

**MINUTES
REGULAR CITY COUNCIL MEETING**

DECEMBER 11, 2013

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 (6:02 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; Chuck DeWolf, Bolton & Menk, Inc.; Bill Ludwig, Liquor Store Manager; Paul Wegner, Police Chief, Neil Herzberg, Corey Gerads, and John Derichs.

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

Ron Mergen, Public Works Director reported on the following:

- Compost site annual report
- Received \$1,000.00 in SCORE funds for compost site
- There is a request for more hours at the compost site from residents
- Energy Use Report and LED lighting
- CenterPoint Energy report
- All airport hangars are full
- A helicopter will be at the airport for the next 10 days; being used by a survey crew
- Snow removal; used the new snow blower
- Reminded residents to please clean the sidewalks
- Park & Tree Board is researching a second phase to the splash pad
- Finish soccer fields next spring
- Expansion of Community Park
- Beach – new raft and concrete ramps

Paul Wegner, Police Chief reported on the following:

- Updated department policy manual
- Year end reports
- Golf cart ordinance
- Really busy with arrests
- Winter parking restrictions

CONSENT AGENDA

Motion to approve the minutes from the following meeting: November 12, 2013 Special City Council, October 30, 2013 Special City Council/Goals & Objectives & Working Session, November 25, 2013 Special City Council, October 28, 2013 Special Safety Committee, and November 5, 2013 Liquor Board.

Motion to approve the following vouchers:

11/27/2013	Vouchers	87305-87306	\$398,000.00
11/27/2013	Payroll	87295-87298	\$3,599.87
	Payroll Direct		
11/27/2013	Deposit		\$15,291.27
11/27/2013	Payroll Taxes	87299-87304	\$5,194.93

11/27/2013	Payroll - Fed		\$5,108.66
11/27/2013	Payroll - State		\$957.00
11/27/2013	Payroll - ING		\$275.00
11/27/2013	Payroll - TASC		\$446.13
11/27/2013	Payroll - PERA		\$4,579.77
11/27/2013	Payroll - AFLAC		\$124.46
11/27/2013	Payroll - SELECT		\$353.85
12/05/2013	Void Checks	87307-87361	
12/05/2013	Vouchers	87362-87416	\$97,644.07
		TOTAL	\$541,575.01

Motion to approve job advancement for Brad Mehlhop, Public Works Maintenance Worker Intermediate; Grade 5, Step 5, \$33,460.04 to Public Works Maintenance Worker Senior; Grade 6, Step 5, \$35,133.06.

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

COMPOST SITE FEES

It has been suggested to create two tiers for commercial compost users:

Non-Profit Users	\$100.00
All Other Commercial Users	\$200.00

The Budget & Finance Committee has reviewed this and recommends approval. Mergen reported that the number of commercial users has increased and they bring in an enormous amount of brush. The brush is what costs to be chipped by Rotochoper if it is not a test run for them.

Motion was made by Mayer to create two tiers for Commercial Compost users; non-profit \$100.00 and all other commercial users \$200.00. Seconded by McDaniel and unanimously carried.

POLICY DEPARTMENT – UPDATED POLICY MANUAL

Chief Wegner has been working on updating the policy manual for the department. The matter was brought before the Policy and Procedure Committee in February and the necessary changes have been made per their request. This Policy Manual would replace the department's old manual. Officers will be issued a manual and will sign off annually on their understanding of the contents. Due to the size of the document; copies are available upon request by contacting City Hall. It was stated that any issues the City Attorney and/or the Union may have had with the polices have been worked out.

Motion was made by Soine to approve the implementation of the updated Paynesville Police Department Policy Manual. Seconded by Beavers and unanimously carried.

Motion was made by Beavers to authorize the Chief of Police to make necessary changes based on changes in law and any grammatical errors without further City Council action. Seconded by McDaniel and unanimously carried.

ORDINANCE CODIFICATION

The Codification quotes from Code Publishing Company and Municipal Code Codification were presented. The Budget & Finance Committee has reviewed this and Eckerly is verifying the cost of updating and posting it on the internet and how many pages it will be. The Budget & Finance Committee approved the quote from Municode to conduct the codification with a clarification of a few items.

Motion was made by Soine to approve Municode to conduct the codification in the amount of \$9,450.00 plus \$550.00 annually for archiving the history of changes, updates and web posting, and 6 hard copies. Seconded by Mayer and unanimously carried.

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

Thompson re-opened the Regular City Council meeting at 6:52 p.m.

2014 CITY ATTORNEYS EDUCATIONAL CONFERENCE

City Attorney, Bill Spooner is interested in attending the Minnesota City Attorney's Educational Conference February 7 & 8, 2014 in Bloomington, MN. The registration fee is \$225.00 (early bird rate if registered by January 10th). Spooner has indicated that he would cover all other costs including, but not limited to hotel accommodations, mileage, meals, etc.

Motion was made by Beavers to approve the attendance of City Attorney, Bill Spooner to the Minnesota City Attorney's Educational Conference February 7 & 8 2013 in Bloomington, MN and to reimburse him for the registration fee of \$225.00. Seconded by Soine and unanimously carried.

WATER SUPPLY PLAN APPROVAL

The Water Supply Plan and approval letter from the Minnesota Department of Natural Resources were presented. Mergen reported that the original plan was completed in 1996, was updated in 2007, and was sent back and forth and now the DNR wants authorization. The Public Works Committee has reviewed this and recommends approval. The City is required to re-do the plan every 10 years. The Plan focuses on evaluation, emergency planning, and conservation. It was questioned how much water has been used in regards to the MPCA benzene contamination. Mergen reported that 52 million gallons of water a year runs into the river (wasted water) for MPCA well testing.

Motion was made by Beavers to accept the Water Supply Plan and authorize the Mayor to sign the Certification of Adoption. Seconded by Mayer and unanimously carried.

WASTEWATER TREATMENT FACILITY RE-SCOPING PROJECT

DeWolf reported that the project is complete with the exception of some punch list items.

WATER TREATMENT PLANT REHAB PROJECT

DeWolf reported that construction has started and will continue; weather permitting. Application For Payment No. 1 in the amount of \$127,684.75; payable to Magney Construction, Inc. for work completed through November 30, 2013 was presented.

Motion was made by Soine to approve Application For Payment No. 1 in the amount of \$127,684.75; payable to Magney Construction, Inc. Seconded by Mayer and unanimously carried.

MPCA FORMER MID TOWN SERVICE STATION

Monday, December 16, 2013 at 11:00 a.m. has tentatively been set for MPCA and the Department of Health to visit the proposed sites. Senator Fischbach and Representative Howe will also be in attendance. Attorney profiles for Joseph G. Maternowski from Hessian & McKasy P.A and Charles N. Nauen from Lockridge, Grindal, Nauen, P.L.L.P were presented.

Eckerly has been in contact with the environmental attorney, but they are unable to take the City's case. Eckerly contacted another attorney, but it would not be cost effective and it was suggested to contact an environmental consultant. The consultant that was contacted used to work for Terracon and works closely with MPCA and would need approval before being able to work for the City; however, Eckerly has not heard back from him yet. Mergen reported that the City has received a copy of the 2012-2013 Terracon testing report. Mergen has talked to Terracon and if the City would approve the access agreements at grade they would be done in the spring and above ground wells would be completed this winter. Thompson suggested cancelling the site visit due to snow coverage and so that the Council could seek a consultant to represent the City. Eckerly commented that according to the Department of Health the City must show good reason not to have the above ground test wells other than aesthetics. The Department of Health has issued variances for at-grade sites to other entities. DeWolf commented that he could also provide a possible consultant contact name for such services.

Motion was made by Beavers to authorize Ron Mergen to contact MPCA and cancel the meeting. Seconded by Mayer and unanimously carried.

2014 BUDGET

Eckerly presented the proposed 2014 Budget. Resolution 2013-33 Adopting the 2014 City Budget was presented for consideration.

Motion was made by Soine to approve Resolution 2013-33 Adopting the 2014 City Budget. Seconded by Beavers and unanimously carried.

2014 TAX LEVY

Resolution 2013-37 Adopting Final 2014 Tax Levy Collectible in 2014 was presented for consideration.

Motion was made by Beavers to approve Resolution 2013-37 Adopting Final 2014 Tax Levy Collectible in 2014. Seconded by Soine and unanimously carried.

2014 WATER & SEWER RATES

Resolution 2013-32 Regarding Chapter 3 of Ordinance No. 1, 2nd Series setting the 2014 water and sewer rates were presented for consideration.

Motion was made by Soine to approve Resolution 2013-32 Regarding Chapter 3 of Ordinance No. 1, 2nd Series. Seconded by McDaniel and unanimously carried.

417 MINNIE ST. – SCHMITZ PROPERTY

A letter from Attorney John Mueller was presented. Spooner reported that two of Mr. Schmitz's sons want to clean up the property. They have 90 days to clean it up as the order has been served. Spooner further stated that this will probably end up in court. Their idea of clean up is different than the City's.

INFORMATIONAL

Thompson reviewed the following informational items: October 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. 2013 Compost Site Report Mediacom Rate Adjustment Letter, CenterPoint Energy Notification, November Police Report, West Central Sanitation November Garbage Rates, November Liquor Store Reports, CenterPoint Energy Report, and Energy Usage Report.

Thompson recessed the Regular City Council meeting at 7:18 p.m. Thompson announced that the Council would be meeting in Closed Session to discuss a letter of intent for real property described as Outlot A, Opportunity Park. Thompson opened the Closed Session at 7:19 p.m. Thompson closed the Closed Session and re-opened the Regular City Council meeting at 7:54 p.m. and announced that the Council reviewed a potential letter of intent and the Council gave direction to the City Attorney to contact the potential buyer's attorney to work out the details and prepare documents for the next meeting.

Thompson recessed the Regular City Council meeting at 7:55 p.m. and announced that the Council would be meeting in Closed Session to conduct the 2013 performance evaluation of the City Administrator. Thompson closed the Regular City Council meeting and opened the Closed Session at 7:55 p.m.

Thompson closed the Closed Session and re-opened the Regular City Council meeting at 8:39 p.m. and announced that Mayor Thompson is to compile the individual input into a combined evaluation, which will be discussed and finalized at another closed session after the next Council meeting. The Council will be present and discuss the final evaluation with Administrator Eckerly as part of that Closed Session.

There being no further business, the meeting was adjourned at 8:40 p.m.

Renee Eckerly, City Administrator