

**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 though 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.