

**MINUTES  
REGULAR CITY COUNCIL MEETING**

**JULY 25, 2012**

Mayor Jeff Thompson called the meeting to order at 6:02 p.m. Council members present were Jeff Bertram, Jean Soine, Dennis Zimmerman, and Gene Beavers. Others present were Renee Eckerly, City Administrator; Jennifer Welling, Administrative Assistant; Stephanie Hormann, Cable Coordinator; Chuck DeWolf, Bolton & Menk, Inc.; Bill Spooner, City Attorney; Ellarry Prentice, Press; Neil Herzberg, Joe Schmitz, Robert McDaniel, Lieutenant, Bob Dickhaus; and Donavon Mayer.

The Pledge of Allegiance was recited.

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

**CONSENT AGENDA**

Motion to approve the minutes from the following meetings: June 27, 2012 Regular City Council, June 27, 2012 TIF No. 1-12 Stang Precision Public Hearing, February 13, 2012 Budget & Finance Committee, April 17, 2012 EDAP Board, June 5, 2012 Liquor Board, June 11, 2012 Public Works Committee, April 19, 2012 Park & Tree Board, April 16, 2012 Safety Committee, June 18, 2012 Planning Commission, May 21, 2012 EDAP Board, and March 19, 2012 Budget & Finance Committee.

Motion to approve the following vouchers:

7/12/12	#84534-84535	\$ 2,703.84
	#84536-84541	\$ 3,879.27
	#84542	\$ 1,499.07
	#84543-84547	\$ 1,253.03
	+ACH	\$ 6,872.61
7/19/12	#84548-84610	\$ 105,736.86
Total		\$ 121,944.68
Payroll:		
7/12/12	#84529-84533	\$ 3,806.43
	Direct Deposit	\$ 11,289.60
	Direct Deposit	\$ 4,220.23
ACH:	None	

Motion to approve the Temporary Street Closing for Crazy Days to be held on July 27, 2012.

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

**POLICE DEPARTMENT – CALL OUT PROTOCOL**

Jeff Bertram asked at the last meeting, that this be put on the City Council Agenda. Dickhaus reported the following:

- His assumption is that this pertains to the protocol for leaving the City or when called out for on call time.

It was stated that the burglary, Credit Union, and death were the instances in question.

Dickhaus explained that there are two different things in question:

1. Call out – an officer is not on duty, but on call. The officer may be at home and is expected to answer the call with a City issued phone. The officer can't take part in any activity that would inhibit him to respond to the call. This protocol has not changed.
2. Leaving the City – with the death scenario; the officer was on duty, but the call was outside the City limits. Responding outside the City limits, but is close proximity is a bigger issue and more murky. If the County does not have a car in close proximity the closest department would be dispatched and the County would be on their way. The County will not always dispatch another department if a car is in close proximity. It was questioned when does the Council want the officers to respond. The County's perspective is we don't want the City officers at the scene unless the County dispatches them. Also the County does not always send a local officer, as it depends on the emergency, but rather ambulance or fire department. The death incident started as a simple medical emergency; then called back in and went downhill from there. Dickhaus stated he doesn't know when to tell the officers to go to the Township. There is no contract and the liability is not clear. If the officers are dispatched to go, they go.

It was asked if this protocol is in writing. Dickhaus said no, it is not in writing and not a policy, it's just how the officers do it.

It was asked how often are the City's officers in other cities helping. Dickhaus stated 17 times outside the City in May, June, and July. Of the 17 times, 13 times the officers were dispatched out and 4 times the officer offered to go out. The officers know when the County wants them to go to a scene. Dickhaus asked for direction on this if the Council wants something different. Thompson interjected that this is a learning process when working with different entities. Dickhaus agreed that there is a learning curve and officers are not 100% sure when to go out into the Township.

It was stated that in some cases the calls are from the responders themselves; ambulance, fire or Sherriff's Department. The County took 14 minutes to get to the incident. It was questioned does Stearns County dispatch the fire department all the time, and if not, when are they dispatched.

Dickhaus stated that in this case the ambulance dispatched the fire department. The County pages the fire departments in a number of communities that don't have an ambulance. It is up to the City to give direction.

It was stated to take the township out of this, and asked what would happen if this would have taken place in the City. Dickhaus stated that he would not have sent the fire department as the ambulance would have beaten them.

It was stated that this should continue to be monitored; all should be reviewing the results of a run and use it as a teaching tool to improve.

## **COMMUNICATION PROTOCOL BETWEEN COUNCIL MEMBERS & ADMINISTRATION**

It was suggested that the City Council discuss what the communication protocol is between Council members and administration. It was stated that some are confused as some Council members have their own email addresses for City use and the City does not have an overall policy. It was suggested to have City emails and City cell phones. Thompson reported that at the Mayor's Conference this was discussed and it becomes a personal choice for each Council member on how and what they use for communication. Email seems to be preferred way of communicating. It has been advised to keep personal and City emails separate.

Spooner explained that in his experience all county people have similar email addresses and questioned if this is something that the City could have for City communication. Eckerly stated that each would need access to the City's server.

According to the LMC, emailing is a great way to communicate, but don't keep any emails you don't need, but keep the one's you do; however, some don't know what to keep. There is a need for good information to make good decisions.

Electronic communication is important and would not want this to restrict or interfere with someone running for Council regarding the use of technology. It was suggested to explore options through the Policies & Procedures Committee.

## **POLICE CHIEF POSITION**

Eckerly reported that the background check is back and she recommends stopping any further procedures on this candidate.

**Motion was made by Soine to stop any further procedures on candidate number one. Seconded by Zimmerman and unanimously carried.**

Eckerly asked how the Council would like to proceed. It was suggested to take a breath, re-evaluate, and gather more information. Spooner suggested to options:

1. Re-advertise/repost for the position
2. Move on to candidate number 2

**Motion was made by Soine to proceed with candidate number two. Seconded by Beavers and unanimously carried.**

It was asked if there is a cost for the background checks. Eckerly said no, there have been no costs to date, but Stearns County would charge if there is a need to go out of state.

## **HWY. 23**

DeWolf reported that the highway is open; however, there are a number of punch list items remaining.

Eckerly reported that the ribbon cutting will be held on August 23, 2012. The naming of old Hwy. 23 was discussed.

**Motion was made by Bertram to re-name old Hwy. 23, Business 23 and recommend such to Stearns County. Seconded by Beavers and unanimously carried.**

Eckerly mentioned the signage issue and the petition to remove the cul-de-sac. Eckerly has visited with Paul Rasmussen, MnDOT regarding this.

### **OPPORTUNITY PARK**

DeWolf reported that construction and grading have started. Piping will begin next week. The project is expected to be completed this fall.

### **AIRPORT**

DeWolf reported that the project is complete. The retainage is still being held. Payment Estimate No. 3 in the amount of \$12,542.15; payable to Struck & Irwin Paving, Inc. for work completed through June 29, 2012 was presented.

**Motion was made by Zimmerman to approve Payment Estimate No. 3 in the amount of \$12,542.15; payable to Struck & Irwin Paving, Inc. Seconded by Beavers and unanimously carried.**

The lighting project is still waiting for the grant from FAA. The Airport Fly-In is on August 12, 2012.

### **RANCH VIEW PRELIMINARY PLAT**

The Preliminary Plat Application for Ranch View was submitted by Stang Holdings, LLC, Bruce and Bernie Stang. They wish to plat this recently annexed property located off of Minnie St. into three lots. The far north lot will remain zoned Ag and the other two to be re-zoned Industrial. The middle lot will be joined to his existing lot directly to the east so that they can expand their current facility. The Planning Commission has reviewed this, held a public hearing, and recommends approval. The Planning Commission's Report & Recommendation and Resolution 2012-23 were presented for consideration. Stearns County reviewed the plat for wetland determination and a document has been sent to Mr. Stang. The plat and street name have been approved by the County.

**Motion was made by Bertram to approve Resolution 2012-23 Approving The Preliminary Plat of Ranch View. Seconded by Beavers and unanimously carried.**

### **LAKE AVE. – OVER THE RAILROAD TRACKS**

Eckerly reported the following:

- Visited with Feed Co. after the fire and they plan on staying in the City
- There has been some conversation with the City going forward and City buying the land or doing a land swap
- Feed Co. is leaving all options on the table
- Feed Co. wants to be back up and running in 6 months
- Grinding is still pending

- Funding may include EDAP, DEED, and Stearns Electric
- Feed Co. wants to stay in the community
- Costs on moving Lake Ave. were referred to DeWolf

DeWolf reported the following:

- In 2008 the cost was \$1.85 million; \$1 million for construction and \$800,000.00 for property acquisition
- Now construction is estimated at \$1.75 million with no property acquisition costs
- The cost increase is due to the railroad crossing

There was some discussion on costs and the layout of Lake Ave. There will be some costs to the City whatever way we go. It was stated that AMPI is land-locked and this would open a door for AMPI. It was suggested to hear the discussion from the downtown before a decision is made. DeWolf re-drafted the layout and Eckerly has visited with the Credit Union. Feed Co. does not utilize the railroad. If Feed Co. continues to grind they will have to stay in the Industrial zone. If there is not grinding and just sales and warehousing it could be done in the Commercial zone.

### **TRAIL**

DeWolf reported that six bids were received with the apparent low bid from Duinick Bros., Inc. in the amount of \$499,999.40. The engineer's estimate was \$645,000.00. The trail costs were outlined.

**Motion was made by Bertram to proceed with the project, approve the bid from Duinick Bros, Inc. in the amount of \$499,999.40 and recommend such to Stearns County. Seconded by Zimmerman and unanimously carried.**

Eckerly mentioned the piece of land that is being given to the City as a donation from Pat Flanders etal.

**Motion was made by Bertram to accept the piece of land as a donation from Pat Flanders etal. Seconded by Zimmerman and unanimously carried.**

### **UNION - WORK WEEK RESOLUTION**

Resolution 2012-22 Settlement Agreement between AFSCME Council 65 and the City of Paynesville was presented.

**Motion was made by Zimmerman to approve Resolution 2012-22 Settlement Agreement between AFSCME Council 65 and the City of Paynesville. Seconded by Soine and passed 4: 1 (Thompson, yes; Soine, yes; Zimmerman, yes; Bertram, yes; and Beavers, no).**

### **INFORMATIONAL**

Thompson reviewed the following informational items: MorganStanley SmithBarney – Investment Report, State Demographic Center – Estimated Population, Rinke Noonan Legal

Bills Report, August & September Meeting Schedules, Paynesville Area Center City, Township & Board Appreciation picnic will be held August 9, 2012 at 6 p.m. and PAHCS Letter.

Thompson recessed the Regular City Council meeting and opened the Closed Meeting at 7:08 p.m. to discuss an offer on real property described as Lots 1 & 2, Block 1, Diekmann Business Park Plat Two; parcel numbers 70.38748.0022 & 70.38748.0020.

Thompson closed the Closed Meeting and re-open Regular City Council meeting at 7:31 p.m. and stated that the purpose of the Closed Session was to discuss an offer on real property. He further stated that the Council has directed City Attorney, Bill Spooner to redraft some details and that this will be brought back in a Closed Session on August 8, 2012.

There being no further business, the meeting was adjourned at 7:32 p.m.

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Renee Eckerly, City Administrator