

**MINUTES  
REGULAR CITY COUNCIL MEETING**

**APRIL 14, 2014**

Mayor Jeff Thompson called the meeting to order at 6:00 p.m. Council members present were Kay McDaniel, Donavan Mayer, Jean Soine, and Gene Beavers (6:04 p.m.). Others present were Renee Eckerly, City Administrator; Ron Mergen, Public Works Director; Jennifer Welling, Administrative Assistant; Bill Spooner, City Attorney; Ellarry Prentice, Press; JoLyn Lindquist, Social Media Specialist; Chuck DeWolf, Bolton & Menk, Inc.; Lieutenant, Bob Dickhaus; John Hunt, Barr Engineering; Neil Herzberg, Barb Koehn, Rick Koehn, Monte Eastvold, Northland Securities; Paul Wegner, Police Chief; and Bill Ludwig, Liquor Store Manager.

The Pledge of Allegiance was recited. Council members gave verbal activity reports.

Paul Wegner, Police Chief reported on the following:

- Officer Klingfus has started and in his third week of training
- Visited the driver's education class
- Moving into the busy months
- Remind residents to keep a watch for suspicious activity and report it

Ron Mergen, Public Works Director reported on the following:

- Department will be sweeping streets
- Spring Clean Up & HHW Collection
- Shred It will be available the day of the cleanup; free of charge
- Water Festival
- Compost site schedule and annual residential permits are \$10.00
- Park reservations can be made
- Activity at parks
- Hydrant flushing postponed one week
- Frozen water services
- Airport – 100% full; one left and three on a waiting list

**CONSENT AGENDA**

Motion to approve the minutes from the following meeting: March 4, 2014 Polices & Procedures Committee, March 6, 2013 Wellhead Protection Committee, February 20, 2014 Special Liquor Board, February 4, 2014 Liquor Board, February 12, 2014 Liquor Board, April 2, 2014 Special City Council, October 2, 2013 Cable Committee, February 26, 2014 Special Liquor Board, February 13, 2014 Special Park & Tree Board, April 4, 2013 Environmental Committee, January 6, 2014 Planning Commission, and March 24, 2014 Policies & Procedures Committee.

Motion to approve the following vouchers:

04/03/2014	Payroll	88082-88085	\$3,655.99
04/03/2014	Payroll Direct Deposit		\$14,471.07
04/03/2014	Payroll Taxes	88086-88090	\$4,464.29
04/03/2014	Payroll - Fed		\$4,963.02

04/03/2014	Payroll - State		\$923.08
04/03/2014	Payroll - ING		\$275.00
04/03/2014	Payroll - TASC		\$466.13
04/03/2014	Payroll - PERA		\$4,524.18
04/03/2014	Payroll - AFLAC		\$139.41
04/03/2014	Payroll - SELECT		\$353.85
04/08/2014	Vouchers	88091-88183	\$140,968.73
		TOTAL	\$175,204.75

Motion to accept the Wellhead Protection Committee resignation from Jay Thompson.

Motion to approve the attendance of Renee Eckerly to the 2014 Safety & Loss Control Workshops on April 22, 2014.

Motion to approve the attendance of Bruce Elfering and Paul Wegner to the EVOC Training in Tracy, MN on May 6, 2014.

Motion to approve the attendance of Brady Klingfus to the SFST and OPUE Training May 5 – 7, 2014.

Motion to support Bill Ludwig, Liquor Store Manager to serve on the MMBA Board of Directors.

Motion to approve the attendance of Bill Ludwig to the MMBA Retreat, April 16 – 17, 2014, in Roseville, MN.

**Motion was made by Mayer to approve the Consent Agenda. Seconded by McDaniel and unanimously carried.**

**GAZEBO RENTAL FEE WAIVER REQUEST – COMMUNITY BIBLE SCHOOL**

Barb Koehn was in attendance to ask the Council to waive the Gazebo Rental Fee of \$26.72 x 5 days = \$133.60 for the use of the Gazebo August 4-8, 2014 for a Community Bible School.

**Motion was made by Soine to waive the Gazebo Rental fee for the total amount of \$133.60 for the use of the Gazebo August 4-8, 2014 for a Community Bible School. Seconded by McDaniel and unanimously carried.**

**800 MHZ TELECOMMUNICATION RADIO TOWER & BUILDING**

Lieutenant, Bob Dickhaus of the Stearns County Sheriff’s Department was in attendance to address the City Council regarding a Variance, Conditional Use Permit, and Site Permit for an 800 MHz tower and building on the City’s water tower property in Paynesville Township. The fees for such are:

Variance	\$100.00
Conditional Use Permit	\$100.00
Site Permit	\$250.00

Eckerly stated that the Eden Valley site has been decommissioned and the City has been working with Stearns County to get one here. Funding was received for a tower at the water tower site in Paynesville Township. There is a need for a variance, conditional use permit, and site permit.

Dickhaus stated that this will improve radio communications of all emergency responders. It was requested and funding was received from the Stearns County Commissioners. There is a 50:50 matching grant from the State. The total is \$1.2 million dollars. The tower is 100'. The proposed site layout was presented. The tower has a 10x10 footprint and the building is 12x20 on a floating slab. The plan, if approved by Council and the Township, is to begin construction as soon as the weather permits.

**Motion was made by Beavers to approve the submission of a Variance, Conditional Use Permit, and Site Permit to Paynesville Township, and authorize the Mayor to sign the documents for an 800 MHz telecommunication radio tower and building. Seconded by Soine and unanimously carried.**

### **MPCA FORMER MID TOWN SERVICE STATION**

John Hunt, Barr Engineering Co. was in attendance to present a report on his findings:

- City retained Barr Engineering in reviewing the MPCA documents
- Spoke with and met with MPCA and the Department of Health
- Spoke and met with City staff and Council members
- Outcome:
  - Pertinence on City's side
  - Wells installed for critical information
  - MPCA does not carry the same sense of urgency as the city
  - MPCA needs to speed up the pace
  - Long term strategy – continue to pump and control the plume
  - Natural attenuation – not sure if that's a good decision
    - Recommendation:
      - Update ground water model
      - Wellhead Protection Plan
      - Additional conversations on new data collected
      - No action necessary
      - This fulfills the scope of work that the City retained Barr Engineering for

There was a lengthy discussion on what MCPA has done, is not doing, and plans to do. Hunt stated that the MN Dept. of Health is concerned and are waiting for the next round of ground water data. There are other branches in the MPCA that take this very seriously.

### **2014 STREET IMPROVEMENT PROJECT**

Monte Eastvold, Northland Securities was in attendance to present the 2014 Street Improvement Project ten and fifteen year debt scenarios. 10 year bond at \$1,189,197.00 minus water and sewer transfers and add in bonding costs equals \$845,000.00. The bond would be callable on December 31, 2020. The date of sale is April 28, 2014. The issue will be rated. If a 15 year issue is considered the City may want to pay it off sooner rather than later.

The Council's consensus was to move forward with a 10 year bond. Eastvold presented a letter informing the Council of Northland's role as the underwriter and financial advisor. The Council acknowledged the letter. Due to the size of the bond, Eastvold recommend a public sale.

The Council discussed the following proposed transfers:

\$100,000.00 from Fund 116 – Sewer Equipment Replacement to Fund 521 2014 Street Improvement Construction Fund

\$200,000.00 from Fund 113 Water Capital Improvement Fund to Fund 521 2014 Street Improvement Construction Fund

**Motion was made by Beavers to transfer \$100,000.00 from Fund 116 – Sewer Equipment Replacement to Fund 521 2014 Street Improvement Construction Fund and \$200,000.00 from Fund 113 Water Capital Improvement Fund to Fund 521 2014 Street Improvement Construction Fund. Seconded by McDaniel and unanimously carried.**

### **TEMPORARY STREET CLOSING – SCHOOL BULLDOG FIELD DAY**

A Temporary Street Closing Application to close Washburne Ave. from just south of the Fire Hall to Main St. on Friday, May 9, 2014 from 10:00 a.m. to 2:00 p.m. was presented. The Police Chief and Fire Chief have reviewed this and recommend approval with the understanding that the school must work with the Public Works Department for barricades.

**Motion was made by Beavers to approve the Temporary Street Closing for School Bulldog Field Day on Friday, May 9, 2014. Seconded by Soine and unanimously carried.**

### **VARIANCE REQUEST – VOGELPOHL & LEWIS**

A Variance request has been submitted by Kelly Vogelpohl & Amanda Lewis of 305 Wendell St. They wish to erect an above ground swimming pool. They cannot meet the 30' set back from their east (side/front) property line (Stearns Ave.). According to the City Ordinance accessory structures must be set back 30' from their front property line; this property is on a corner; therefore, is double fronted. They are seeking a 17' foot variance. The owners already have a fenced yard and will have a ladder that can be locked in a position so that the pool is not accessible when not being used for safety reasons. They can meet all other zoning regulations. The Variance Application and Report & Recommendation Of Planning Commission On Application For Variance were presented. The Planning Commission has reviewed this and recommends approval.

**Motion was made by Beavers to set the Vogelpohl & Lewis Variance Public Hearing for Monday, May 12, 2014 at 6:30 p.m. Seconded by Soine and unanimously carried.**

## **CONCEPT PLAN – FUCHS FARMS**

A Concept Plan has been submitted by Urban & Dorine Fuchs & Family to plat their existing property on Minnie Street into two parcels. There are a number of items that are currently being addressed with the hopes to have answers prior to or at the Planning Commission's Preliminary Plat public hearing; including, but not limited to, who the exact owners are and whose signatures are actually required. The Concept Plan Application was reviewed. The Planning Commission has reviewed this and recommends approval.

**Motion was made by Soine to approve the Fuchs Farms Concept Plan. Seconded by Mayer and unanimously carried.**

## **VARIANCE REQUEST – CENTRACARE HEALTH – PAYNESVILLE**

A Variance request has been submitted by CentraCare Health – Paynesville, 200 First St. West, Paynesville, MN. They wish to extend a vestibule to the north side of the building out to where the current MRI Trailer sits. They are further wanting permission to allow the trailer to be parked at its location on a more "permanent" basis. The current facility is non-conforming and does not meet the 25' setback. The proposed vestibule would not meet the set back and is requiring a 16.4' variance. The trailer also does not meet the setback as it will be right on the property line and will need a 25' variance. A Variance Application and Report & Recommendation Of Planning Commission On Application were presented. The Planning Commission has reviewed this and recommends approval. The City requires that all parts of the facility and/or its extensions (including the trailer) be placed within CentraCare Health – Paynesville's property line boundaries.

Eckerly commented that this is an interesting situation for Council. The location of the trailer next to the road was reviewed. Currently the trailer is already 3' into the City's right of way and CentraCare is aware of this. CentraCare may want a bigger trailer and be 10' into city's right of way. CentraCare may also come for an easement. The current trailer has been at the existing location off and on for last 20 years.

Spoooner commented that CentraCare can have an encroachment agreement, but not an easement. Spoooner suggested that the City be able to terminate the agreement at will. The City's property on a plat is dedicated to the City for use as a street. The City can grant a variance for the set back, but not an easement. An encroachment is movable.

**Motion was made by Mayer to set the CentraCare Health – Paynesville Variance Public Hearing for Monday, May 12, 2014 at 6:45 p.m. Seconded by McDaniel and unanimously carried.**

(Soine left at 7:18 p.m.)

## **PERA MEMBERSHIP FOR PART-TIME POLICE OFFICERS**

Resolution 2014-11 PERA Membership For Part-Time Police Officers was presented. Minnesota Statutes Section 353.64 permits governmental subdivisions to request coverage in the Public Employees Police and Fire plan for eligible employees of police or sheriff

departments whose position duties meet the following Police and Fire Plan membership requirements:

1. Said position requires a license by the Minnesota peace officer standards and training board under sections 626.84 to 626.863 and this employee is so licensed;
2. Said position's primary (over 50%) duty is to enforce the general criminal laws of the state;
3. Said position charges this employee with the prevention and detection of crime;
4. Said position gives this employee the full power of arrest, and
5. Said position is assigned to a designated police or sheriff's department.

This is a State requirement to be allowed in the program and is approved on a case by case basis.

**Motion was made by Mayer to approve Resolution 2014-11 PERA Membership For Part-Time Police Officers. Seconded by McDaniel and unanimously carried.**

### **TEMPORARY STREET CLOSING – LADIES NIGHT OUT – PEP COMMITTEE**

A Temporary Street Closing Application to close Augusta Ave. from James St. to the Alley (near AMPI) on Friday, April 25, 2014 from 5:00 p.m. to 10:00 p.m. was presented. The Police Chief and Fire Chief have reviewed this and recommend approval with the understanding that the Committee must work with the Public Works Department for barricades.

**Motion was made by Beavers to approve the Temporary Street Closing for Ladies Night Out on Friday, April 25, 2014 from 5:00 p.m. to 10:00 p.m. Seconded by McDaniel and unanimously carried.**

### **2014 ANNUAL WATER FESTIVAL**

Mergen reviewed the Water Festival activities and proposed budget.

**Motion was made by Beavers to approve the 2014 Annual Water Festival and budget. Seconded by Mayer and unanimously carried.**

### **COMMUNITY PARK - SHELTER**

A Community Park Shelter proposal at an estimated cost of \$50,000.00 - \$60,000.00 was presented. The County will be contacted to see if they will contribute financially. The Park & Tree Board has reviewed this and recommends approval. The shelter would be 20x24 with a sidewalk and metal roof. The shelter is half the size of the shelter at Veterans Park and will be rented. Money for the project would come from the Park CIP fund. This type of project is included in the Park Comp Plan.

**Motion was made by Beavers to approve the shelter and authorize advertisement for bids. Seconded by McDaniel and unanimously carried.**

**ORDINANCE NO. 149, 2<sup>ND</sup> SERIES – RULES & REGULATIONS RELATING TO REFUSE COLLECTION & DISPOSAL**

Ordinance No. 149, 2<sup>nd</sup> Series – Rules & Regulations Relating To Refuse Collection & Disposal was presented. The Environmental Committee has reviewed this and recommends the Subd. 1 change only. Mergen noted that this is a follow up from last fall when a renter ordered the dumpster and then left the bill with owner. The first part changes the definitions. The second part is not recommended as this instance happened once in 20 some years. West Central Sanitation customers with no credit history are now required to have a deposit.

**Motion was made by Beavers to approve the ordinance with the changes as recommended by the Committee. Seconded by McDaniel and unanimously carried.**

**SPLASH PAD – SIDE WALK/PAD EXTENSION & PHASE 2**

A quote from Voss Plumbing in the amount of \$7,875.00 for a Splash Pad sidewalk, pad extension, and layout for Phase 2 of the Splash Pad at Gazebo Park at an estimated cost of \$21,623.49 was presented. The Park & Tree Board has reviewed this and recommends the Splash Pad sidewalk and pad extension in the amount of \$7,875.00.

**Motion was made by McDaniel to approve the quote in the amount of \$7,875.00 from Voss Plumbing & Heating for the Splash Pad sidewalk and pad extension. Seconded by Mayer and unanimously carried.**

**2013 YEAR END TRANSFERS**

The following are optional for the year end transfers to the Capital Improvement Funds:

The following are the budgeted figures and expenses as of 12/31/13:

Park Dept	Budget: \$77,740	Actual expense: <b>\$83,496</b>	Difference: \$.00
Airport Dept	Budget: \$117,672	Actual expense: <b>\$150,061</b>	Difference: \$.00
Street & Alley Dept.	Budget: \$107,860	Actual expense: \$97,941	Difference: \$9,919
Snow & Ice Dept.	Budget: \$64,195	Actual expense: \$54,974	Difference: \$9,221
Street Lighting Dept.	Budget: \$44,650	Actual expense: <b>\$53,816</b>	Difference: \$.00
Tree Insp. Dept.	Budget: \$19,314	Actual expense: <b>\$20,210</b>	Difference: \$.00
Emergency Serv. Dept.	Budget: \$9,691	Actual expense: \$8,834	Difference: \$857
Police Dept.	Budget: \$408,596	Actual expense: \$386,137	Difference: \$22,459
Fire Equip line item	Budget: \$2,000	Actual expense: <b>\$3,614</b>	Difference: \$.00

Eckerly explained that these are presented to Council each year; however, 2007 was last time the monies were transferred. The difference has usually been put in the CIP funds. If not, the transfers were put into reserves. Transfers take from reserves and are put into the Department's CIP.

Wegner commented that he would like to keep the money and establish a depreciation scale. This would help start that process, assist in any overages the department may have due to the new office, and any other department equipment needs.

**Motion was made by Mayer to designate any unexpended money under the Street and Alley Budget and Snow and Ice Budget to the Street/Sidewalk Capital Improvement Fund for future street construction. Seconded by McDaniel and unanimously carried.**

**Motion was made by Beavers to designate any unexpended money in the Police Budget to the Police Capital Improvement Fund. Seconded by Mayer and unanimously carried.**

### **BEACH – DOCK/RAFT**

A quote from Nathe's Marine & Sports Center for a ShoreMaster dock/raft in the amount of \$18,387.00 was presented. The Park & Tree Board has reviewed this and recommends approval. The Township has agreed to pay \$9,000.00 and the Lake Association is also being contacted for funding. Mergen explained that this is at Veterans Park and the existing raft/dock was put in 30-40 years ago. This would run the dock all way out to the raft. The old dock would be removed and could be declared as surplus property. It was asked how the dock has been utilized in past. One dock would stay and possibly move to outside the swimming area for boats. This one would float with the water. It was stated that it is a safety issue. The new dock/raft will make is easier for the lifeguards to watch swimmers. It was asked if there was a second bid. Mergen said no, this is the only local business that provides these. The proposed raft/dock will last for about 20 years.

**Motion was made by McDaniel to approve the purchase of a ShoreMaster dock/raft in the amount of \$18,387.00 from Nathe's Marine & Sports Center. Seconded by Mayer and unanimously carried.**

### **HIRING OF BUILDING OFFICIAL**

Eckerly explained that the position has been offered to Jake Depuydt. The City has received letter from Mr. Depuydt regarding a City vehicle, computer, phone, conducting inspections in other cities, and that the pay is too low. Mr. Depuydt was invited to come; however, was not in attendance. The Policies & Procedures Committee discussed this. The pay and job duties were very explicit in the interview as this was a new position in the City.

Under the union contract this is a Grade 12 position and with experience up to Step. 3. Mr. Depuydt has countered at \$48,000.0. According to pay equity there are no implications on Grade 12. The Council's options are:

- Negotiate with Mr. Depuydt
- Rescind the motion to hire
- Repost for the position
- Amend the motion to different dollar amount
- Offer a police vehicle that is not being used

The Policies & Procedures Committee didn't make a recommendation due to the fact they wanted to talk with Mr. Depuydt; however, it appears he is not willing to negotiate. It was stated that \$46,000.00 is a fair offer and if nothing is done the offer stands.

No action was taken.

### **WASTEWATER TREATMENT RE-SCOPE PROJECT**

Payment Estimate No. 15 in the amount of \$10,361.70; payable to Magney Construction, Inc. for work completed through March 7, 2014 was presented.

**Motion was made by Mayer to approve Payment Estimate No. 15 in the amount of \$10,361.70; payable to Magney Construction, Inc. Seconded by McDaniel and unanimously carried.**

### **HWY. 55 & CSAH 66 PROJECT – FINAL PAYMENT**

Payment Estimate No. 2 (Final Payment) in the amount of \$5,001.91; payable to Knife River Corporation was presented. This is the final payment which releases the retainage. There still remains a 2 year warranty on project

**Motion was made by McDaniel to approve Payment Estimate No. 2 (Final Payment) in the amount of \$5,001.91; payable to Knife River Corporation. Seconded by Mayer and unanimously carried.**

### **WATER TREATMENT EXPANSION PROJECT**

DeWolf reported that with the weather improving more construction will happen on the clear well and then the filter replacement.

### **INFORMATIONAL**

Thompson reviewed the following informational items: Morgan Stanley – Investment Report, Mediacom – Converter Fee, Stearns County Environmental Services – Public Hearing Notice, West Central Sanitation March Garbage Rates, Historical Society – Thank you, January & February Investment, Liquor Revenue & Expenses, Incode Financial Reports, City Attorney Report, and Capital Improvement Breakdown Report – all reports can be found on the City's website. March Liquor Store Reports and March Police Reports.

There being no further business, the meeting was adjourned at 8:08 p.m.

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Renee Eckerly, City Administrator