

**MINUTES
REGULAR CITY COUNCIL MEETING**

DECEMBER 12, 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; Bill Spooner, City Attorney (6:13 p.m.); Ashley Alsum, Cable Coordinator, Chuck DeWolf, Bolton & Menk, Inc.; Ellarry Prentice, Press; Kay McDaniel, Donavon Mayer, Neil Herzberg, Mark Eckerly, Father Glenn Krystosek, Curtis Miller, and Bob McDaniel.

The Pledge of Allegiance was recited.

Father Glenn led the Council in prayer. Council members gave verbal activity reports.

Thompson announced that the Closed Session will be pulled from the agenda.

Ron Mergen reported on:

- Christmas tree drop off site
- Snow removal from around fire hydrants
- Snow plowing
- Compost Site report
- Reading water meters next week
- LED street lighting
- Rip Rap was completed a couple weeks ago; one year remaining on this project
- Open skating schedule can be found on the City's website
- Airport hangars are all full
- Load of fuel was purchased and the cost dropped \$.50/gallon

It was asked if the streets would be re-scraped with warming temperatures. Mergen said yes.

CONSENT AGENDA

Motion to approve the minutes from the following meetings: October 15, 2012 Special Joint Council & Budget & Finance Committee, October 24, 2012 Certification Of Past Due Garbage Water & Sewer And Mowing Bills Public Hearing, November 14, 2012 Regular City Council, October 24, 2012 Regular City Council, November 14, 2012 Dairy Queen Variance Public Hearing, November 5, 2012 Planning Commission, and November 8, 2012 Special Liquor Board.

Motion to approve the following vouchers:

12/5/12	#85254-85325	\$ 343,949.86
	#85326-85328	\$ 802.00
	+ACH sales tax	\$ 6,859.00
Total		\$ 351,610.86

Payroll:

11/29/12	#85244-85253	\$ 27,871.31
	Direct Deposit	\$ 13,307.48

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

TEMPORARY STREET CLOSING – CHRISTMAS CAROL PARADE

A Temporary Street Closing Application for the Christmas Carol Parade to be held on December 14, 2012 from 5:00 - 8:00 p.m. was presented. James St. is to be closed from River St. to Washburne Ave. The Police and Fire Departments have reviewed this and recommend approval with the understanding that arrangements be made with the Public Works Department for barricades and that alleys be left open for emergency vehicles.

Motion was made by Zimmerman to approve the Temporary Street Closing Application for the Christmas Carol Parade to be held on December 14, 2012. Seconded by Beavers and unanimously carried.

REQUEST TO WAIVE GAZEBO PARK RENTAL FEE – INSIGHT FOR HUNGER PICNIC

A request from Insight Eye Care to waive the Gazebo Park Rental Fee of \$25.00 for their annual Insight For Hunger Picnic to be held on Saturday, June 8, 2013 was presented.

Motion was made by Soine to waive the Gazebo Park Rental Fee of \$25.00 for the annual Insight For Hunger Picnic to be held on Saturday, June 8, 2013. Seconded by Beavers and unanimously carried.

BAD DEBT

The City has tried unsuccessfully to collect for a vehicle fire from Jenifer Stein (\$350.00). Staff would like to turn this debt over to the Bullseye Collection Agency for collection.

Motion was made by Beavers to turn the debt of Jenifer Stein in the amount of \$350.00 over for collection to the Bullseye Collection Agency. Seconded by Soine and unanimously carried.

CHICKEN ORDINANCE NO. 146, 2ND SERIES & CHICKEN PERMIT FEES

Chicken Ordinance No. 146, 2nd Series allowing for the keeping of chickens for the laying of eggs and consumption was presented. This was initiated by residents in the City. Resolution 2012-35 Setting Fees Related To Permits For The Keeping Of Chickens In "R-1" – Single & Two Family Residential Districts Pursuant To Chapter 10, Section 10.3 was presented. The proposed chicken permit fee is \$20.00 and if a public hearing is necessary an additional \$200.00 to cover the costs of posting, publishing, mailing of notices, and any legal fees. The Planning Commission has reviewed this and recommends approval.

Eckerly explained that the City has received inquiries about having hens. This is a popular topic in area cities. The Planning Commission came up with an Ordinance and to give this a try. Thompson asked if this is tried and does not work will the existing chickens be grandfathered

in. Eckerly said that this was not discussed. There was some discussion on what the differences were from the November and December Planning Commission meetings.

Eckerly explained the following:

- Chickens allowed for the laying of eggs and consumption
- \$20.00 permit fee
- Mandatory building inspection waived unless over a 120 square feet
- Public Hearing necessary if not 100% of abutting property owners don't sign the permit application
- 100% signatures; no public hearing

There was further discussion on the changes that the Planning Commission made at the November and December meetings. It was questioned why an annual fee. Eckerly and Spooner explained the need for record keeping, licensing, and administrative costs.

Miller addressed the Council stating that he was the original person requesting the allowing of chickens. This has now been totally blown out of proportion and it's worthless to have chickens. This ordinance limits a person's freedoms and is at the point of ridiculous. Miller is at the point where he doesn't want chickens anymore.

Motion was made by Bertram to refer this back to the Planning Commission for further clarification and discussion. Seconded by Beavers.

Mayer stated that the Commission looked at several ordinances around the state and the conditions in this ordinance are not unusual. He acknowledged the concerns. This is a tough ordinance to look at as some will object to chickens. Enforcement of the ordinance was discussed. Eckerly stated that other area city ordinances are more restrictive.

The motion unanimously carried.

Thompson recessed the Regular City Council at 6:30 p.m. for the Truth In Taxation Public Hearing. Thompson re-opened the Regular City Council meeting at 6:35 p.m.

AMENDING SIGN ORDINANCE NO. 145, 2ND SERIES

The amended Sign Ordinance No. 145, 2nd Series was presented. This amends the intersection setback, adjacent property line set back, and height limitations. The Planning Commission has reviewed this, held a public hearing, and recommends approval.

Motion was made by Soine to approve Sign Ordinance No. 145, 2nd Series. Seconded by Beavers.

It was asked what generated the amendment. Spooner stated that this will address signage for commercial business developing in Opportunity Park including McDonalds, Subway, and the Paynesville Inn and Suites. The Credit Union had to have a variance for their sign. This amendment will fix the issue for needing a variance.

The motion unanimously carried.

PARADE PERMIT – CHRISTMAS CAROL PARADE

The Parade Permit Application for the Christmas Carol Parade to be held on December 14, 2012 from 6:00 - 7:00 p.m. was presented. James St. is to be closed from River St. to Washburne Ave. for a non-motorized Christmas parade. The Police Department has reviewed this and recommends approval with the understanding that arrangements be made with the Public Works Department for barricades, that alleys be left open for emergency vehicles, and all barricades be removed immediately following the event.

Motion was made by Zimmerman to approve the Parade Permit Application for the Christmas Carol Parade to be held on December 14, 2012. Seconded by Beavers and unanimously carried.

FIRE DEPARTMENT – APPROVING RESTATED BYLAWS FOR RELIEF ASSOCIATION

The City Council approved the Amended Bylaws on November 14, 2012; however, to formally adopt them Resolution 2012-41 Approving Restated Bylaws Of The Paynesville Fire Department Relief Association As Amended November 14, 2012 was presented.

Motion was made by Zimmerman to approve Resolution 2012-41 Approving Restated Bylaws Of The Paynesville Fire Department Relief Association As Amended November 14, 2012. Seconded by Beavers and unanimously carried.

XCEL ENERGY – POLE YARD STORAGE

The email from Diane Ablan, Xcel Energy and possible pole yard locations were presented. Xcel is interested in location #2, south of the Ambulance Garage. Mergen reviewed the four possible locations including:

- Compost Site
- Ambulance Garage
- Pivot #17
- Water Tower

Mergen explained that the Public Works Commission has concerns with the ambulance garage location due to:

- Aesthetics; unless it could be placed behind John Deere
- Road may not be designed for the use of heavy trucks
- Sensitive area due to wells
- Length of lease
- Security

The Public Works Commission recommended the compost site location. Xcel wants two (2) acres and the compost site could allow for this and be a permanent site. There was some discussion on security issues at any location and fencing. No formal action was taken.

OPPORTUNITY PARK

Resolution 2012-36 Authorizing Signing Of A Warranty Deed authorizing the Mayor and City Administrator to sign the appropriate documents was presented. Resolution 2012-37 Setting Public Hearing On Vacation Of Certain Drainage And Utility Easements In Diekmann Business Park Plat Two was presented. The public hearing is to be held Wednesday,

January 9, 2013 at 6:30 p.m. Spooner stated that he had made a mistake in the resolution vacating the easements and the result is to go through the process again.

Motion was made by Bertram to approve Resolution 2012-36 Authorizing Signing Of A Warranty Deed authorizing the Mayor and City Administrator to sign the appropriate documents. Seconded by Beavers and unanimously carried.

Motion was made by Soine to approve Resolution 2012-37 Setting Public Hearing On Vacation Of Certain Drainage And Utility Easements In Diekmann Business Park Plat Two. Seconded by Beavers and unanimously carried.

2013 BUDGET

Renee Eckerly presented the proposed 2013 Budget. Resolution 2012-38 Adopting the 2013 City Budget was presented. Adjustments made included \$450.00 for the After Prom and the Chief of Police salary.

Motion was made by Zimmerman to approve Resolution 2012- 38 Adopting the 2013 City Budget. Seconded by Beavers and unanimously carried.

2013 TAX LEVY

Resolution 2012-39 Adopting Final 2013 Tax Levy Collectible in 2013 was presented.

Motion was made by Beavers to approve Resolution 2012-39 Adopting Final 2013 Tax Levy Collectible in 2013. Seconded by Soine and unanimously carried.

2013 WATER & SEWER RATES

Resolution 2012 - 40 Regarding Chapter 3 of Ordinance No. 1, 2nd Series setting the 2013 water and sewer rates was presented.

Motion was made by Beavers to approve Resolution 2012 – 40 Regarding Chapter 3 of Ordinance No. 1, 2nd Series. Seconded by Soine and unanimously carried.

INFORMATIONAL

Thompson reviewed the following informational items: Liquor Store Reports and Compost Site Report.

YEARS OF SERVICE

Thompson presented Zimmerman and Bertram with gifts for their years of service on the City Council.

There being no further business, the meeting was adjourned at 6:50 p.m.

Renee Eckerly, City Administrator