

**MINUTES
ADMINISTRATIVE FINE HEARING BOARD**

JANUARY 14, 2014

The meeting was called to order at 6:00 p.m. Members present were Gene Beavers, Kay McDaniel, and Renee Eckerly, City Administrator. Also in attendance were Police Chief Paul Wegner, Police Officer Kelsey Thompson, and Dave Easterday.

ELECTION OF OFFICERS

Motion was made by McDaniel to appoint Beavers as Chairperson, McDaniel as Vice Chair, and Eckerly as Secretary. Seconded by Eckerly and unanimously carried.

ADMINISTRATIVE CITATION APPEAL - \$10.00 PARKING TICKET

Dave Easterday requested the \$10.00 fine to be waived. On Christmas Eve Easterday was celebrating at his nephew's home. There are 2 off-street parking spots. Easterday's parents parked in the driveway and his sister parked behind them. At 10:30 p.m. Easterday's parents left and then Easterday's sister packed up and left. Easterday forgot to pull his van into the property. When he came out his van was gone and since then has learned more about the winter parking regulations.

Officer Thompson spoke to him over the phone and indicated that she went up to the house before she wrote the ticket. Easterday stated that he has checked with everyone who was at the house that evening and no one said that an officer came to the door. The Police Chief told Easterday that an officer drove by the house and yelled at the house. Easterday feels someone should have come up to the house and request the vehicle be moved, especially on Christmas Eve and it was cold. If Easterday would have known the regulation time of 1:00 a.m. he would have moved it. It is Easterday's understanding that the plows did not come through until 3:00 a.m. Easterday has paid for the towing of his vehicle, but this is more that Paynesville is a small town; not the Twin Cities. The Board doesn't have to waive for everyone as not everyone appeals. Mr. Easterday lives at his nephew's house. In closing Mr. Easterday requested that the \$10.00 fine be waived as he is well aware of the ordinance now.

Time schedule review:

- 12:00 – 12:30 a.m. parents left
- After parents left (no certain of time) 1:15 – 1:30 a.m. sister left

The Board asked Mr. Easterday if anyone in the family had told him of the winter parking regulations. Mr. Easterday said yes, no overnight parking; however, he was not sure what that meant.

Officer Thompson stated that it was earlier than midnight that she went door to door and contacted residents (6 – 8 houses) or attempts to contact residents.

On Stearns Ave. Thompson saw a minivan with a young male (18-20 years old) outside. Thompson asked from the squad car window if he owned the vehicle on the street. Thompson told the individual about moving the car or that it would be towed. The individual said no, but that someone in the house does and that he would tell them.

At 1:30 a.m. there was no one parked in the driveway, but the vehicle was still on the street. Thompson called J & M Towing to get the vehicle towed as plows had started to plow the streets.

Easterday stated that the first time there were cars in the driveway.

Chief Wegner stated the procedure is that with every vehicle towed there has to be issued a ticket. The ticket goes with the vehicle to impound and the person receives the ticket when they pay for the tow. Two or three tickets were issued that evening.

Easterday was asked if there was anyone at the property that matched that description. Easterday responded that he has a 23 year old, but he said no one talked to him.

The Board asked if it is normal procedure to contact the residents before plowing. Officer Thompson said no, but because it was Christmas Eve she did it as a courtesy.

It was stated that the Officer could have come to the door. In the Cities it would have cost a lot more. According to the Officer, the time is posted on the signs. Beavers and McDaniel 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 Beavers to uphold the \$10.00 Administrative Fine for David Easterday. Seconded by McDaniel and unanimously carried.

There being no further business the meeting was adjourned at 6:34 p.m.