MINUTES
CITY COUNCIL MEETING

MAY 22, 2023

Mayor Shawn Reinke called the meeting to order at 6:00 p.m. Council members present were Jean Soine, Megan Brick, Paul Thielen and Neil Herzberg. Others present were Tariq Al-Rifai, City Administrator; Kristin Leither, Social Media Specialist; Ron Mergen, Public Works Director; Chuck DeWolf, Bolton & Menk, Inc.; Bill Spooner, Spooner & Glenz; Paul Wegner, Police Chief; Bill Ludwig, Liquor Store Manager; Andy Soine, Fire Chief; Brad Mehlhop, Firefighter; Shane Schmidt, Firefighter and Andrew Nienaber, Firefighter.

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

Mergen reported the following:

- Water Festival went very well
- City received a request to pave the alley on the 300 block between Koronis Ave. to Washburne Ave.; asked them to wait until the plans for the library were further along
- Bob Wander attended pond operation and maintenance training
- Parks are open and the splash pad will open this week
- Compost material is ready and residents are free to help themselves and please donate
- We are still sweeping streets, if you can, please move your car off the street
- Lead and copper sampling will be done in June
- Tree inventory will need to be completed by October 2024; currently waiting for grants to become available
- Well #5 rehab should be complete by the end of this week
- Thank you to Natalie Utsch and the landscaping class for planting the flowers downtown
- Other municipalities in Stearns County are having the same chloride problems as the City, grants may be available soon

Al-Rifai mentioned the following:

- Attended the Firefighter interview
- Attended the Lodging Tax Advisory Board meeting, he will distribute the minutes from that meeting once he gets them

PUBLIC OPEN FORUM

No one was in attendance to address the Council.

Reinke said he was contacted about a barking dog and asked Wegner what can be done. Wegner is familiar with the situation and has visited the home and tried contacting the owner. The dog has not barked while he's been there. There is not much he can do without witnessing the dog barking or having other evidence. Wegner encouraged them to keep calling when they hear the dog.

CONSENT AGENDA

Motion to approve the minutes from the following meetings: April 24, 2023 City Council, May 3, 2023 Special City Council Working Session With Public Works, May 9, 2023 Special City Council Working Session With Police Department, April 18, 2023 Special City Council – Retreat – 2nd Session, April 6, 2023 Park & Tree Board, April 10, 2023 Public Works Board, February 7, 2023 Special Liquor Board and April 12, 2023 Policies & Procedures Board.

Motion to approve the following vouchers:

5/18/2023	Payroll Direct Deposit		$ 36,742.54
5/18/2023	Payroll Taxes	106369-106373	$ 3,782.43
5/18/2023	Payroll - Fed		$ 10,733.31
5/18/2023	Payroll - State		$ 2,019.97
5/18/2023	Payroll - TASC		$ 64.60
5/18/2023	Payroll - PERA		$ 9,393.04
5/18/2023	Payroll - Further		$ 2,457.87
5/18/2023	Payroll - Health Partners		$ 5,075.20
5/18/2023	Payroll - AFLAC		$ 220.67
5/18/2023	Payroll - Met Life Dental		$ 151.08
5/18/2023	Payroll - Lincoln		$ 1,175.31
5/22/2023	Vouchers	106374-106416	$ 217,530.33
		Total	$ 289,346.35

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

FIRE DEPARTMENT – HIRING OF FIREFIGHTER – JOHNSON

Andy Soine gave a verbal report. The City received two applications for the Volunteer Firefighter position; however, only one showed up for the interview. The Fire Department Interview Team recommends hiring Jeremiah Johnson pending a successful physical exam. Background check and reference checks have been completed. All firefighters must complete of one-year probation.

Reinke asked if they will continue to hire after approving this. Andy Soine responded that they will close the hiring process.

Motion was made by Soine to hire Jeremiah Johnson pending a successful physical exam. Seconded by Brick and unanimously carried.

FIRE DEPARTMENT – FIRE RELIEF ASSOCIATION JOIN PERA

Mehlhop gave a verbal report. Council reviewed Resolution 2023-14 Opting To Join The Statewide Volunteer Firefighters Plan administered by PERA. Reinke added that they are also looking to increase the pension from $2,100 per year of service to $2,300 per year of service. Currently, pensions are managed in house, it's hard to manage and costs the City money to run. Mehlhop said joining PERA would save the City almost $12,000 a year even with the pension increase.

Reinke said this was discussed in multiple meetings and the decision was not made lightly but everyone agreed this was the way to go. Mehlhop stated this would go into effect January 1, 2024. At that time the pension committee of the relief association would disband. The relief association would still manage the general fund for fundraising.

Motion was made by Soine to approve Resolution 2023-14 Opting To Join The Statewide Volunteer Firefighters Plan administered by PERA. Seconded by Thielen and unanimously carried.

FIRE DEPARTMENT – PURCHASE OF AIR LINE

Andy Soine gave a verbal report. There is a need to put in new air lines in the fire hall. The current lines are old PVC lines and they are very brittle. There are a couple small air leaks at this time and this causes the air compressor to run more often that it should. The quote from Benco is for parts only, as the fire department has four or five members willing to do the labor themselves. The other 2 quotes are a different type of pipe and would require the companies to install it, so those 2 quotes have labor included. The funds would come from the Capital Improvement Fund – Building portion. They are hoping to place the order tomorrow morning. Quotes received are as follows:

Benco	parts only	$2,075.00
Gilk	parts & labor	$4,686.00
Voss	parts & labor	$4,700.00

Motion was made by Herzberg to approve the quote from Benco in the amount of $2,075.00 (parts only) for new air lines in the fire hall; installation to be completed by the fire department, funds to come from the Capital Improvement Fund – Building portion. Seconded by Brick and unanimously carried.

FIRE DEPARTMENT – TOWN & COUNTRY DAYS BACKDRAFT BASH

Schmidt was in attendance to review the 2023 Backdraft Bash including:

- To be held on Saturday, June 17, 2023
- Paynesville Hockey & Paynesville Township are both okay with the event being held at the arena
- Fire Department members attended the alcohol training class on May 8, 2023
- Plan to serve both hard liquor and beer
- An electrician will be on site
- Paynesville Police have been contacted about providing security for the event
- A licensed food vendor will be on site
- Bean Bag Tournament will also be held
- Band is scheduled to play from 8:00 p.m. – Midnight

This year's quote from the LMC for insurance is $974.00. In the past this has been paid initially by the City and then the Chamber reimburses the City. In the past Stearns County has conducted the alcohol training for the firefighters at no cost; however, this year Stearns County was not able to provide this training; therefore, the training was provided by MMBA for a cost of $200.00. This fee will initially be paid for by the City and then the Chamber will reimburse the City.

Motion was made by Soine to approve the 2023 Backdraft Bash for Saturday, June 17, 2023 and to pay the insurance in the amount of $974.00 plus $200.00 for the alcohol training to be reimbursed by the Chamber and to approve the Paynesville Police Department to provide security. Seconded by Thielen and unanimously carried.

FIRE DEPARTMENT – PHYSICALS

Schmidt was in attendance to review the quotes for firefighter physicals to be done every two years. Quotes include:

Med Compass	$4,700.00
Northern Health & Fitness Plus	$3,760.00

The PSA (prostate screening) would be for men over the age of 40 years old.

CentraCare is not administering any firefighter physicals in Paynesville; therefore, we would have to pay mileage for members to get their physicals in St. Cloud. Med Compass and Northern Health & Fitness Plus are mobile departments and would come to the Fire Hall to conduct the physicals for all the firefighters in one day. In the past they had basic medical evaluations done, they are requesting to add the PSA and a blood panel test to the annual physicals. New firefighters will still go through CentraCare in St Cloud for their initial physical and be reimbursed the mileage. Schmidt said they hope to schedule the physicals for this fall.

Soine asked if the quotes included the new tests. Schmidt responded that they do, it's about $1,000 for these tests, but they are highly recommended for the safety of the firefighters. Reinke was wondering, since the PSA screening is for men, is there a test for women they should be looking at adding as well. Schmidt explained that the blood panel test would test for potential cancer risks in both men and women. Reinke asked if they should look into mammograms or other tests for cancer that is common for women like prostate cancer is common for men. Brick added that there is a significant higher risk of prostate cancer for firefighters than for other men. Reinke is definitely not against the test, but he wants to make sure all genders are treated equally. Schmidt offered to get pricing from CentraCare for some of the cancer tests for women. Reinke just wants them to keep it in mind in case something comes up.

Motion was made by Herzberg to approve going through Northern Health & Fitness Plus for the firefighter physicals in the amount of $3760.00. Seconded by Brick and unanimously carried.

PUBLIC WORKS – PURCHASE OF SWIMMING DOCK

The swimming dock at Veteran's Park needs to be replaced. Mergen gave a verbal report. Council reviewed the swimming dock quotes:

Channel Marine & Sports, Richmond	$30,042.31	
Minncor Industries, Roseville	$37,200.00	
Nathes Marine, Paynesville	$34,166.56	wood
	$33,463.31	concrete

The Park & Tree Board has reviewed these and recommends Channel Marine & Sports, Richmond in the amount of $30,042.31 plus $430 for a ladder totaling $30,472.31 with funds to come from the Park CIP.

Mergen noted that dock from Channel Marine is a different design and would prevent the issues they are facing with the current one. BugBee resort has had this type of dock for years and have had no issues with it. Mergen plans to talk with the Township and the insurance company since the current dock did not last for its projected life span.

Thielen wants the City to get lifeguards back at the beach before getting a new swimming dock. Soine stated that they did have lifeguards then one year no one applied when they were hiring for lifeguards. Thielen responded that the City needs to pay more then to hire lifeguards. He is worried about bullies pushing younger children off the swimming dock. Soine said that before they provided swimsuits and competitive pay and still couldn't get anyone to apply. No lakes in the area can get lifeguards because lakes are too hard to manage. You will see lifeguards at pools because they're easier. Brick added that bigger cities across the country can't get lifeguards for their lakes either and that parents are responsible for their children's actions. Herzberg agreed that parents should be responsible for their children.

Thielen asked if the City was responsible if the lake is swim at your own risk. Soine responded that the City wasn't responsible as long as signs are posted. Spooner added that the City could still be sued, but it likely wouldn't stick. He also added that we can't hire any lifeguards within our pay scale.

Reinke asked Wegner if it was possible to increase the number of times the police drive out there to keep an eye out for any misbehavior. Wegner said they could. Soine suggested Public Works could keep an eye on the swimmers as well. Reinke agrees with Thielen that he would love to see lifeguards at the beach again, but it's just not possible at this point. He suggested looking at the budget for lifeguards next year.

Motion was made by Soine to accept the quote from Channel Marine & Sports, Richmond in the amount of $30,042.31 plus $430 for a ladder totaling $30,472.31 with funds to come from the Park CIP. Seconded by Herzberg and carried 4:1 (Soine, yes; Reinke, yes; Brick, yes; Herzberg, yes; Thielen, no).

POLICE DEPARTMENT – RECRUITMENT & RETENTION OF OFFICERS

Wegner gave a verbal report. With the current hiring climate in law enforcement and our need to adjust our way of thinking on recruiting and retaining officers, the department is requesting several immediate changes to the union contract. As the department seeks to attract more stable officers, we feel the following adjustments will assist in attracting the right applicants. These changes would require an MOU from the union and would be adopted into the next contract.

1. Full premium payments for single and family major medical under the City's middle plan.

   We believe officers who are seeking a more permanent department and community will be attracted by this benefit. There are two known agencies that currently offer this benefit in our area and both agencies have seen more stability due to the benefit. The

department has also spoken with several possible applicants who have indicated that this would be a factor in them accepting a position with the department. This benefit would currently not impact the current members of the department and would only impact new hired employees.

Estimated Costs would be as follows:

- Employee (Age 27), Spouse (Age 27), and 1 child:
  - Total Premium: $1,263.70
  - Current Contributions: $950.00
  - Difference: $313.70 ($3,764.40 per year increase)
- Employee (Age 34), Spouse (Age 34), and 2 children:
  - Total Premium: $1,780.88
  - Current Contributions: $950.00
  - Difference: $830.88 ($9,970.56 per year increase)

2. Decrease the years needed for the Sabbatical from 5 years to 3 years.

   We start to see burn out with officers between years 3 and 5 of their career. By reducing the needed years to 3 years, we help officers, especially those that have experience, see the benefits of the sabbatical sooner. At 3 years, it gives them a benefit that seems more attainable then at 5 years. At the council working session it was discussed that the change could be negotiated with the next contract verses doing it now. However, by making the change now, it gives new hires the benefit of knowing it is there sooner, which may help with recruitment now and retention over the next several years verses waiting until the 2025 contract. This adjustment will have no financial impact on the department for 3 years.

3. Change the language in the contract to allow for officers to use PTO once they are done with their FTO.

   We allow staff to begin accumulating PTO upon hire, but the City currently requires staff to complete probation before they are allowed to use it. Multiple agencies have recently started to front load PTO for new hires and others are allowing them to use it after FTO. By making this change it allows newly hired employees to take time off for family functions and other events sooner instead of having to wait a year.

As the department continues with a family/employee focused approach towards recruitment, hiring and retention of officers, these adjustments can have a positive impact for the department and the community.

Reinke thought the cost estimate was lower than what is being presented tonight and he's worried about the cost of eventually offering full medical insurance to all City employees. They just got the budget stable and the insurance costs could change that. He has no problem with the suggested changes to the sabbatical and PTO, but the insurance would be a big expense. Wegner agrees that the insurance will be a big expense and if it's approved for the Police Department then the rest of the City employees will likely request the same thing on their next union contract. But they need to do something to attract officers that will stay with the department. Al-Rifai mentioned that if they can save on training costs then the insurance might be worth it.

Herzberg said if it would be just for the Police Department it would be fine, but the other City employees will ask for it as well which is the problem. If the cost of the Police Department keeps going up, residents are going to start asking for Stearns County coverage instead. Thielen stated the worst thing to do is nothing and if they go with the County for police services there will be no going back. He added that the hiring climate for police officers is different from the rest of the City departments. Wegner said that ten years ago, they never would have thought of this, but times have changed. The loyalty isn't there in young recruits so they need to try and get older officers to apply to work in Paynesville. Small agencies are folding across the country and this department can't attract stable officers as it currently is. If they implement the insurance and no officers with families apply, then there is no cost.

Reinke asked if offering bonuses after two years instead of at hiring would have the desired effect. Wegner said that would still be playing a short-term game. They need something that will keep officers for the long-term. Thielen believes City residents would rather see their tax dollars pay for benefits than bonuses.

Wegner said when they lose an officer their losing someone who is familiar with the community. He understands it could be a high cost, but Wegner doesn't see them hiring a 34-year-old with two kids. He sees them hiring someone with a younger family in which insurance will be cheaper. If not full coverage, then maybe a happy medium would be the City paying a percentage more for someone on family than single coverage. Soine agreed to increasing the family coverage. She also said it's a budgeting matter, if it's going to cost more then Wegner needs to find that money.

Reinke restated that there is no right answer. He said he would be ok with full medical if it will be reviewed at the next union contract negotiation with the chance to discontinue. It would be permanent for any new hires, but could be discontinued with the next contract. Soine added that if they add this benefit and it doesn't produce the desired results then there is no reason to keep it. Herzberg pointed out that when the next contract comes up then all employees will want it. Brick stated that the rest of the City employees are under a different union and they can negotiate it when the time comes. And like Wegner said, if they don't hire officers with families then they don't have to pay for the insurance. If the department is to possibly disband in the future; Brick wants to hold it off for as long as possible and she doesn't see the harm in trying.

Soine commented that the insurance would be an experiment. Reinke agreed that it would be a permanent benefit for those who would be hired, but that they cannot guarantee it moving forward. They need to respect the wishes of all departments. Brick stated that the Police Department and the rest of the City are part of different unions. Yes, it will come up, but they can't always look at issues in each department the same way.

Herzberg asked what the City is currently paying for insurance. Reinke responded that they pay $950 per month which is enough to completely cover young singles but the insurance price goes up as the individual gets older. Wegner gave himself as an example, if he would take the family plan with the City he would still be paying over $1,000 out of pocket each month. He added that they are looking to attract young families who would not cost as much as his own family. Herzberg suggested just increasing the amount the City covers. Wegner encouraged Council to look at what they're trying to accomplish and how to make this succeed.

Reinke suggested making a separate motion on each change. Thielen said the insurance is the driving force and suggested waiting on the sabbatical. Wegner said lowering the sabbatical now

comes down to how they market the position and hopefully bring in more applicants. They would be asking to lower the years required for the sabbatical on the next union negotiation anyway.

Motion was made by Soine to lower the years needed for the sabbatical from 5 years to 3 years. Seconded by Reinke and unanimously carried.

Motion was made by Soine to allow officers to use PTO once they are done with their FTO. Seconded by Brick.

Herzberg asked how long the FTO typically lasts. Wegner said it usually last three to four months, but an experienced officer could be done in one month. Herzberg feels the timeline should be the same throughout all City departments and suggested including a specific amount of time before they could use PTO. Council members agreed.

Motion was unanimously opposed.

Motion was made by Herzberg to allow officers to use PTO after completing their FTO and no sooner than 4 months. Seconded by Reinke and unanimously carried.

Reinke suggested changing the Police Department to a five-step pay scale instead of ten-step in the future. It would take a lot of work but could help with retention. Soine said she wants to approve the family insurance but with a limit of what the City will pay. Herzberg asked if they could figure how much that would cost. Wegner said it would not be hard to figure out if they decide on a fixed number.

Motion was made by Soine to increase the City's contribution to health insurance for the Police Department from $950 up to $1,500 per month.

Reinke stated with how the City's insurance works, he doesn't believe they can differentiate between single and family plans since costs depend on the age of those covered.

Seconded by Herzberg and unanimously carried.

POLICE DEPARTMENT – HIRING OF TEMPORARY PART-TIME OFFICER – SCHWINGHAMMER

Wegner gave a verbal report. As the department continues to build back to full staff the department has an officer willing to assist on a temporary basis. Ethan Schwinghammer, Stearns County Deputy, has indicated a desire to assist as we rebuild. Schwinghammer will be brought in at step 3 due to his experience. The department would also be looking to bring on additional temporary staff to assist covering shifts until we get back to full staff.

Reinke added that he has met Schwinghammer and agrees with bringing him in at step 3. Wegner said they would only need to get Schwinghammer a uniform and they might already have one that will fit him.

Motion was made by Soine to hire Ethan Schwinghammer as a Temporary Part-Time Police Officer at Grade 9, Step 3 ($28.81 per hour). Seconded by Thielen and unanimously carried.

PIVOT #2 TILING REQUEST – CHAD RIEN

Mergen gave a verbal report. Council reviewed the request from Chad Rien for the City to pay for a tiling project in the amount of $70,925.00. The Public Works Board has reviewed this and recommends to deny the Chad Rien request. An excerpt of draft minutes from the May 8, 2023 Public Works Board meeting:

> *CHAD RIEN PIVOT 2 TILING*
>
> *Members reviewed the letter from Chad Rien requesting $70,925.00 for his tiling project. Members briefly discussed the project and land noting this would not be in the best interest of the City. This property is only 22 acres and would take years to make any payback. The City would have a far better investment to purchase the property under pivot 8 and plant a cover crop where the City can apply 15 to 20 inches per year.*
>
> > *Motion was made by Peschong to deny the request to tile the Chad Rien property. Seconded by Quade and unanimously carried.*
>
> **Motion was made by Thielen to deny the Chad Rien tiling request. Seconded by Herzberg and unanimously carried.**

LIQUOR STORE ASSISTANT MANAGER POSITION

Ludwig gave a verbal report. The City received two applications for the Liquor Store Assistant Manager position; however, neither met the minimum qualifications. Therefore, it has been suggested to revise the minimum qualifications. This minimal change will not require it to be repointed. The Policies & Procedures Board has reviewed this and recommends approval.

In addition, the Policies & Procedures Board recommends holding off on hiring an Assistant Manager until 2024. Al-Rifai stated that the Liquor Board made no recommendation to not hire. In his talks with Ludwig, they figure it is the right time to hire and would rather do so sooner rather than later.

Reinke asked if the Assistant Manager would be a union member or a department head. Ludwig stated they have not had that discussion yet. Reinke said the Policies & Procedures concern was whether hiring an assistant manager was feasible with declining liquor sales. Ludwig said they'll need to market the position differently than before and if they have to wait for that then so be it.

> **Motion was made by Soine to approve the revised Liquor Store Assistant Manager Position job description. Seconded by Herzberg and unanimously carried.**

NUISANCE PROPERTIES

Per the April 24, 2023 City Council meeting Al-Rifai gave a verbal report on the nuisance properties. Al-Rifai and Wegner went out today to check on the properties. They found 9 out of the 20 properties have completed removing the nuisance, 7 properties are in progress, 1 letter was returned and needs to be sent to the new owner, 3 properties had no change, and 2 new properties were found and will be sent letters.

Reinke asked what police involvement has been so far with the three that have not made any changes. Wegner responded that one of those properties has been criminally cited numerous times. Reinke then asked if they should cite the other two properties before scheduling public hearings. Wegner is concerned about jumping back and forth between citations and civil abatement. Spooner added that he didn't see a benefit to issuing citations. It's the Council's decision in regard to whether it's fair going to abatement without a citation being issued, but he would not suggest both. Wegner suggested having the Police Department follow up with the other two properties and give them another two weeks before scheduling a public hearing.

Thielen asked if the City could possibly get restitution for the costs from the property owners. Spooner responded that they might be able to assess the cost if the City ends up doing the clean-up. Herzberg asked what would happen to the vehicles. Spooner said the tow service would keep it safely and give notice before they do anything with the vehicle.

Reinke summarized that the public hearing would consist of Al-Rifai presenting his finding and then the Council would decide whether it classifies as a nuisance. Then the Council would give the property owner a deadline to take care of the problem before the City acts itself. Spooner highly recommends getting a civil warrant from the courts before entering the property.

Brick stated that some properties have removed the violation to avoid fines then brought it right back where it was before starting the whole process again. She asked what they should do if that happens and what to do to avoid it from happening. Spooner said they could address it in the order they give the property owner saying it needs to stay abated. Reinke explained this property is currently cleaned up so they would not be getting a hearing. He interprets the ordinance as not requiring a warning letter. Reinke asked if the nuisance comes back could they just go straight to scheduling a public hearing. Spooner said that would be fine.

Motion was made by Soine to instruct the City Administrator to send out notices of public hearing for the properties at 711 Minnesota St., 899 Flanders Dr. and 353 Stearns Ave. after the expiration date on the initial notice. Seconded by Thielen.

Spooner reminded Council that the notice has to go to everyone with an interest in the property, including any lien holders, so they will have to get a report for that. Herzberg asked how much time they are giving the ones still in progress. Al-Rifai said they were all at various stages of completion. Herzberg stated their objective is to have all the properties cleaned up so what is their next step. Al-Rifai suggested he could send them another letter and give them more time once the first deadline comes up in a week. Wegner said Al-Rifai and he will drive around next week to check on any progress, with Memorial Day weekend coming they may see some significant improvements. Reinke said they could bring another report back to Council in June on any progress or lack thereof.

Soine asked if they need to set a date for the hearings. Spooner said they can authorize Al-Rifai to set a date once all the reports are back.

Motion was unanimously carried.

ANNEXATION

Excerpt of minutes from the April 18, 2023 Special City Council Second Retreat meeting:

ANNEXATION

The Council discussed in length the need to annex the 6 township properties within the City limits and the lift station. Al-Rifai will work with Attorney Spooner on drafting the necessary paperwork and ordinance to bring to Council in May for formal approval.

Reinke asked Spooner how they should start. Spooner has a call into the Boundary Adjustments Board regarding some concerns he has. Once he hears back he will report back to the Council. Ideally, they would talk to the Township Board and they would have no objections. Reinke asked Al-Rifai to set up a meeting with the Township while they wait for Spooner to report back to Council.

INFORMATIONAL

Mayor Reinke reviewed the following: June & July Meeting Schedules, Pave Alley Request, Stearns Co. Environmental Office – Ordinance Public Hearing Notice, April Police Department Calls Report, and Liquor Store Report.

There being no further business, Mayor Reinke adjourned the meeting at 7:56 p.m.

Tariq Al-Rifai, City Administrator