

**ADMINISTRATIVE FINE HEARING BOARD
PAYNESVILLE CITY HALL COUNCIL CHAMBERS
MONDAY, February 3, 2020
1:00 P.M.**

AGENDA

- I. CALL TO ORDER – this hearing will be video tapped
- II. CONSENT AGENDA
 - A. Minutes (page 1)
- III. NEW BUSINESS
 - A. Election of Officers (page 4)
 - B. Meeting Schedule (page 5)
 - C. Appeal of Administrative Citation – \$10.00 Parking Ticket (page 6)
- IV. OLD BUSINESS
- V. INFORMATIONAL
- VI. ADJOURN

The Board consists of: Neil Herzberg, Len Gilmore and Belinda Ludwig, Acting City Administrator.

This agenda has been prepared to provide information regarding an upcoming meeting of the Paynesville Administrative Fine Hearing Board. This document does not claim to be complete and is subject to change.

BARRIER FREE: All Paynesville Administrative Fine Hearing Board meetings are accessible to the handicapped. Attempts will be made to accommodate any other individual need for special services. Please contact City Hall 320-243-3714 early so that necessary arrangements can be made.

REQUEST FOR BOARD/COUNCIL ACTION

BOARD/COUNCIL NAME: Administrative Fine Hearing Board

Board/Council Meeting Date: February 3, 2020

Agenda Section: Consent

Originating Department: Administration

Item Number: II - A

ITEM DESCRIPTION: Minutes

Prepared by: Staff

COMMENTS:

Please review the minutes of the January 3, 2019 Administrative Fine Hearing Board meeting.

ADMINISTRATOR COMMENTS:

BOARD/COUNCIL ACTION:

Motion to approve the minutes of the January 3, 2019 Administrative Fine Hearing Board meeting.

**MINUTES
ADMINISTRATIVE FINE HEARING BOARD**

JANUARY 3, 2019

The meeting was called to order at 9:00 a.m. Members present were Jean Soine, Alicia LaBeau, and Renee Eckerly, City Administrator. Also in attendance were Police Chief, Paul Wegner, and Police Officer, Carter Lentsch. Caryn Marcus was not in attendance. No videotaping was done.

Motion was made by LaBeau to approve the minutes of the July 9, 2018 Administrative Fine Hearing Board meeting. Seconded by Eckerly and unanimously carried.

ADMINISTRATIVE CITATION APPEAL - \$10.00 PARKING TICKET

A letter from Caryn Marcus was reviewed. Caryn Marcus requested the \$10.00 fine to be waived. On December 20, 2018 Marcus was staying overnight at 650 South Street to babysit her grandchildren and parked on the street. There was no snow on the ground. Marcus didn't want to park in the driveway as each parent was needing to leave at different times to get to work. She agrees that a winter parking should be in place, but only if a winter storm watch or warning has been issued for the area. She would have parked her car elsewhere if the need had been warranted. When she came out to leave on the morning of December 21, 2018 the citation was on her windshield.

The Board discussed that the snow removal period which is defined in the City Ordinance (Chapter 32 Traffic and Vehicles, Article II Parking, Section 32-34 Special Parking Prohibitions):

Snow removal period means any time from 12:01 a.m. on November 15 through 11:59 p.m. on March 15 of the next year.

The City Ordinance does define a snow emergency as:

Snow emergency means any snow event involving one inch or more of snow from November 1 to March 31 of the next year following.

This section goes on to state:

Residential and other parking restrictions. Except as specifically provided in subsection (c)(3) of this section, it is unlawful for any person to park or leave standing a vehicle on any street within the city during a declared emergency or during the snow removal period between the hours of 1:00 a.m. and 6:00 a.m.

The Board discussed that it would be extremely difficult to only enforce the snow removal period when a snow warning or watch went into place. People don't pay attention to warnings and watches or even watch the news. The City has street signs up regarding the parking restrictions, it is on social media, and on the front page of the newspaper every week. The set time frame is to make it a habit to not park on the street regardless of the conditions. The snow removal period has been in place since 1992, but recently the City Council reduced the time line to November 15th through March 15th of the following year.

The Board discussed an option for her could have been to strategically park the vehicles in the driveway in the order of them leaving. There are alternative places to park in the City, but they may not be convenient. Marcus noted in her letter that she would have parked her car elsewhere if the need had been warranted. The Board asked why Marcus didn't do that. Paynesville is not the only community in the area that has parking restrictions during the winter months.

The Board asked if there was anything unusual about the area or the situation that they should be aware of. Officer Lentsch said no.

LaBeau and Soine both agreed not to waive the fine. It is the responsibility of the resident to know the rules of the City. Education is always costly. Eckerly agreed not to waive the fine.

Motion was made by Eckerly to uphold the \$10.00 Administrative Fine for Caryn Marcus. Seconded by LaBeau and unanimously carried.

Marcus will now have 15 days from today (day of hearing) to pay the \$10.00 Administrative fine.

The Board discussed if they can charge an additional fee when cases are brought before them that the Board upholds the fine. According to Bill Spooner, City Attorney when the City adopted Administrative Fines there has to be a way established for people to appeal the fine and this is it. No excess fees can be charged. The Board could send a recommendation to the City Council to raise the base fine amount to cover the hearing expenses.

There being no further business the meeting was adjourned at 9:30 a.m.

REQUEST FOR BOARD/COUNCIL ACTION

BOARD/COUNCIL NAME: Administrative Fine Hearing Board

Board/Council Meeting Date: February 3, 2020

Agenda Section: New Business

Originating Department:

Item Number: III - A

ITEM DESCRIPTION: Election of Officers

Prepared by: Staff

COMMENTS:

Nominations for Chairperson.

Nominations for Vice Chairperson.

Nominations for Secretary.

ADMINISTRATOR COMMENTS:

BOARD/COUNCIL ACTION:

Motion to appoint _____ as Chairperson.

Motion to appoint _____ as Vice Chairperson.

Motion to appoint _____ as Secretary.

REQUEST FOR BOARD/COUNCIL ACTION

BOARD/COUNCIL NAME: Administrative Fine Hearing Board

Board/Council Meeting Date: February 3, 2020

Agenda Section: New Business

Originating Department:

Item Number: III - B

ITEM DESCRIPTION: Election of Officers

Prepared by: Staff

COMMENTS:

Annually, each Board sets their meeting schedule. Currently this Board meets on an as needed basis.

ADMINISTRATOR COMMENTS:

BOARD/COUNCIL ACTION:

Motion to continue to have the Administrative Fine Hearing Board meet on an as needed basis.

REQUEST FOR BOARD/COUNCIL ACTION

BOARD/COUNCIL NAME: Administrative Fine Hearing Board

Board/Council Meeting Date: February 3, 2020

Agenda Section: New Business

Originating Department: Administration

Item Number: III - C

ITEM DESCRIPTION: Appeal of Administrative Citation – \$10.00 Parking Ticket

Prepared by: Staff

COMMENTS:

Please review the attached documents regarding the \$10.00 parking ticket – administrative citation. Chief of Police, Paul Wegner and Officer, Carter Lentsch will be in attendance to answer any questions. Elizabeth Lambert is the owner of the vehicle that was ticketed and has been invited to attend this hearing.

ADMINISTRATOR COMMENTS:

BOARD/COUNCIL ACTION:

Motion to WAIVE/NOT WAIVE the Administrative Citation (\$10.00 parking ticket) for Elizabeth Lambert.

1-24-2020 ^{7:00} am

1-20-2020

Paynesville Police Dept,

I received a ticket for parking on the street overnight when the plow came by and I would like to contest it.

I just moved to Paynesville on Dec. 28th and I did not know we couldn't park on the street overnight. I come from Belgrade and if the plow passed by there were no repercussions. I was parked on the street for two reasons - 1) Our parking lot was being plowed out and everyone was on the street for a period of time, and 2) I have no heat in my car and I could not safely drive until I finished scraping the thick ice off my wind shield, which I had been working on the previous day and evening but the weather was so cold and windy I gave it up until the next day.

I contest this ticket for these reasons and hope you will forgive me this one time. I will take it as a warning and I bought a bottle of de-icer so it won't happen til I get my car into the shop, this Wednesday.

Thank you for your consideration,
Elizabeth A. Lambert.

Administrative Citation

City of Paynesville		ICR NUMBER	
County of Stearns		20300102	
DRIVER LICENSE NUMBER		STATE	
Q267194596515		MN	
NAME: FIRST / MIDDLE / MAIDEN		LAST	
Elizabeth Ann Lambert			
STREET ADDRESS			
556 Pleasant Ave APT 17			
CITY		STATE	ZIP CODE
Belgrade		MN	56312

(DOB) DATE OF BIRTH	EYES	HEIGHT	WEIGHT	SEX	JUVENILE PARENT/GUARDIAN	
10/14/1956		503	277	F		
VEHICLE LICENSE PLATE	STATE	MAKE	MODEL	COLOR		
974VWP	MN	Ford	Focus	Red		
DATE OF OFFENSE	TIME	<input type="checkbox"/> ENDANGER LIFE OR PROPERTY <input type="checkbox"/> COMMERCIAL VEHICLE <input type="checkbox"/> ACCIDENT TYPE		<input type="checkbox"/> HAZARDOUS MATERIAL <input type="checkbox"/> INJURY <input type="checkbox"/> FATAL <input type="checkbox"/> PED		<input type="checkbox"/> UNSAFE CONDITIONS (2 OR MORE)
01/19/2020	0135					
LOCATION & CITY (IF APPLICABLE)				CITY		
318 Spruce St				Paynesville		
OFFENSE DESCRIPTION NO. 1 <input type="checkbox"/> DRIVER <input type="checkbox"/> OWNER <input type="checkbox"/> PASSENGER <input type="checkbox"/> OPERATE <input checked="" type="checkbox"/> PARK						
Winter Parking						
STATUTE/ORDINANCE		SPEED OVER LIMIT		<input type="checkbox"/> DISOBEYED <input type="checkbox"/> STOP SIGN <input type="checkbox"/> SEMAPHORE		
9.03 sub 1		mph in zone				
OFFENSE DESCRIPTION NO. 2 <input type="checkbox"/> DRIVER <input type="checkbox"/> OWNER <input type="checkbox"/> PASSENGER <input type="checkbox"/> OPERATE <input type="checkbox"/> PARK <input type="checkbox"/> NO SEAT BELT USE						
STATUTE/ORDINANCE						
103						
OFFENSE DESCRIPTION NO. 3 <input type="checkbox"/> DRIVER <input type="checkbox"/> OWNER <input type="checkbox"/> PASSENGER <input type="checkbox"/> OPERATE <input type="checkbox"/> PARK						
STATUTE/ORDINANCE						

City of Paynesville 221 Washburne Ave., Paynesville, MN 56362	
MUST PAY BY DATE	TELEPHONE
2/3/20	(320) 243-7346
FINE AMOUNT	NO. 04268
\$ 10	
The Undersigned being duly sworn, deposes and says that the person named on this complaint did commit the above offense(s).	
OFFICER	BADGE
Lentsch	7103

D

**INCIDENT/ARREST REPORT
PAYNESVILLE POLICE DEPARTMENT**



REPORT NUMBER: * 20300102 *

OR# MN0730300

DATE FROM: 01-19-2020 TIME: 01:35 AM

DATE TO: 01-19-2020 TIME: 01:43 AM

REPORT DATE: 01-19-2020 Sun TIME: 01:35 AM

ADMIN

LOCATION: 318 SPRUCE ST PAYNESVILLE MN 56362		TYPE OF INCIDENT PARKV - PARKING VIOLATION		OFFENSE TRACT
CASE STATUS: ARREST OF ADULT/ADULT AND		DISPOSITION INACTIVE	EXCEPTIONAL CLEARANCE CODE	EXC CLEAR DATE
HOW RECEIVED: RADIO	TIME ASSIGNED 0135	TIME ARRIVED 0135	TIME CLEARED 0143	RELATED TO OCA
REPORTING OFFICER 71CDLENTSC LENTSCH, CARTER D		ASSISTING OFFICER		REVIEWING OFFICER

OFFENSE

ISN 1	STATUTE	OFFENSE DESCRIPTION SNOWBIRD	UCR/IBR 09105	STATUS ARREST OF	COUNTS 1	DEGREE
BIAS MOTIVATION			PREMISE TYPE	ATTEMPTED <input type="checkbox"/>	ALCOHOL <input type="checkbox"/>	DRUGS <input type="checkbox"/>
FORCED ENTRY <input type="checkbox"/>	UNITS ENTERED	CRIMINAL ACTIVITY 1.	2.	3.		
IMPLEMENT USED 1. 2. 3.		TYPE ENTRY	METHOD OF ENTRY	TYPE EXIT		
WEAPON USED 1.		2.	3.			

PARKV. WINTER PARKING VIOLATION

SUSPECT

NAME LAMBERT, ELIZABETH ANN			HOME	CELL 320-254-9022
ADDRESS 556 PLEASANT AV 17 BELGRADE MN 56312			WORK	EMAIL
DOB 10/14/1956	AGE 63	TO AGE	Juvenile <input type="checkbox"/>	RACE W
SEX F	RESIDENT	ETHNICITY		SSN
HEIGHT 503	WEIGHT 277	EYE COLOR BLUE	HAIR COLOR	HAIR LENGTH
CLOTHING		AFFILIATION		
SMTS				
EMPLOYER			EMPLOYER ADDRESS	
RELATED OFFENSES: 1. 09105 2. 3. 4. 5. 6. 7. 8.				

ARREST

SUSPECT ARRESTED <input checked="" type="checkbox"/>	ARREST DATE/TIME 1/19/2020 1:35:00 AM	DISPOSITION RELEASED ON BAIL OR OWN	JUVENILE DISPOSITION
LOCATION SAME AS INCIDENT <input checked="" type="checkbox"/>	ARREST LOCATION 318 SPRUCE ST PAYNESVILLE MN 56362	COUNTY STEARNS	AREA CITY OF PAYNESVILLE
LOCATION NAME PAYNESVILLE	CHARGES 1. 09105 2. 3. 4. 5. 6. 7. 8.		
ARRESTING OFFICER 24952 LENTSCH, CARTER D		ASSISTING OFFICER	

a

PROPERTY/VEHICLE/DRUGS					REPORT NUMBER: 20300102		
PAYNESVILLE POLICE DEPARTMENT					ORI# MN0730300		
PROPERTY	UCR/IBR	STATUS	CLASS	PROPERTY DESCRIPTION		QTY	VALUE
	MAKE	MODEL	SERIAL	OAN	TAG	DATE RECOVERED	
	RELATED TO		PROPERTY RECOVERY CODE	DAMAGE DESCRIPTION		PROPERTY LOCATION	
PROPERTY	UCR/IBR	STATUS	CLASS	PROPERTY DESCRIPTION		QTY	VALUE
	MAKE	MODEL	SERIAL	OAN	TAG	DATE RECOVERED	
	RELATED TO		PROPERTY RECOVERY CODE	DAMAGE DESCRIPTION		PROPERTY LOCATION	
PROPERTY	UCR/IBR	STATUS	CLASS	PROPERTY DESCRIPTION		QTY	VALUE
	MAKE	MODEL	SERIAL	OAN	TAG	DATE RECOVERED	
	RELATED TO		PROPERTY RECOVERY CODE	DAMAGE DESCRIPTION		PROPERTY LOCATION	
PROPERTY	UCR/IBR	STATUS	CLASS	PROPERTY DESCRIPTION		QTY	VALUE
	MAKE	MODEL	SERIAL	OAN	TAG	DATE RECOVERED	
	RELATED TO		PROPERTY RECOVERY CODE	DAMAGE DESCRIPTION		PROPERTY LOCATION	
PROPERTY	UCR/IBR	STATUS	CLASS	PROPERTY DESCRIPTION		QTY	VALUE
	MAKE	MODEL	SERIAL	OAN	TAG	DATE RECOVERED	
	RELATED TO		PROPERTY RECOVERY CODE	DAMAGE DESCRIPTION		PROPERTY LOCATION	
VEHICLE	LICENSE PLATE 974VWP	STATE MN	TYPE	MAKE	MODEL	VIN	
	YEAR	STYLE	COLOR	SERIAL	TAB	TAB YEAR	STATUS
	OWNER		OWNER ADDRESS		VALUE	RELATED TO	
VEHICLE	LICENSE PLATE 974VWP	STATE	TYPE	MAKE FORD	MODEL FOCUS SE/S	VIN 1FAFP36381W136826	
	YEAR 01	STYLE	COLOR	SERIAL	TAB	TAB YEAR	STATUS
	OWNER		OWNER ADDRESS		VALUE	RELATED TO	
DRUG	DRUG CODE	DESCRIPTION		STATUS		QTY	MEASURE
	DRUG ACTIVITY A			DRUG ACTIVITY B		DRUG ACTIVITY C	
	DRUG CODE	DESCRIPTION		STATUS		QTY	MEASURE
DRUG ACTIVITY A			DRUG ACTIVITY B		DRUG ACTIVITY C		
DRUG	DRUG CODE	DESCRIPTION		STATUS		QTY	MEASURE
	DRUG ACTIVITY A			DRUG ACTIVITY B		DRUG ACTIVITY C	
	DRUG CODE	DESCRIPTION		STATUS		QTY	MEASURE
DRUG ACTIVITY A			DRUG ACTIVITY B		DRUG ACTIVITY C		
DRUG	DRUG CODE	DESCRIPTION		STATUS		QTY	MEASURE
	DRUG ACTIVITY A			DRUG ACTIVITY B		DRUG ACTIVITY C	
	DRUG CODE	DESCRIPTION		STATUS		QTY	MEASURE
DRUG ACTIVITY A			DRUG ACTIVITY B		DRUG ACTIVITY C		

ADDITIONAL/CONTINUATION NARRATIVE	REPORT NUMBER: 20300102
PAYNESVILLE POLICE DEPARTMENT	ORI# MN0730300

NARRATIVE TITLE
Narrative From CAD

Complaint Type: PARKV - PARKING VIOLATION
 Caller Name:
 Officers:
 Officer Id: 71CDLENT5C Officer Name: LENT5CH, CARTER

[01/19/2020 01:41:45 : MOB : 7103]
 -OBSERVED VEH PARKED ON STREET DURING RESTRICTED HOURS
 -ISSUED ADMIN CITE 04268 FOR WINTER PARKING VIOLATION
 -CITE LEFT UNDER WIPER

[01/19/2020 01:40:49 : MOB : 7103]
 SUSPECT:

NAM/LAMBERT, ELIZABETH ANN.*RECORD DISSEMINATION RESTRICTED*
 SNM/556 PLEASANT AVE APT 17. CTY/BELGRADE. STA/MN. ZIP/56312-4311.
 SEX/F. DOB/19561014. HGT/503. WGT/277. EYE/BLU. DISABILITY CERTIFICATES:N
 OLN/Q267194596515. OLT/NORLID. CL5/D. CSC/ELIGIBLE. EXP/101423
 RSTR:CORRECTIVE LENSES
 STATUS:VALID GLASSES DONOR:Y DESIGNATED CAREGIVER:N
 PHOTO:ISU/092319

NARRATIVE

[01/19/2020 01:40:34 : MOB : 7103]
 VEH:

LIC/974VWP. LY/20. LIT/PC.
 NAM/LAMBERT, ELIZABETH ANN.*RECORD DISSEMINATION RESTRICTED*
 SNM/556 PLEASANT AVE #17. CTY/BELGRADE. STA/MN. ZIP/56312.
 VIN/1FAFP36381W136826. VYR/01. VMA/FORD.
 VMO/FOCUS SE/SE COMFORT,STATION WAGON
 EXM/APR. DOB/19561014. STICKER:190401 974VWP.