

**MINUTES  
REGULAR CITY COUNCIL MEETING**

**SEPTEMBER 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; Chuck DeWolf, Bolton & Menk, Inc.; Bill Spooner, City Attorney; Neil Herzberg, Ellarry Prentice, Press; Mark Eckerly, Bruce Elfering, Lieutenant Bob Dickhaus; Bob McDaniel, Deacon Jim Schultzenberg; Don Mayer, Kay McDaniel, Bruce Stang, and Jerome Feigum.

The Pledge of Allegiance was recited.

Deacon Jim Schultzenberg led the Council in prayer. Council members gave verbal activity reports.

**CONSENT AGENDA**

Motion to approve the minutes from the following meetings: August 13, 2012 Special City Council and August 7, 2012 Liquor Board.

Motion to approve the following vouchers:

8/23/12	#84767-84768	\$ 4,331.10
	#84769-84775	\$ 5,512.92
	+ACH	\$ 6,688.52
8/24/12	#84776-84777	\$ 22,240.78
9/6/12	#84782-84783	\$ 4,278.64
	#84784-84789	\$ 5,128.28
	+ACH	\$ 6,570.07
9/5/12	#84790-84853	\$385,762.11
Total		\$440,512.42
Payroll:		
8/23/12	#84762-84766	\$ 3,775.50
	Direct Deposit	\$ 15,404.50
9/6/12	#84778-84781	\$ 3,649.36
	Direct Deposit	\$ 14,539.22
ACH:	7/12 Liquor Sales Tax	\$ 12,614.00

Motion to approve the attendance of Bob Wander to the MWOA Central Section Conference on Tuesday, September 11, 2012 in Belgrade, MN.

Motion to accept the resignation of Carmen Norstedt, Liquor Store Clerk, effective September 29, 2012.

Motion to advertise for an eligibility list for the Liquor Store Clerk.

**Motion was made by Bertram to approve the Consent Agenda with Item C – Resignation And Hiring Process Of Police Officer being moved to New Business. Seconded by Beavers and unanimously carried.**

**PUBLIC HEARING TO CERTIFY PAST-DUE GARBAGE, WATER & SEWER, SNOW REMOVAL, & MOWING BILLS**

The City's contract with West Central Sanitation specifies that the City will certify past-due bills to the County to be collected with the following year's property taxes. The State law also allows the City to place past-due water and sewer, mowing, and snow removal bills on the tax rolls.

**Motion was made by Soine to set a public hearing for 6:30 p.m. on Wednesday, October 24, 2012, for the purpose of certifying past-due garbage, water and sewer, snow removal, and mowing bills to the County. Seconded by Zimmerman and unanimously carried.**

**REQUEST TO WAIVE LATE FEE ON WATER BILL – EDGAR ZIMMERMAN**

Mr. Zimmerman is requesting the City waive his late fee he received on his water bill. Mr. Zimmerman claims he never received his original bill of \$76.06, which was due on August 6, 2012. The bill must have gotten lost or the mailman put it in the wrong box. Mr. Zimmerman received the past due/shut office notice with the late fee of \$6.97 and paid it on August 8, 2012, but would like the late fee applied to his next water bill. The written request, past due/shut off notice, and account information were presented.

**Motion was made by Bertram to waive the late fee. Seconded by Soine.**

Eckerly stated that this has never been done before. A number of people say the same thing and there is no guarantee they will get the bill. Bills go out quarterly and a number of persons each quarter state they never received their bill. It was stated that anyone can come to Council and ask for their fee to be waived, but this is the first time one that has come forward.

**The motion passed (Zimmerman abstained).**

It was stated that persons have received their neighbor's bills and it may be worthwhile to look into auto payment options.

**ABANDONED PROPERTY**

Resolution 2012-28 Declaring Property In The Possession Of The City To Be Abandoned Property was presented. This resolution has to be passed by the City Council to allow the items listed to be sold on sealed bids. A notice has to be published 3 weeks in advance of the sale. The viewing of the bikes will be October 12, 15, & 16; with the bids due by 2:00 p.m. on October 16, 2012 at which time they will be opened and read aloud.

**Motion was made by Beavers to approve Resolution 2012-28 Declaring Property In The Possession Of The City To Be Abandoned Property. Seconded by Soine and unanimously carried.**

## **BILLBOARD**

The Joint Planning Board reviewed a request, on Monday, September 10, 2012, for a billboard from Franklin Signs, to place a sign 750 feet off Hwy. 23 Bypass on the Thompson Trust Property. Eckerly has visited with Pietsch and the Township will allow a variance for 400 square feet signs and also a distance variance. One side of the Franklin Sign Billboard will be donated to the community for business/recreation advertising as the sign exceeds square foot limitations. The Township's variances would be for a 700' separation instead of 1300 feet between signs and for 400 square foot signs.

**Motion was made by Bertram to reaffirm the Joint Planning Board's recommendation. Seconded by Zimmerman and unanimously carried.**

Eckerly stated that billboards will be on the next EDAP agenda to discuss funding for such. Bertram stated he would have a draft design ready for the EDAP meeting.

## **PURCHASE OF IPADS FOR COUNCIL**

The iPad information was reviewed. The following was an excerpt of minutes from the August 15, 2012 Policies & Procedures Committee meeting:

Spoooner was in attendance to report on if there is a way to find an email communication tool that Council members could receive and respond to emails and have the communication stored on the City's servers. The Committee discussed that everyone should have the same access. A couple of Council members have stated they will not be changing their emails. Spooner does not have a concern if a Council member chooses to mix personal and City emails; that is their choice. The Committee discussed whether information that is not City related would be redacted from someone's personal computer. Eckerly reported that Bennett Technologies can setup paynesvillemn.com email addresses for every Council member and would teach them how to access the account over the internet on their personal computer. The Committee discussed laptops being the ultimate solution; the screens should be 15 inch and would be used for City business only. Some members of the Council have not emailed for months due to this issue and others have set up new email accounts.

Motion was made by Beavers to establish City based email addresses and purchase laptop computers to be set up to access city business including internet service air cards for Council members and recommend such to the City Council. Seconded by Bertram and unanimously carried.

Renee Eckerly and Dennis Zimmerman met and reviewed laptops versus iPads and if Council wants to proceed it would be recommended to purchase five 16 GB Apple iPads at the cost of \$499.99 each plus tax, shipping, and covers. This would allow Council members to receive City emails and correspondence; however, these units do not come with internet access. Bennett Technologies will set up email addresses for each Council member using paynesvillemn.com.

Zimmerman stated he had conducted some additional research and reported the following:

- Utilizing an air card with an extra monthly expense is not necessary

- What type of device would work best – is an iPad really necessary since all Council member have devices and could connect to City Hall email
- He was second guessing his recommendation as it may be more than what is needed

Thompson asked can't the Council members get the same results by using yahoo, hotmail, etc. without incurring costs through Bennett. He asked why spend anything if you can get it for free.

Zimmerman responded it can be done as Thompson suggested, the City would just have to have some way to accommodate all Council members and not all have the desire or means to do it on their own. Once a City email is set, there are no further costs.

Thompson stated that with yahoo, all you need is a username and password. Zimmerman responded yes, this is an alternative.

It was reported that the Policies and Procedures Committee discussed this. If the City is going to do something, let's do it legally, consistently, and uniformly.

Thompson stated that if someone on the Council doesn't have the means, the City could provide it or paper could be used.

It was suggested to look at this after the first of year, since all Council members currently have the equipment needed. It was further suggested to set up City email addresses at minimum.

Thompson recessed the Regular City Council meeting at 6:31 p.m. for the Ranch View Drainage Easement Vacation Public Hearing.

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

It was stated that some have concerns with the expectation that all Council members have laptops. These are donated devices; is there a risk by using personal devices for government work. If the Council is expected to communicate for City business; the Council should have the appropriate email address and devices to do such. There was some discussion on security and access to emails and City documents.

**Motion was made by Zimmerman to set up City emails as a test for City communications using the City server. Seconded by Bertram and passed 4:1 (Zimmerman, yes; Soine, yes; Bertram, yes; Beavers, yes; and Thompson, no).**

### **TRUTH IN TAXATION PUBLIC HEARING**

It has been suggested to set the Truth In Taxation Public Hearing for Wednesday, December 12, 2012 at 6:30 p.m. during the regular scheduled Council meeting. If the levy is not adopted on December 12, 2012 the Council will have to hold a special meeting the week of December 17, 2012 to do so. The Council is also no longer required to publish a public hearing notice.

**Motion was made by Bertram to set the Truth In Taxation Public Hearing for Wednesday, December 12, 2012 at 6:30 p.m. Seconded by Beavers and unanimously carried.**

## **RESIGNATION & HIRING PROCESS OF POLICE OFFICER & POLICE DEPARTMENT**

On August 22, 2012 the City Council approved a contract, through December 31, 2012, with the Stearns County Sheriff's Department for 40 hours of police service at the rate of \$45.00 per hour. It has been suggested that the Council may want to discuss increasing the amount to 80 hours per month; due to the loss of an additional police officer. A copy of the Contract that was approved by Council on August 22, 2012 for 40 hours and a proposed Contract for 80 hours was reviewed.

**Motion was made by Bertram to go to 80 hours per month at \$45.00 per hour and Seconded by Zimmerman.**

Dickhaus reported that Joe Schmitz has resigned. Investigators are still working through the other Officer issue; there is no result yet, but hope to know soon. Elfering is scheduled for days and the Department is currently using the part-time staff when available. Hours are being supplemented with contract hours from Stearns County.

Eckerly stated that to date the City has received five applications for the Chief's position. She further reported that she received a call from Sheriff Sanner and the County is also short staffed and the County needs Lieutenant Dickhaus back. Sanner has suggested making Elfering the Interim Chief or contract for a Chief with the County.

Elfering addressed the Council and stated that he was approached by Eckerly and has talked to both Dickhaus and Eckerly regarding the position. Elfering stated he would take the Interim Chief position with the help of Stearns County.

Jerome Feigum addressed the Council and stated his perspective in seeing both sides of this situation in the Police Department. The first question he is being asked is what's going on. The impression he's getting is there is an error of uncertainty. He recommended pushing forward an image that there is full Council support. Nobody wants to leave a safe and secure environment to move to uncertainty for him/her and his/her family. He spends a fare amount of time in town and sees a number of Stearns County cars, he appreciates it and likes it. Seeing the cars can be a big deterrent. The overall message projected needs to be something positive to bring people here. The image needs to be changed or the City will be used as a stepping stone. The image problem will affect the applications the City draws in. Feigum suggested using verbiage in the advertisement to entice people to want to come here.

It was stated that the Council has voted to keep the Police Department; however, persons are still under the interpretation that the Council wants to eliminate the department.

Feigum agreed to keep moving forward and stated that for police officers it's more than an economic decision. Make sure it's more than the money that attracts the candidates; get it right, to get good people.

It was suggested that the City could put out a brochure about the City with the applications.

The salary and complete package figures were discussed.

It was asked what Feigum would do. Feigum stated you need a Chief first to help rebuild the department. The Chief is more important to start with.

Dickhaus agreed. Officers aren't all about the money. They are about their schedules, equipment, cars, Council support, and a friendly place to work. The Chief can paint the picture of what it's like to work in the department.

Feigum stated most officers don't do it for the pay. Dickhaus stated most officers just want to be paid adequately.

Feigum continued that most of an officer's calls are confrontational and it's our jobs to hold people accountable for their action. The Council must make employees aware of their support and that this is a good place to work and stay.

**The motion unanimously carried.**

**Motion was made by Bertram to accept the resignation of Joseph Schmitz, Police Officer; effective September 16, 2012. Seconded by Beavers and unanimously carried.**

Eckerly reported on the Chief's position.

**Motion was made by Soine to appoint Bruce Elfering as Interim Chief of Police. Seconded by Beavers and unanimously carried.**

It was questioned if this is a union issue. Eckerly stated that the Council could give him a 5% increase during the time he serves as Interim Chief.

**Motion was made by Bertram to give Bruce Elfering, Interim Chief of Police a 5% increase during the time he serves as Interim Chief, effective September 15, 2012. Seconded by Zimmerman and unanimously carried.**

Dickhaus stated it was a pleasure to serve the City. It was wonderful, challenging, beneficial, and will help with the transition.

The reviewing of the applications including scoring was discussed. Bruce Elfering will replace Joe Schmitz on the Interview Committee.

Spooner suggested keeping the pointing, scoring, and interviewing of the Chief's position the same as in the past.

## **AIRPORT**

DeWolf reviewed Payment Estimate No. 4 (final payment); payable to Struck & Irwin Paving, Inc. in the amount of \$6,652.57 for work completed through July 29, 2012 on the airport slurry seal project.

**Motion was made by Zimmerman to approve Payment Estimate No. 4 (final payment); payable to Struck & Irwin Paving, Inc. in the amount of \$6,652.57. Seconded by Beavers and unanimously carried.**

### **OPPORTUNITY PARK DRIVE PROJECT/PLAT**

**Payment Request** - DeWolf reported on the Opportunity Park Drive Project. The contractor will be paving today and tomorrow. Payment Estimate No. 2 in the amount of \$186,811.70; payable to Chad Monson Excavating for work completed through August 31, 2012 was presented.

**Final Plat** – The Final Plat Application for Opportunity Park submitted by the City of Paynesville and the Paynesville Area Center was presented. The Planning Commission held public hearing on April 12, 2012. The Planning Commission reviewed this on Monday, September 10, 2012. Resolution 2012-29 Approving Final Plat Of Opportunity Park was presented for consideration.

**Development Agreement** - The development agreement was presented. The Paynesville Area Center has reviewed this and approved it. The Planning Commission reviewed this on Monday, September 10, 2012.

**Motion was made by Beavers to approve Payment Estimate No. 2 in the amount of \$186,811.70; payable to Chad Monson Excavating for work completed through August 31, 2012. Seconded by Soine and unanimously carried.**

**Motion was made by Bertram to approve Resolution 2012-29 Approving Final Plat Of Opportunity Park. Seconded by Zimmerman and unanimously carried.**

**Motion was made by Zimmerman to approve the Opportunity Park Plat Development Agreement. Seconded by Soine and unanimously carried.**

Eckerly stated that a transfer of funds for this project will be on the next agenda.

### **2013 PRELIMINARY PROPERTY TAX LEVY AND BUDGET**

In accordance with Minn. Stat. § 275.065, cities must adopt their proposed budget and certify their proposed levy to the county auditor by September 15<sup>th</sup>. Eckerly reported that the City would go in at 8%, but end at 4%. The only change from the previous budget submitted is the percentage of wages for each department and the Part-time Public Works employee was added in the amount of \$5,500.00.

A number of items were questioned including:

- Interest amount
- Insurance increase
- Dues
- Union negotiations
- Building Inspection fees
- Increase in surplus, why is the Council budgeting for a surplus

It was suggested to meet as a whole Council with the Budget and Finance Committee to discuss the budget.

**Motion was made by Soine to set the 2013 Preliminary Property Tax Levy at:**

<b>Current Real &amp; Personal Property</b>	<b>\$586,381.00</b>
<b>Market Value Credit</b>	<b>.00</b>
<b>Mobile Home Homestead Credit</b>	<b>\$ <u>.00</u></b>
<b>Total Preliminary Property Tax levy</b>	<b>\$586,381.00</b>

**and certify such to the Stearns County Auditor. Seconded by Beavers and unanimously carried.**

**Motion was made by Zimmerman to set the 2013 Preliminary General Fund Budget at \$1,787,076.00. Seconded by Bertram and unanimously carried.**

**Motion was made by Beavers to approve Resolution 2012-33 Adopting Proposed 2013 Tax Levy Collectible in 2013. Seconded by Soine and unanimously carried.**

### **RANCH VIEW PLAT – BRUCE & BERNIE STANG**

**Final Plat** – The Final 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 two other 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. Stearns County reviewed the plat for wetland determination and the plat and street names have been approved by the County. The Planning Commission held a public hearing on this on Monday, September 10, 2012. Resolution 2012-30 Approving The Final Plat Of Ranch View was reviewed.

**Re-Zone** - The Re-Zoning Application for Ranch View was submitted by Stang Holdings, LLC, Bruce and Bernie Stang. They wish to re-zone lots 1 and 2 from A-1, Agriculture to I-1, Light Industrial. Lot 3 would remain Agriculture. The Planning Commission held a public hearing on this on Monday, September 10, 2012. Resolution 2012-31 Granting Application For Re-Zoning was reviewed.

**Drainage Easement Vacation** - The Petition for Drainage Easement Vacation was submitted by Stang Holdings, LLC, Bruce and Bernie Stang. They wish to vacate the draining easement that runs along the easterly side of lots 1 and 2. Resolution 2012-32 Vacating That Certain Public Way Consisting Of A Drainage Easement Upon The Petition Of A Majority Of Land Owners Abutting The Easement and Notice Of Completion Of Proceedings For Vacation Of Public Way Consisting Of A Drainage Easement were presented.

**Development Agreement** –The development agreement was presented. The Planning Commission reviewed this on Monday, September 10, 2012. Bruce and Bernie Stang have also reviewed this.

**Motion was made by Bertram to approve Resolution 2012-30 Approving The Final Plat Of Ranch View. Seconded by Zimmerman and unanimously carried.**

**Motion was made by Soine to approve the Resolution 2012-31 Granting Application For Re-Zoning. Seconded by Zimmerman and unanimously carried.**

**Motion was made by Zimmerman to approve Resolution 2012-32 Vacating That Certain Public Way Consisting Of A Drainage Easement Upon The Petition Of A Majority Of Land Owners Abutting The Easement. Seconded by Soine and unanimously carried.**

**Motion was made by Beavers to approve Notice Of Completion Of Proceedings For Vacation Of Public Way Consisting Of A Drainage Easement. Seconded by Soine and unanimously carried.**

**Motion was made by Bertram to approve the Ranch View Development Agreement. Seconded by Beavers and unanimously carried.**

### **MNDOT TURNBACK – 1<sup>ST</sup> STREET & CONNECTION TO CEMETERY ROAD**

A letter from MnDOT regarding the turnback of 1<sup>st</sup> Street and the connection to Cemetery Road was presented. Mergen stated that this is not eligible for turnback funds, but would like to ask for funding on Arthur Lane. It was consented to ask for funding from the State.

### **WASTEWATER TREATMENT FACILITY RE-SCOPING PROJECT**

DeWolf reported the City is still waiting for MPCA, the grants, and on the PFA loan; however, the City should know soon.

### **STORM WATER PROJECTS**

Mergen presented a letter from Bolton & Menk, Inc. regarding the 2013 Clean Water Fund Competitive Grants for the proposed projects:

<u>Location</u>	<u>Estimated Total Cost</u>	<u>Estimated City's Share</u>
1. Regional Pond – Minnie St.	\$285,000.00	\$57,000.00
2. Improvements on 3 Outfalls (Richmond St., Oak Park Ave., and Haines Ave.)	\$125,000.00	\$25,000.00
3. Installation of Rain Gardens	unknown	SWCD will cover with City

DeWolf stated that all applications will be applied for through Stearns County SWCD.

**Motion was made by Bertram to proceed with applying for the 2013 Clean Water Fund Competitive Grants for the:**

- 1. Regional Pond – Minnie St.**
- 2. Improvements on 3 Outfalls (Richmond St., Oak Park Ave, and Haines Ave.)**
- 3. Installation of Rain Gardens**

**Seconded by Beavers and unanimously carried.**

### **WELL #3 – MPCA – FORMER MIDTOWN SERVICE STATION**

The USGS Presentation on the Bemidji site will be held on Tuesday, October 23, 2012 at 5:00 p.m. in the City Hall Council Chambers. An email from Laurie Kania regarding the sealing of Well #3 and perhaps receiving the signed Access Agreements was presented. A copy of the letter that Senator, Michelle Fischbach sent to MPCA was also presented.

### **WELL #6**

The comments from Dave Traut, Traut Companies regarding Well #6 and the recommendation from Bolton & Menk, Inc. was presented. Mergen recommended putting the pump back in and run it as a backup well.

**Motion was made by Bertram to reinstall the pump, run as a backup, and install a new well in 5 years. Seconded by Zimmerman and unanimously carried.**

### **INFORMATIONAL**

Thompson reviewed the following informational items: MnDOT – Paynesville Bypass Petition Denial, Library Report, West Central Sanitation August Garbage Report, Letter From City Administrator, and Overtime Reports.

Eckerly reported that Feed Co. wants to go ahead with rebuilding at its current location and wanted to ask the Council if they were interested in doing anything at this time, and if not he will rebuild. Feed Co. would like to swap an acre in Opportunity Park. Thompson stated it would be an opportune time to do something, but it is their property and they can do with what they want with it. Eckerly noted that the Public Works Committee has reviewed this and deemed it not feasible at this time.

There being no further business, the meeting was adjourned at 7:41 p.m.

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Renee Eckerly, City Administrator