

**MINUTES
REGULAR CITY COUNCIL MEETING**

OCTOBER 10, 2012

Mayor Jeff Thompson called the meeting to order at 6:00 p.m. Council members present were Jeff Bertram, Jean Soine, Dennis Zimmerman, and Gene Beavers. Others present were Renee Eckerly, City Administrator; Ron Mergen, Public Works Director; Jennifer Welling, Administrative Assistant; Ashley Alsum, Cable Coordinator, Rudy Vigil, Chuck DeWolf, Bolton & Menk, Inc.; Bill Spooner, City Attorney; Ellarry Prentice, Press; Mark Eckerly, Pastor Lonnie Gleitz, Bruce Elfering, Larry Alstead, Neil Herzberg, Kay McDaniel, and Donavon Mayer.

The Pledge of Allegiance was recited.

Pastor Lonnie Gleitz led the Council in prayer. Council members gave verbal activity reports.

Ron Mergen, Public Works Director reported on the following:

- Compost site and its extended hours
- 350 compost permits have been issued of which 8 are commercial for 4,300.00
- Curb-side leaf pick up is October 27, 2012
- Side walk inspection and fixing is being done
- Hydrant flushing is today and tomorrow
- Employees are painting fire hydrants
- Park activities – movie in the park has received numerous compliments
- Wiffle ball league
- Ampe park – school soccer
- Garden club with gardens
- Airport – all hangars full
- A lot of fuel has been sold this year
- Holiday lighting will be put up on November 14th and 15th
- Electrical rate report
- USGS presentation will be held on October 23, 2012 at 5 pm
- Fire Department open house
- Fire Department fundraiser will be held on October 14, 2012 at the legion

Bruce Elfering, Interim Police Chief reported on the following:

- Trainings attended
- Homecoming

Thompson announced the interviews and closed session that is scheduled for later in the meeting.

CONSENT AGENDA

Motion to approve the minutes from the following meetings: August 8, 2012 Regular City Council, September 12, 2012 Regular City Council, September 26, 2012 Regular City Council,

September 12, 2012 Ranch View Drainage Easement Vacation Public Hearing, August 15, 2012 Polices & Procedures Committee, September 10, 2012 Planning Commission, September 4, 2012 Liquor Board, and April 4, 2012 Cable Committee.

Motion to approve the following vouchers:

9/26/12	#84948-84953	\$ 22,963.79
10/3/12	#84958-84959	\$ 3,661.01
	#84960-84965	\$ 4,650.29
	+ACH	\$ 5,766.35
	#84966	\$ 15.00
10/4/12	#84967 Void	\$ 0.00
	#84968-85013	\$ 45,085.98
Total		\$ 82,142.42
Payroll:		
10/04/12	#84954-84957	\$ 3,471.78
	Direct Deposit	\$ 12,625.97

Motion to approve the attendance of Ron Mergen and Lee Schleper to the MN Section AWWA Central District 31st Annual Water Operator Training.

Motion was made by Bertram to approve the Consent Agenda.

Bertram stated for the record that Mr. Eckerly is still taping the meetings; this is being stated so the public is aware.

The motion was seconded by Zimmerman and unanimously carried.

EDAP DIRECTOR/CITY ADMINISTRATOR POSITION

The Policies & Procedures Committee reviewed the City Administrator's Contract at which time a Union Negotiations Team member reported that a community group presented the option to eliminate the EDAP Director position from the City Administrator's job description and to hire a separate EDAP Director. There was no recommendation from Policies & Procedures on this matter. The EDAP Board also reviewed this on October 9, 2012. Beavers reported that the Union Team brought forward two new proposals. One proposal had few changes while the other removed the EDAP Director position. No decision was made by Policies & Procedures, but EDAP reviewed this also. The EDAP Board met and discussed this in length. The EDAP Board decided that they did not have enough information and that Eckerly does a fine job.

Motion was made by Soine to accept Renee Eckerly's offer of a one year contract and continue as is with no pay increase. Seconded by Beavers.

It was stated that this idea was brought to two Council members to split off the EDA Director position due to time and expertise. It was further suggested that this continue to be looked at during the next year. Eckerly asked if the persons with the idea would meet with the EDAP Board to help facilitate this. Council members did not know if the persons want to become involved. It was stated that there is a need to develop property in key areas and in order to do such the City has to have somebody that has the time and expertise. Zimmerman will inquire to see if the persons are interested in serving on a committee or are willing to participate.

It was recommended moving this to the EDAP Board to create a proposed job description for an EDA Director for a full-time or part-time position. It was stated that the old EDAP Director was supported financially by the Chamber and Township. The salaries of the former full-time and part-time EDAP Director positions were questioned.

Motion passed 4:1 and passed 4:1 (Zimmerman, yes; Thompson, yes; Soine, yes; Beavers, yes; and Bertram, no).

CITY ADMINISTRATOR LEAVE PROTOCOL

The Policies & Procedures Committee reviewed the leave protocol outlined in the Employee Handbook. This wording would only affect the City Administrator. The Committee recommends the change in wording as it passed 2:1. Beavers explained that this also was another concern from the Union Negotiations Team regarding a policy of who gets notified when the City Administrator is gone. It was suggested to contact either the Mayor or Policies & Procedures Chairperson. It was stated that the goal is to clarify the communication and that it's understood by all.

Motion was made by Zimmerman to adopt the change with the correction of the word "notice" not "approval". Seconded by Bertram and unanimously carried.

INACTIVATE FUND

In an effort to reduce the number of funds the City has, it has been suggested by the auditors to combine Fund 126 Fire Department Capital Improvement Fund and Fund 225 Fire Reserve Fund. The dollar amount was questioned.

Motion was made by Bertram to transfer the remaining balance plus September interest from Fund 225 Fire Reserve Fund to Fund 126 Fire Dept. Capital Improvement Fund to bring Fund 225 to a zero balance and inactivate the fund. Seconded by Beavers and unanimously carried.

GOALS & OBJECTIVES/SPECIAL CITY COUNCIL MEETING

It has been suggested to set the next Goals & Objectives/Special City Council Meeting for one of the following dates:

Wednesday	October 17, 2012	6:00 p.m.	Monday	October 22, 2012	6:00 p.m.
Monday	October 29, 2012	6:00 p.m.	Tuesday	October 30, 2012	6:00 p.m.
Thursday,	November 1, 2012	6:00 p.m.	Tuesday	November 13, 2012	6:00 p.m.
Thursday	November 15, 2012	6:00 p.m.			

Motion was made by Bertram to set the Goals & Objectives/Special City Council Meeting for November 13, 2012 at 6:00 p.m. Seconded by Soine and unanimously carried.

NORTHERN STATES POWER COMPANY (XCEL ENERGY) – POLE LEASE AGREEMENT

The existing Lease Agreement runs through March 1, 2013. Xcel has been actively seeking a new site for the pole yard, but has not been successful to date. Xcel is asking if the Council

would consider extending the Lease until June 30, 2013 to allow for sufficient time to complete the planning necessary to make the move. Xcel is aware that the property is for sale and that one lot has been sold with construction to begin in the spring of 2013. Eckerly explained that she and Mergen have been working with Xcel since early summer on this. Eckerly and Mergen have offered other locations, but Xcel is requesting a time extension. Xcel has been notified of the sale of land and that the remaining land is for sale.

Motion was made by Bertram extend contract lease to June 30, 2013 or upon the sale of the land whichever is first. Seconded by Soine and unanimously carried.

ORD. NO. 143 & ORD. NO. 144, 2ND SERIES – GRASS/WEEDS/MOWING

Draft amendments to Chapter 10, Section 10.22, Subd. 2, and Chapter 7, Section 7.10, Subd. 3, were made in an effort to make the two of these consistent were presented. The proposed is to give property owners five days from the mailing to address the matter before the City will take care of it and assess back the charges. The practice has been to submit a bill to the property owner before adding these to special assessments, so language has been added to that effect. It may not be necessary, but if that has been the practice staff could send out such a letter along with a note to the property owner indicating that if not paid within 30 days of the date of mailing they will be assessed.

Mergen explained that both Section 7 & 10 deal with maintenance of mowing grass. The Park & Tree Board recommended 5 days from the date of the letter. There was some discussion on giving the property owner seven days (to include the weekend) to take care of the mowing of grass and weeds.

**Motion was made by Soine to approve Ordinance No. 143, 2nd Series.
Seconded by Zimmerman and passed 4:1 (Zimmerman, yes; Thompson, yes;
Bertram, yes; Soine, yes; and Beavers, no).**

**Motion was made by Zimmerman to approve Ordinance No. 144, 2nd Series.
Seconded by Soine and passed 4:1 (Zimmerman, yes; Thompson, yes; Bertram,
yes; Soine, yes; and Beavers, no).**

HWY. 55/LAKE AVE./CSAH 66/CO. ROAD 181 INTERSECTION

A letter from Bolton & Menk, Inc. regarding the project was reviewed. DeWolf stated the plans have been sent and are being reviewed. The project is scheduled for next spring and MnDOT is in full agreement with the plan.

WASTEWATER TREATMENT FACILITY RE-SCOPING PROJECT

DeWolf reported that the project is under way, a preconstruction meeting was held, MPCA and PFA are moving forward, and the project is scheduled to be completed by June 2013.

AIRPORT

DeWolf reported on the runway lighting and that the underground work has been completed.

Payment Estimate No.1 in the amount of \$67,402.50; payable to Electrical Systems, Inc. for work completed through September 27, 2012 was presented for consideration.

Motion was made by Beavers to approve Payment Estimate No.1 in the amount of \$67,402.50; payable to Electrical Systems, Inc. Seconded by Soine and unanimously carried.

OPPORTUNITY PARK

DeWolf reported that work has ceased for the season and the final layer of bituminous will be laid next spring.

Payment Estimate No. 3 in the amount of \$71,868.37; payable to Chad Monson Excavating for work completed through September 21, 2012 was presented for consideration.

Motion was made by Zimmerman to approve Payment Estimate No. 3 in the amount of \$71,868.37; payable to Chad Monson Excavating. Seconded by Beavers and unanimously carried.

EMAIL ON COUNCIL MEMBER SMART PHONES

The Council discussed having the availability to receive City emails on their smart phone. There is a one-time set up fee of \$95.00 and a \$5.00 monthly charge per phone. The consensus was to not proceed with this at this time.

INFORMATIONAL

Thompson reviewed the following informational items: Overtime Report, October & November Meeting Schedules, Electricity Report, MnDOT State Highway Investment Plan, Liquor Store Reports, MorganStanley SmithBarney – Investment Report, and Sheriff Sanner Thank you. Bertram requested the following be on the next agenda:

- Alley update by Drug Store and Queen Bees
- Update on EDAP Loans
- Update on Union Negotiations
- Update on the concerned citizen

POLICE CHIEF FINALIST INTERVIEWS

The Council asked candidate, David Schnettler 5 questions.

The Council asked candidate, Paul Wegner 5 questions.

POLICE DEPARTMENT

It was announced that the City received 15 great applications, five of which were excellent, and two outstanding. The Council voted on their choice. Eckerly announced that there were 4 votes for Paul and one vote for David.

Motion was made by Bertram to select Paul Wegner and proceed with the background check. Seconded by Beavers and unanimously carried.

Thompson recessed the Regular City Council meeting at 7:27 p.m. Thompson opened the Closed Session at 8:03 p.m. to discuss personnel issues.

Thompson closed the Closed Session at 8:03 p.m. and re-opened the Regular City Council meeting.

Thompson summarized the Closed Session as there was discussion on the investigative report on Officer Buggs and potential levels of discipline.

Motion was made by Beavers to issue a verbal reprimand to Officer Buggs for violation of the Police Department Police Manual Principal #4 – Professional Conduct of an Officer. Seconded by Soine and passed 4:1 (Thompson, yes; Zimmerman, yes; Soine, yes; Beavers, yes; and Bertram, no).

Motion was made by Soine to reinstate Officer Buggs to full-time duty as a police officer, effective immediately. Seconded by Zimmerman and unanimously carried.

There being no further business, the meeting was adjourned at 8:04 p.m.

Renee Eckerly, City Administrator