

**MINUTES
REGULAR CITY COUNCIL MEETING**

APRIL 11, 2012

Mayor Jeff Thompson called the meeting to order at 6:00 p.m. Council members present were Dennis Zimmerman, Gene Beavers, Jean Soine, and Jeff Bertram. 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; Ellarry Prentice, Press; Mark Eckerly, Darlene Loven, Amy Erdman, Belinda Ludwig, Accounting Specialist Sr.; Bill Ludwig, Liquor Store Manager; Kay McDaniel, Robert McDaniel, Sarah Utsch, CliftonLarsonAllen (CLA); Pamela Simons, John Desm, Lydia Desm, Stacy Schmitz, Joe Schmitz, Bill Madigan, John Neal???, Sheri Wegner, Tim Wegner, Julie Madigan, Dennis Schmidt, CLA; Kristen Desm, Dick Johnson, Paul Evans, Tiff Koshiol, and one unidentifiable person with illegible signature.

The Pledge of Allegiance was recited.

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

Thompson moved Informational item H to Old Business.

Ron Mergen gave a Public Works Department report including:

- Crack sealing completed
- Electrical rates
- Street sweeping will be done four times a year
- Spring Clean Up and HHW Collection is April 28, 2012
- Water Festival is May 11, 2012
- A grant for sealing of wells is available
- Airport Fly In is August 12, 2012
- Hydrant flushing will be done April 18th and 19th, 2012
- Snow removal budget looks good
- Compost Site is open Wednesday nights from 6 until dusk and Saturday's from 9 am to 1 pm

CONSENT AGENDA

Motion to approve the minutes from the following meetings: February 1, 2012 Special City Council – Goals & Objectives, March 6, 2012 Liquor Board, March 7, 2012 Public Safety Committee, January 25, 2012 Airport Commission, January 30, 2012 Policies & Procedures Committee, February 6, 2012 Planning Commission, April 6, 2011 Cable Committee, and March 8, 2012 Environmental Committee.

Motion to approve the following vouchers:

4/2/12	#83956-83957	\$ 220.00
4/3/12	#83958	\$ 320.00
4/5/12	#83963-83964	\$ 2,721.75

	#83965-83970	\$ 4,175.17
	#83971	\$ 1,398.84
	#83972-83976	\$ 1,354.43
	+ACH	\$ 5,954.88
4/6/12	#83977-84026	\$ 64,222.32
Total		\$ 80,367.39
Payroll:		
4/6/12	#83959-83962	\$ 3,356.95
	Direct Deposit	\$ 9,591.84
	Direct Deposit	\$ 3,884.19
ACH:	None	

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

2011 AUDIT

Sarah Utsch, CliftonLarsonAllen presented the 2011 Audit. The Budget & Finance Committee has been invited to attend this meeting as well. Utsch reported on the following:

- Recent merger and new name of CliftonLarsonAllen
- Required communications
- Summary of Audit results
- Funds total ending balance is \$4.7 million
- General fund ending balance was \$1.4 million; an increase of \$165,500.00 from 2010
- Revenues were over budget by \$37,320.00
- Expenses were under budget by \$77,604.00
- General fund has 13 months of expenses in reserves
- State auditor recommends 5 months of expenses in reserves
- GASB 54 was adopted by the City to have 55 – 60% of the general fund's previous years expenditures; City is well above the goal
- Revenues
- Expenses
- Revolving Loan Fund, EDAP Fund, and other Governmental Funds
- Debt Service
- Capital Project Funds – trail and Hwy. 23
- Enterprise funds – water, sewer, liquor
- Liquor Store – profit equals \$6,932.00 after moving expenses
- Gross profit – 21.5%
- Inventory – 6.8%
- Transfer – \$30,500.00
- Internal Control - no new findings

VARIANCE - WENSMANN

A Variance application has been submitted by Mike & Ruth Wensmann, 624 Hudson St. They wish to move their existing 10'x12' storage shed from off the north property line to

a new location on their property. This property is double fronted; therefore, the shed would have to be 30' off of Hudson St. right of way and 30' off of Belmont Dr. right of way. They wish to move the structure adjacent to their driveway. The shed would be 1' off of their rear property line; therefore, seeking a 29' variance. The Planning Commission has reviewed this and recommends approval. The application and Report & Recommendation were presented.

Motion was made by Bertram to set the Wensmann Variance Public Hearing for Wednesday, May 9, 2012 at 6:30 p.m. Seconded by Soine and unanimously carried.

NON-UNION LIQUOR STORE CLERK & CABLE COORDINATOR WAGE SCALES

The changes to the wage scales were presented for the non-union Liquor Store Clerk I position (Steps 3 – 7 added \$.03 and removed the annual wage since none of the employees are full time and work 2080 hours) and non-union Cable Coordinator position (Steps 3 – 7 added \$.03 and removed the annual wage since none of the employees are full time and work 2080 hours). The Policies & Procedures Committee has reviewed this and recommends approval.

Motion was made by Bertram to accept the wage scales for the non-union Liquor Store Clerk I position and non-union Cable Coordinator position. Seconded by Zimmerman and unanimously carried.

EMERGENCY SERVICE SIRENS

A quote from Granite Electronics for emergency service sirens was presented. The Public Safety Committee has reviewed this and recommends purchasing the following:

Siren #1 – Near A & C – need to install Controller, Narrowband Kit and Test.
\$495.00 plus tax

Siren #2 – Behind City Hall & Siren #3 - Hwy. 55 Across From Lutheran Church –
Need to install Federal Informer Unit, Relay Output, Programming, and Set up
(may need electrical contractor to connect federal informer to existing switch)
\$795.00 plus tax

Travel Fee of \$152.00

These purchases would get the sirens compliant with the Federal narrowbanding and the funds for such purchases would come from Emergency Services Capital Improvement Fund 124 which has a balance of \$38,380.80 as of February 29, 2012.

Motion was made by Zimmerman to purchase equipment from Granite Electronics for sirens #1, #2, and #3 to comply with Federal narrowbanding requirements in the amount of \$1,290.00 plus tax and \$152.00 for travel. Seconded by Beavers and unanimously carried.

GAMBLING PERMIT – PAYNESVILLE LIONS RAFFLE

The Minnesota Lawful Gambling LG220 Application For Exempt Permit submitted by the Paynesville Lions to conduct a raffle on July 2, 2012 at the Paynesville American Legion, 770 State Hwy. 23, Paynesville, MN was presented. Kay McDaniel stated that it will start in April and end in July.

Motion was made by Zimmerman to approve the Minnesota Lawful Gambling LG220 Application For Exempt Permit submitted by the Paynesville Lions to conduct a raffle on July 2, 2012 at the Paynesville American Legion, 770 State Hwy. 23, Paynesville, MN. Seconded by Soine and unanimously carried.

THIRD PART-TIME PUBLIC WORKS EMPLOYEE VERSUS SUB-CONTRACTING SEWER JETTING

The proposals to clean approximately 15,000 linear feet of sanitary sewer were presented from:

Visu-Sewer Clean & Seal, Inc.	\$.65 per LF	(apparent low bidder – no mobilization fee)
Johnson Jet Line, Inc.	\$.65 per LF	
Infratech	\$.72 per LF	

A part-time employee averages 9 hours per day at an average wage of \$9.00 per hour for 67 days totaling \$5,842.18 plus unemployment. Sewer Jetting takes three weeks and two fulltime employees with an average wage of \$16.73 per hour per person. The Budget & Finance Committee has reviewed this and they recommend sub-contracting out sewer jetting.

Motion was made by Bertram to approve the proposal from Visu-Sewer Clean & Seal, Inc. in the amount of \$.65 per linear foot. Seconded by Beavers and unanimously carried.

BIDDING FOR A 2012 Z TURN MOWER

Mergen presented the bid specifications for a 72” new 2012 Z Turn Mower. Funds for the mower will come from the Park Capital Improvement Fund.

Motion was made by Zimmerman to authorize advertisement for bids for a 72” new 2012 Z Turn Mower. Seconded by Soine and unanimously carried.

TEMPORARY STREET CLOSING – BULLDOG FIELD DAY

The Temporary Street Closing Application to close Washburne Ave. from South of the Fire Hall to Main St. from 10:00 a.m. to 12:30 p.m. on Friday, May 11, 2012 so that children can safely cross the street to and from Gazebo Park to the School grounds was presented. The Stearns County Lieutenant Robert Dickhaus and Fire Chief Bob Liestman have both approved this with the understanding that Mr. Virant is to work with the Public Works Department to arrange for barricades and placement/removal of such.

Motion was made by Zimmerman to approve the Temporary Street Closing Application to close Washburne Ave. from South of the Fire Hall to Main St. from 10:00 a.m. to 12:30 p.m. on Friday, May 11, 2012. Seconded by Beavers and unanimously carried.

WASTEWATER TREATMENT FACILITY RE-SCOPING PROJECT

DeWolf reported the following:

- Project is moving forward
- Meeting the PFA deadlines
- Application is in MPCA hands and they are reviewing it now
- New permits will have to be applied if City proceeds with project

REMOVING SIGN IN SHEET FROM CITY COUNCIL MEETINGS

At the March 28, 2012 City Council meeting it was requested that removal of the sign in sheet from City Council meetings be discussed. The Council discussed the benefits to having persons sign in. Spooner interjected that the Council can only require a person to identify themselves if they wish to speak. The Council consented to keep the sign in sheet.

AIRPORT

Slurry Seal Project – Change Order No. 1 to change the completion date from September 15, 2011 to June 22, 2012 was presented.

Motion was made by Zimmerman to approve the Change Order No. 1 to change the completion date from September 15, 2011 to June 22, 2012. Seconded by Soine and unanimously carried.

Airport Fly In – The email from William Cowden offering his show again this year for \$1,000.00 each plus fuel and for an additional \$500.00 to add the formation act to each performance was presented. Mergen stated that friends of the airport are soliciting for funding.

Motion was made by Bertram to authorize the Airport Fly In air show. Seconded by Beavers and unanimously carried.

2012 Improvement Project –The memorandum from Bolton & Menk, Inc. stating that the construction plans are complete and the project is ready to be advertised for bids was presented. This project consists of completing lighting improvements, that would include the addition of Precision Approach Path Indicators (PAPI's) and Runway End Identification Light (REIL's). DeWolf stated that the plans are complete and ready to advertise for bids. Bids would be opened in May. The estimated cost is \$207,000.00 with at 90:10 cost split between the State and City respectively.

Motion was made by Beavers to authorize advertisement for bids for the 2012 Airport Improvement Project. Seconded by Soine and unanimously carried.

OPPORTUNITY PARK

15 bids were received and opened on March 20, 2012 for Opportunity Park Drive street and utility improvements. The apparent low bidder was Chad Monson Excavating, LLC, Willmar, MN in the amount of \$337,472.00. The Engineers estimate was approximately \$375,000.00. Chuck DeWolf and Renee Eckerly will be attending the Area Center Board meeting on April 18, 2012 to give them an update on the project and request approval of the Final Plat. The Planning Commission will be holding the Public Hearing on the Final Plat on April 23, 2012 and the Developers Agreement is being drafted. Spooner stated concern with the timing on this that he recalled due to the option agreement due on May 1st and that the Council may want to wait on awarding the bid. Eckerly noted that Land and Lease is still moving forward and working with McDonalds. Eckerly also has an additional party interested in the remaining property. The Council discussed the buy-in amount for the water retention pond and should the amount include long term maintenance fees. DeWolf stated that \$.03 per square foot would cover the costs for several years.

Motion was made by Bertram to charge \$.12 per square foot for construction and maintenance of the pond. Seconded by Zimmerman and unanimously carried.

CITY ADMINISTRATOR ONGOING EVALUATION

Thompson reported that the Council met in two closed sessions to come up with an evaluation of the City Administrator. This evaluation was presented to her and now the Council wants to establish goals and help with the evaluation. When an evaluation is complete there is usually time for a rebuttal. Spooner stated that after the council has their findings; they could allow the employee to rebut it. Thompson stated that the Council has to deal with several constraints including open meeting laws, data privacy, etc. It was stated that it is hard to evaluate a year later and evaluations should be done more frequently; this was the original intent for the April meeting.

Motion was made by Thompson to change the evaluation to very good, include the rebuttal that Eckerly provided as part of her evaluation, and to meet and establish goals for 2012. Seconded by Soine.

The very good rating was questioned as the evaluation is based on points from 1-5 and a very good is a 4. The average combined score given was a 3 or less. It was questioned how the points could be increased since the evaluation. Thompson stated that his scores would have been higher once he heard both sides of the story. It was argued that some scores would have been lower. It was questioned why this is such a big deal. The Policies and Procedures Committee has done all the evaluations and this has never happened before. This is the entire Council's evaluation. Re-doing the evaluation was discussed. It was stated that the evaluation takes time and is based on

observations and experiences; however, the additional information was helpful, it is after the fact. Thompson expressed two concerns:

1. The damage that has been done
2. Prior year issues should not have been included and discussions around things the City Administrator hadn't done.

It was stated that the City Council doesn't have the luxury to talk back and forth, but some type of dialog during the evaluation would be nice. The goal of the evaluation is to talk about what is good and what is bad and ways to improve. It was further stated that this format has always worked. Eckerly has complicated this as she requested the change. There are positives in the evaluation; it's not a perfect world and not everyone gets a 4% increase every year. The Council took the highest points of 52 and the lowest points of 25 and averaged them. There were 70 possible points. There are a number of goals the Council would like to see; therefore, the Council would like to meet every three months. It is hard to change the process in the middle of the stream. Thompson interjected; processes have been changed before and he asked Policies and Procedures to review the process. It is necessary to have all the information available before making any decisions.

It was stated that Eckerly's rebuttal raises even more concerns and questions if the comments from the licensed professionals are accurate. There was some concern with going back and re-doing the evaluation. It was suggested to have the rebuttal documents put with the evaluation.

The evaluation is based on scores which equal good, very good, and satisfactory which are directly related to the five point scale. The average was 3 which is good and the previous motion was favorable, not satisfactory and now the motion is very good and should have an average of 4, but the evaluation says 3.

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

Motion was made by Beavers to add all documents submitted by the City Administrator and to be included in her personnel file as her opinion. Seconded by Zimmerman and unanimously carried.

It was questioned what are the goals for the City Administrator to achieve a 4 or 5 on the evaluation. It was suggested to set the goals at some other meeting. Spooner interjected that it does not have to be held in closed session. It was suggested to have purposeful and positive dialog with the City Administrator, but can't get into previous evaluation specifications.

CITY COUNCIL WORKING SESSION

The Police Chief Position working session set for April 17, 2012 at 6:00 p.m. was discussed. This would give the Council an hour before the PAHCS presentation that would begin at 7:00 p.m. Eckerly reported she has been in contact with Lois Roback and she will come and give a presentation to the City Council in May.

Motion was made by Thompson to move forward and start the hiring process for the Chief of Police position.

It was stated that that could not be added to the agenda.

Thompson withdrew his motion.

The Council consented to leave the working session meeting for April 17, 2012 at 6:00 p.m.

It was suggested to put on a future agenda to reach out to the League of Minnesota Cities come and put the Council back together.

INFORMATIONAL

Thompson reviewed the following informational items: Electrical Report, Liquor Store Report, Overtime Reports, Rinke Noonan Legal Bills Report, Airport Funding Email, Letter From City Administrator Regarding Voluntary Pay Freeze, A rerun of the January and February Incode Financial Reports now that 2011 has been closed and the 2012 budget has been installed (emailed to Council) a copy can also be obtained from the accounting department at City Hall; and the

There being no further business, the meeting was adjourned at 7:35 p.m.

Renee Eckerly, City Administrator