

**MINUTES
REGULAR CITY COUNCIL MEETING**

OCTOBER 24, 2012

Mayor Jeff Thompson called the meeting to order at 6:00 p.m. Council members present were Jeff Bertram, Dennis Zimmerman, Jean Soine, and Gene Beavers. Others present were Renee Eckerly, City Administrator; Ron Mergen, Public Works Director; Jennifer Welling, Administrative Assistant; Ashley Alsum, Cable Coordinator; Chuck DeWolf, Bolton & Menk, Inc.; Bill Spooner, City Attorney; Donavon Mayer, Len Gilmore, Mark Eckerly, Bob McDaniel, Bill Ludwig, Liquor Store Manager; Paul Wegner, Neil Herzberg, Darlene Loven, Jennifer Albrecht, Tom Jacobs, Larry Hartmann, Chelsea Hartmann, Rhonda Larson, Doris Wendlandt, Ellarry Prentice, Press; Kay McDaniel, Bruce Elfering, Interim Police Chief; and Don Williamson, West Central Sanitation;

The Pledge of Allegiance was recited.

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

CONSENT AGENDA

Motion to approve the minutes from the following meetings: August 27, 2012 Special City Council Promoting Businesses With The Highway 23 Bypass Open, July 12, 2012 Park & Tree Board, September 18, 2012 EDAP Board, July 17, 2012 EDAP Board, September 12, 2012 Public Works Committee, September 10, 2012 Joint Planning Board, August 13, 2012 Trail Board, October 2, 2012 Liquor Board, and October 1, 2012 Planning Commission.

Motion to approve the following vouchers:

10/12/12	#85014-85015	\$139,270.87
10/18/12	#85020-85021	\$ 3,509.62
	#85022-85028	\$ 5,082.82
	+ACH	\$ 5,669.08
10/19/12	#85029-85096	\$103,724.88
Total		\$257,257.27
Payroll:		
10/18/12	#85016-85019	\$ 3,551.25
	Direct Deposit	\$ 11,917.67
ACH:	None	

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

JENNIFER ALBRECHT

Jennifer Albrecht has asked to be on the agenda so that she may address the City Council. Albrecht gave a brief history of the Queen Bee's business, updates they've done, effects of the bypass on their business, and creative business ideas. Albrecht asked the Council for an off-sale liquor license. Thompson said that the City can't issue one to a private business if there is a municipal off-sale. Spooner agreed.

CABLE OPERATING RULES

The Cable Operating Rules were reviewed. Minutes from the Cable Committee Meeting: Eckerly reported that the major change is the word "tape" to "DVD". There was some discussion on 3C and the 2 hour limit. There was also some discussion on issues with the posting of announcements.

Motion was made by Niedan to accept the revised Operating Rules for Access Channel and recommend such to the City Council. Seconded by Zimmerman and unanimously carried.

The Cable Committee has reviewed this and recommends approval.

Motion was made by Beavers to approve the Operating Rules For Paynesville Public Access Channel 8 & 3. Seconded by Zimmerman and unanimously carried.

POND FENCING

The attached quotes were received for fencing:

Bemboom's Fence	\$24,800.00
Century Fence Co.	\$35,307.00

Minutes from the Public Works Committee Meeting:

Several types of fencing options were presented:

- 4' Chain link fence with round galvanized posts at a cost of \$35,307.00, deduct \$4,025.00 to replace top rail with tension wire.
- Woven wire fence with 2 strands of barb wire with wooden posts, \$20,350.00
- From Bemboom Fence - chain link fence with Tee posts, \$24,800.00

Members discussed the fencing noting the wooden posts will someday rot and need replacement; the tee posts will be significantly less costly than the round posts. It was also noted that members felt the east side (bank) does not need to be fenced.

Motion was made by Quade to accept the quote from Bemboom Fence to install the 4' chain link fence with Tee posts at an estimated cost \$20,000.00 and recommend such to the City Council. Seconded by Hemmesch and unanimously carried.

The Public Works Committee recommends accepting the quote from Bemboom Fence to install the 4' chain link fence with Tee posts at an estimated cost of \$20,000.00. The amount is less than the quote due to less fence needed (less 600 feet). The State has already reimbursed the City for the fencing and this money was put in the Sewer Fund. Mergen stated that the reimbursement from the State was for more than \$20,000.00.

Motion was made by Zimmerman to accept the quote from Bemboom Fence to install the 4' chain link fence with Tee posts at an estimated cost of \$20,000.00. Seconded by Bertram and unanimously carried.

STREET VACATION

Bill Spooner reviewed the maps showing the location of the street in question. This was brought to the City's attention when Feed Co. was applying for building permits. Spooner researched this with DeWolf and they want to visit with the County prior to taking any action. The landowner is not being held up by this as they are building outside the area in question.

SITE PERMIT - SKINZ

Minutes from the Joint Planning Board meeting:

Hawksworth's want to put on an addition on the back side of their structure; doubling the size of their building.

Motion was made by Bertram to approve the Site Permit for Skinz and recommend such to the City Council. Seconded by Thompson and unanimously carried.

The Joint Planning Board has reviewed this and recommends approval.

Motion was made by Soine to approve the Site Permit for Skinz. Seconded by Beavers and unanimously carried.

UNION NEGOTIATIONS

Jeff Bertram asked at the last City Council meeting that this be on the agenda for an update. It was stated that normally by this time there have been several meetings. The Council is in the budgeting process and the budget should allow for an increase in employee wages. It was asked which contracts are up. Eckerly stated MAPE and Police run through 2013 and AFSCME City Hall runs through 2012. It was suggested to set a new date for a Goals & Objectives meeting.

CONCERNED CITIZEN LETTER

Jeff Bertram asked at the last City Council meeting that this be on the agenda for an update. Thompson explained that he received the letter as well complaining that not enough action was taking place. Upon receiving the initial letter he had visited with Eckerly and the Police Department. Eckerly explained the she had received the letter in September from Mayer and Olson and it was brought to the Police Department's attention to look into the situation on Central Ave. The Police Department reported some issues. Since then some issues have been resolved. Eckerly's understanding was unsigned letters or complaints were not forwarded to Council and questioned whether or not unsigned letters or complaints should be brought forth to Council and asked what is the policy. It was further explained that the concerned citizens contacted the City in early September and had no response and that not until mid October did a letter get sent from the City. Eckerly stated that some of the issues were turkeys, garage sales, and numerous vehicles. To date there are no more turkeys, no more garage sales and the vehicles have been taken care of. Chelsea Hartmann expressed that this was an unsigned letter from a fake address and that her father is being wrongly accused and that she couldn't believe this would be brought up in a public meeting. Thompson stated that it's hard to deal with unsigned letters and now a precedence has been set. It was asked if the Council could

have a follow up that there are no violations to correct this letter and complaint. Elfering said yes, as he makes regular patrols in this area. Rhonda Larson also expressed that she only had three garage sales, the turkeys were given away for Thanksgiving, and the grass was never 6' tall. The only time they knew they were in violation was when they received the certified letter.

Thompson recessed the Regular City Council meeting at 6:30 p.m. for the Certification of Past Due Garbage, Water & Sewer, and Mowing Bills Public Hearing.

Thompson re-opened the Regular City Council meeting at 6:33 p.m.

CONCERNED CITIZEN LETTER CONTINUATION

It was suggested that Elfering and Eckerly check on the status. It was expressed by one Council member that he was not interested in seeing anonymous letters in front of Council. If letters are signed there is a process. Another member agreed; however, there are circumstances and situations. It seems in this case there was a breakdown in communications. He also did not want to see every unsigned letter unless there was some sort of justification. Thompson added that letters need to have a contact name and number so that a person can follow up on the issue.

LIQUOR STORE SIGN

Minutes from the Liquor Board meeting:

A quote from Scenic Signs in the amount of \$3,995.00 was presented for a LED sign to be put up on the west side of the Teals building. Teals have agreed to the \$10.00 per month for electricity. Haines quoted the hook up cost at \$250.00.

Motion was made by Hecht to purchase a LED Liquor Store Sign from Scenic Signs in the amount of \$3,995.00, approve the \$250.00 hook up charge to be done by Haines Electric, and pay Teals \$10.00 per month for electricity and recommend such to the City Council. Seconded by Thompson and unanimously carried.

The location of the sign was discussed and the sign will be placed at either the Northwest or Southwest corner of the Teals building facing the west. The ultimate location will depend on Teals approval.

A billboard was also discussed. Ludwig will visit with Eckerly regarding placing a billboard on the compost site property.

The Liquor Board recommends the purchase of a LED Liquor Store Sign from Scenic Signs in the amount of \$3,995.00, approve the \$250.00 hook up charge to be done by Haines Electric, and pay Teals \$10.00 per month for electricity. Ludwig noted that the size and price are the same as the previous sign.

Motion was made by Zimmerman to purchase a LED Liquor Store Sign from Scenic Signs in the amount of \$3,995.00, approve the \$250.00 hook up charge to be done by Haines Electric, and pay Teals \$10.00 per month for electricity. Seconded by Beavers and unanimously carried.

VARIANCE – DAIRY QUEEN, LINDA WESTVIG

A Variance application has been submitted by Linda Westvig for the Dairy Queen located at 823 Minnesota St. W., Paynesville, MN. She wishes to add on a drive thru window to the northwest corner of their existing building. Their existing building's overhang is right on the property line. The existing building does not meet the 25' foot setback. Nor will the new drive thru as the overhang line will match the existing building. They will have no setback off of the Hwy. 55 right of way. They will meet all other zoning regulations. MnDOT has been contacted and they have no problem with the Variance as long as the structure does not encroach into the right of way. The Planning Commission has reviewed this and recommends approval.

Motion was made by Beavers to set the Dairy Queen Variance public hearing for Wednesday, November 14, 2012 at 6:30 p.m. Seconded by Soine and unanimously carried.

POLITICAL CAMPAIGN SIGNS

Jeff Bertram has asked that this be on the agenda. The letter that was sent to all political candidates was presented. It was asked why was this on the City's website, but never brought to Council. Candidates received the information and were clearly told where or where not signs could be put. Spooner agreed that this is okay according to the ordinance. The original ordinance passed did not allow this; however, then amended to allow for this type. Spooner stated that the Council clearly can't differentiate due to content. The Planning also reviewed this and they indicated to leave as is. The City street right of way includes sidewalk. There was some discussion on the campaign rules and the City ordinances versus the campaign booklet and the state statute.

DISABILITY PARKING CERTIFICATES

Renee Eckerly has asked that this be on the agenda as a meeting is being requested for City staff and PAHCS staff to meet with Jeff Bertram, Dennis Zimmerman, and the complainant. The Council discussed disability parking certificates issued by the Motor Vehicle Department. The Application For Disability Parking Certificate was presented. Eckerly reported that she received a call on Thursday by an unidentified caller. The caller had come in with an application for a disability parking certificate. The caller was upset due to the strict process and it had offended her mother. The State was contacted and the City is following the process. On Tuesday, McColley had a meeting with a state representative. The form is from state statute. Eckerly talked to Dennis Miley at the hospital and McColley volunteered to go to the hospital and help train them on what is needed. Eckerly then called the complainant and she wants the statutes and forms given to Senator Michelle Fishbach. The caller appreciated the City's time and thanked the City for looking into it. It was stated that it's important to try to keep the dialog open with the hospital. How staff communicates the rules and regulations can make all the difference.

POLICE CHIEF POSITION

Eckerly reported that the background check passed. The City Council may authorize the psychological and physical examinations and make an offer. The current salary scale in the MAPE contract is:

Appendix A for MAPE - Supervisory & Confidential Contract Jan. 1, 2011 to Dec. 31, 2013

GRADE/STEP CHART FOR 2010

GRADE	1	MINIMUM	2	3	4	5	6	7	MAXIMUM
15	\$40,718.20	\$43,897.21	\$47,076.22	\$50,255.23	\$53,434.24	\$56,613.22	\$59,792.21		

Motion was made by Bertram to offer Paul Wegner Grade 15, Step 6 (\$56,613.22) plus benefits; pending passing psychological and physical examinations. Seconded by Zimmerman and unanimously carried.

SURPLUS ABANDONED PROPERTY - BIKES

Fifteen bikes were declared as abandoned property and of the 15 one was claimed. Five bids were received and opened on October 16, 2012.

Motion was made by Zimmerman to accept the bids from Marlene Bertram, Belinda Ludwig, Mark Eckerly, and Gayla Orbeck for the abandoned bikes. Seconded by Soine and unanimously carried.

WASTEWATER TREATMENT FACILITY RE-SCOPING PROJECT

DeWolf reported that the project is moving forward. The contractor is working on the new lift station building and will continue to work as long as weather permits over the winter.

CERTIFICATION OF PAST-DUE GARBAGE, WATER & SEWER, AND MOWING BILLS

A list of people with delinquent refuse, water & sewer, snow, mowing accounts and a deferred assessment to be certified to the County Auditor to be put on the real estate taxes were presented.

Motion was made by Zimmerman to certify the delinquent refuse, water & sewer, snow, mowing accounts and a deferred assessment to the County Auditor to be put on the real estate taxes. Seconded by Beavers and unanimously carried.

ALLEY/PARKING LOT BEHIND FORMER JOEL'S FAMILY FOODS BUILDING

Jeff Bertram asked at the last City Council meeting that this be on the agenda for an update. Eckerly stated that all the information was in the packet. The Building Inspector gave a Certificate of Occupancy, but the building will be remodeled again and a new permit will be needed. There was some discussion on the drive thru, alley, 2-way traffic, and the parking lot.

WATER PLANT REHAB PROJECT

Minutes from the Public Works Committee meeting:

A letter was presented to members explaining the scope of the project and the design engineering cost of \$121,000.00 which members noted as being very reasonable. The project was outlined as follows:

- Filter media and equipment replacement
- Clear well construction; this has several purposes, provide additional storage and then the back wash water will be pumped from this tank to alleviate the pressure fluctuations that exist.
- Back wash reclaim tank; the City currently discharges 28,000 gallons per day of back wash water to the ponds each day, this will save 90% or 9.2 million gallons per year.
- Chemical feed system; each well will have its own dedication feed system per state code.
- Electrical and control system; all the controls that exist have been having issues which will be upgraded along with a SCADA system.
- Standby power unit.

Also presented was a proposed water rate schedule that utilizes \$1 million dollars from the water reserves and transfers \$50,000.00 from the equipment and CIP transfer line items in the water fund. It was noted that the City has been raising the rates for this project the last several years and in the equipment replacement fund a large portion of it is for replacement of the equipment in the water plant that is proposed to be upgraded. The proposed rate increase would be 10 cents per year for 5 years or a monthly increase of \$3.32 per month.

Motion was made by Hemmesch to approve Bolton & Menk to proceed with the design engineering and adopt the rate schedule utilizing the \$1 million dollars from water reserves and transferring the \$50,000.00 from the CIP and equipment line items and recommend such to the City Council. Seconded by Quade and unanimously carried.

The Public Works Committee recommends Bolton & Menk proceed with the design engineering and adopt the rate schedule utilizing the \$1 million dollars from water reserves and transferring the \$50,000.00 from the CIP and equipment line items and recommend such to the City Council.

DeWolf stated that this has been discussed a number of times over the last few years to rehab the water plant. The cost is estimated at \$3.15 million dollars with a 20 year loan program. The rate impacts are phased in over 5 years with a \$3.00 per month increase. The plans and documents are to be completed by March, 2013.

Motion was made by Bertram to authorize Bolton & Menk to proceed with the design engineering and adopt the rate schedule utilizing the \$1 million dollars from water reserves and transferring the \$50,000.00 from the CIP and equipment line items and recommend such to the City Council. Seconded by Zimmerman and unanimously carried.

PART – TIME PUBLIC WORKS MAINTENANCE WORKER POSITION

On October 15, 2012 the City Council approved the Part-Time Maintenance Worker job description, wage scale, and hiring a Part-Time Maintenance Worker at 32 hours a week during April – November. This motion had a starting annual wage of \$18,720.00 or \$9.00 per hour. There was discussion to place the 67 day employees on the same pay scale since they would have the same job description. The job description and wage scale for both the 32 hour and 67 day Part-Time Maintenance Workers were presented. Mergen would like Council to consider rescinding the motion from October 15, 2012 and approve the new wage scale that has been decreased.

Motion was made by Zimmerman to rescind the motion from 10-15-12 and approve the Part-Time Maintenance Worker job description, wage scale for both the 32 hour and 67 day Part – Time Maintenance Worker and hire a Part-Time Maintenance Worker at 32 hours a week during April – November. Seconded by Bertram and unanimously carried.

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

Resolution 2012-33 Requesting Aid For Improvements was reviewed. DeWolf noted that construction will start next spring.

Motion was made by Beavers to approve Resolution 2012-33 Requesting Aid For Improvements. Seconded by Soine and unanimously carried.

INFORMATIONAL

Thompson reviewed the following informational items: September Police Department Reports, MPCA – Former Mid Town Service Station Letter, West Central Sanitation October Garbage Rates, November & December Meeting Schedules, PEP Committee Letter, Stearns Co. Environmental Services – Notice of Decision to Amend the Stearns Co. Local Water Management Plan, EDAP Loan Report, and Land & Lease Development Letter & Check. It was asked if the EDAP Loans are current. Eckerly said yes.

There being no further business, the meeting was adjourned at 7:16 p.m.

Renee Eckerly, City Administrator