve the 2012 Council committee appointments as presented. Seconded by Beavers and unanimously carried.**

## **2012 CITY COMMITTEE, COMMISSION, AND BOARD MEMBER APPOINTMENTS**

The list of City Committee, Commission, and Board member appointments for 2012 was presented. (Please see attached list as part of these minutes.)

**Motion was made by Beavers to approve the 2012 City Committee, Commission, and Board member appointments. Seconded by Soine and unanimously carried.**

## **2012 CITY ASSIGNMENTS AND APPOINTMENTS**

Designate Official Newspaper:

Paynesville Press

Designate City Attorney:

Frauenshuh & Spooner

Annual Appointments:

Building Inspector:

Inspectron Inc.

Treasurer:	Renee Eckerly
City Engineer:	Bolton & Menk, Inc.
Emergency Services Director:	Dustin Veldkamp
Auditor:	LarsonAllen, LLP
Data Practices Compliance Officer:	Renee Eckerly

**Motion was made by Bertram to approve the 2012 City Assignments and Appointments as presented. Seconded by Zimmerman and unanimously carried.**

### **COUNCIL MEETING DATE CHANGES**

Looking ahead at the 2012 Calendar:

February 22, 2012 – Ash Wednesday

Suggested reschedule date – Tuesday, February 21, 2012

March 22, 2012 – evening before the Legislative Conference

Suggested reschedule date – Monday, March 26, 2012

November 21, 2012 – evening before Thanksgiving Day, 2012

Suggested reschedule date – Monday, November 26, 2012

December 26, 2012 – day after Christmas

Suggested rescheduled date – Thursday December 27, 2012

**Motion was made by Zimmerman to set the:**

**February 22, 2012 City Council meeting for Tuesday, February 21, 2012**

**March 22, 2012 City Council meeting for Monday, March 26, 2012**

**November 21, 2012 City Council meeting for Monday, November 26, 2012**

**December 26, 2012 City Council meeting for Thursday, December 27, 2012**

**Seconded by Beavers and unanimously carried.**

### **STEARNS COUNTY ALL-HAZARD MITIGATION PLAN**

The Stearns County All-Hazard Mitigation Plan was reviewed. Stearns County is updating this plan; however, they would like the City to approve this one and once the new plan is completed it will come before the Council for approval. The Public Safety Committee has reviewed this and recommends approval.

Eckerly reported that the school has applied for the grant for the storm shelter for the grandstand. However, the City has never adopted the Plan and the Plan does not include a storm shelter, but can be added to the updated Plan. The County is currently updating the Plan. If the City approves the new Plan; FEMA will consider the application and FEMA funding can be granted. Veldkamp will attend the meeting to determine what is needed.

**Motion was made by Zimmerman to approve the Stearns County All-Hazard Mitigation Plan Dated November 2008. Seconded by Soine and unanimously carried.**

## **FLOOD PLAIN MANAGEMENT ORDINANCE, MAP AND FLOOD INSURANCE STUDY**

Ordinance No. 140, 2<sup>nd</sup> Series Flood Plain Provisions was presented. The Planning Commission has reviewed this, held a public hearing, and recommends approval. Eckerly reported that FEMA has been working on this since 2007; however, in 2011 DNR took it over. Eckerly sent DNR the City's ordinance and revised it to meet the current criteria. If a building is in the current flood zone and damaged, it can be rebuilt, but not expanded. The Planning Commission held a public hearing on this and a number of persons attended with numerous questions. DNR attended the next Planning meeting, but none of the previous persons that had questions attended the meeting. The Council is to consider adopting the ordinance, maps, and insurance study by February 16, 2012 or residents will not be flood insurance eligible.

**Motion was made by Zimmerman to approve Ordinance No. 140, 2<sup>nd</sup> Series, Flood Maps, and the Flood Insurance Study. Seconded by Beavers and unanimously carried.**

**Motion was made by Beavers to approve the Official Summary Of Ordinance No. 140, 2<sup>nd</sup> Series. Seconded by Soine and unanimously carried.**

## **MPCA – FORMER MIDTOWN SERVICE STATION CLEAN UP**

The City is trying to get a technical meeting set for the first week of February.

Thompson recessed the Regular City Council meeting at 6:30 p.m. for the Alley Vacation Public Hearing.

Thompson re-opened the Regular City Council meeting at 7:12 p.m.

## **ALLEY VACATION PETITION – QUEEN BEE'S BAR & GRILL**

It was suggested to contact the County and State and meet on site and review the options, verify if the patio is okay with the Liquor Control Board and check on the utilities. It was further suggested that the interested parties agree on a layout. No action was taken.

## **PAY EQUITY**

The Council has two options to consider. The City needs to be in compliance on or before January 31, 2012. This was to be put back on the next two Council agendas.

The impact of salary increases was discussed. Eckerly was instructed to get Memorandums of Understanding (MOU), create by Pamela Steckman, City Labor Attorney to the unions. These MOU's don't have to be brought back to Council for approval. The Council only wants to see the final document. Eckerly was also instructed to file the amended Pay Equity Report with the State before the end of the month.

**Motion was made by Bertram to approve Option 1 from the Pay Equity Report dated December 31, 2011 and create a memorandum of understanding with the unions. Seconded by Zimmerman and unanimously carried.**

### **GERONIMO WIND TRANSMISSION LINE EASEMENT PAYMENT**

The City should be receiving \$36,905.00 from Geronimo Wind Energy for an easement in 2012. Mergen would like to see this money go to the Sewer Fund 115 for irrigation.

**Motion was made by Bertram to put the \$36,905.00 from Geronimo Wind Energy to Fund 115 Sewer Fund. Seconded by Beavers and unanimously carried.**

### **WASTEWATER TREATMENT FACILITY & AMPI UPDATE**

Mergen reported the following:

- Bids came in over budget
- Neither AMPI or City can afford the project
- Since the bid opening, parties have been working to come up with a solution to salvage the grant
- City's efforts have failed
- Can't put the financial burden on the residents of Paynesville
- AMPI can't fund it either
- Public Works Commission recommends not moving forward with the project

It was stated that this is disappointing and that next time the City applies for a grant there must be a firm commitment from all parties involved. The City does not need the expansion; AMPI is the one that needs this. The City applied for the grant and increased the water and sewer rates to prepare for this. The City received the grant and to now not use it is a huge slap in the face. AMPI wanted the City to absorb the entire increase and the two parties could not reach a deal. It was further stated that AMPI will continue to have problems without this expansion. Mergen stated that the City is obligated to protect the integrity of system and will impose the necessary fees/penalties.

### **OPPORTUNITY PARK PRELIMINARY PLAT**

The Opportunity Park Preliminary Plat Application submitted by the City of Paynesville and Paynesville Area Center was presented. The City wishes to plat 3 lots and an outlot. The Planning Commission has reviewed this, held a public hearing, and recommends approval. Resolution 2012-04 Approving The Preliminary Plat Of Opportunity Park was presented for Council consideration.

Eckerly reported that the Preliminary Plat will be submitted to the County for review. Land and Lease has had some preliminary work completed with McDonalds. She is pursuing an update from them on their status of the property. They are looking at breaking ground spring or summer of 2012. It was confirmed that they must be under construction by July 1, 2012 to qualify for the TIF District.

**Motion was made by Soine to approve Resolution 2012-04 Approving The Preliminary Plat Of Opportunity Park. Seconded by Zimmerman and unanimously carried.**

**INFORMATIONAL**

Thompson reviewed the following informational items: West Central Sanitation December Garbage Rates, Work Comp Information, December Police Department Report, Liquor Store Report, and MCFOA Letter.

Thompson recessed the Regular City Council meeting at 7:36 p.m. to meet in Closed Session to evaluate the performance of Renee Eckerly, City Administrator.

Thompson closed the Closed Session and re-opened the Regular City Council meeting at 8:48 p.m. Thompson stated that he was directed to find a time to meet with the City Administrator and present the Council's evaluation.

There being no further business, the meeting was adjourned.

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Renee Eckerly, City Administrator