MINUTES
REGULAR CITY COUNCIL MEETING

MARCH 28, 2022

Mayor Shawn Reinke called the City Council meeting to order at 6:00 p.m. Council members present were Jean Soine, Paul Thielen, Megan Brick and Neil Herzberg. Others present were Tariq Al-Rifai, City Administrator; Jennifer Welling, Administrative Assistant/Zoning Administrator; Ron Mergen, Public Works Director; Bill Spooner, Spooner & Glenz; Chuck DeWolf, Bolton & Menk, Inc.; Kristin Leither, Social Media Specialist; Paul Wegner, Police Chief; Tess Thielen, Pat Hansen, Kateri Gruber, Karlene Gray, Shane Schmidt, K. Hawksworth, Doris Wendlandt, and C. Klocker.

The Pledge of Allegiance was recited.

Council members gave verbal activity reports.

Mergen gave a report and highlighted the following:

- Spring Cleanup is April 30th and Hydrant flushing is April 20 & 21
- Letters from an insurance company being sent to residents are not supported or endorsed by the City
- Approximately 20 park reservations
- Working on Safe Routes To Schools
- Monitoring well samples
- Downtown planters are going to be completed by the high school landscape class

Al-Rifai mentioned the following:

- Attended the Zoning Ordinance, Police & Fire Advisory Board and Special Joint Planning Board meetings. EDAP was cancelled due to no quorum. In addition, attended an AMPI meeting, Hwy. 23 meeting and the MCFOA Conference

PUBLIC OPEN FORUM

No one was in attendance to address the Council.

CONSENT AGENDA

Motion to approve the minutes from the following meetings: February 14, 2022 Public Works Board, March 9, 2022 Special City Council Working Session, November 3, 2021 Special Liquor Board, June 15, 2021 Joint Planning Board and February 28, 2022 Regular City Council

Motion to approve the following vouchers:

3/24/2022	Payroll Direct Deposit		$ 34,051.57
3/24/2022	Payroll Taxes	104379-104382	$ 3,160.59
3/24/2022	Payroll - Fed		$ 9,275.77
3/24/2022	Payroll - State		$ 1,671.20
3/24/2022	Payroll - TASC		$ 126.29
3/24/2022	Payroll - PERA		$ 7,624.15

3/24/2022	Payroll - Further		$ 2,440.77
3/24/2022	Payroll - Health Partners		$ 4,542.06
3/24/2022	Payroll - AFLAC		$ 245.06
3/24/2022	Payroll - Delta Dental		$ 170.75
3/24/2022	Payroll - Lincoln		$ 970.06
3/28/2022	Vouchers	104383-104430	$ 173,227.03
		Total	$ 237,505.30

Motion to approve the attendance of Brad Mehlhop, Grant Lieser, Jason Schrantz and Chris Price to Fire School April 22 & 23, 2022 in Willmar, MN.

Motion to approve the refuse licenses for West Central Sanitation, Inc., Tom Kramer Inc, GFL Solid Waste Midwest LLC and B & C Cleanup.

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

PARADE PERMIT APPLICATION – PAYNESVILLE FFA

A Parade Permit Application was submitted by the Paynesville FFA to conduct a tractor/classic car parade on Wednesday, April 13, 2022 (inclement weather day – May 4, 2022) at 2:30 p.m. from Paynesville High School to the Koronis Manor & Stearns Place. The Police Chief has approved the permit with the understanding that the Paynesville FFA will need to work with the Police Department for an escort.

Motion was made by Herzberg to approve the Paynesville FFA Tractor/Classic Car Parade on Wednesday, April 13, 2022 (inclement weather day – May 4, 2022) at 2:30 p.m. Seconded by Brick and unanimously carried.

SPECIAL CITY COUNCIL MEETINGS

There is a need to set a number of Special City Council meetings:

1. A Special Joint City Council & Paynesville Township Working Session on Tuesday, April 12, 2022 from 3-5 pm at the Green Roof Area Center Conference Room.
    - For the purpose of discussing the joint contracts and agreements with the Township; specifically, the Joint Orderly Annexation Agreement.
2. A special City Council Working Session on Tuesday, April 12, 2022 from 5-7 pm (following the above meeting) at the Green Roof Area Center Conference Room.
    - For the purpose of discussing the joint contracts and agreements.
3. A Special Joint City Council & Planning Board on Monday, April 18, 2022 at 5 – 8 pm in the City Hall Council Chambers.
    - For the purpose of reviewing and revising the newly drafted Zoning Ordinance.
4. A Council Retreat on Wednesday, April 27, 2022 from 9 am – 4 pm at the Green Roof Area Center Conference Room.
    - For the purpose of discussing ARPA Funds, Council/Mayor Orientation & City Goals
    - The first 2 hours in the morning will be set aside for input from Department Heads

Motion was made by Soine to set the following Special City Council Meetings:

- **Tuesday, April 12, 2022 from 3-5 pm at the Green Roof Area Center Conference Room**
- **Tuesday, April 12, 2022 from 5-7 pm (following the above meeting) at the Green Roof Area Center Conference Room**
- **Monday, April 18, 2022 at 5 – 8 pm in the City Hall Council Chambers**
- **Wednesday, April 27, 2022 from 9 am – 4 pm at the Green Roof Area Center Conference Room**

Seconded by Thielen and unanimously carried.

LIBRARY - 2021 ANNUAL REPORT

Kateri Gruber, Library Services Coordinator was in attendance and gave a 2021 Library Annual Report.

LIBRARY RELOCATION

The Friends of the Library are requesting the City participate in the Washburne Court Building Assessment and Suitability Review to be conducted by Bolton & Menk, Inc. in the total amount of $11,000.00 of which the City's portion would be $3,000.00.

Motion was made by Brick to authorize $3,000.00 for the Washburne Court Building Assessment and Suitability Review to be conducted by Bolton & Menk, Inc. with funds to come from _____.

Motion died due to lack of a second.

There was some discussion on where the money would come from. It was suggested to have the funds come out of EDAP.

Motion was made by Brick to authorize $3,000.00 for the Washburne Court Building Assessment and Suitability Review to be conducted by Bolton & Menk, Inc. with funds to come from EDAP. Seconded by Soine and passed 4:1 (Reinke, yes; Soine, yes; Brick, yes; Herzberg, yes; and Thielen, no).

LELS POLICE UNION – MOU

The Payroll Department has historically been giving employees their step increases and/or cost of living increase on January 1st of each year. However, it was brought to the Payroll Department's attention that the Police Union Contract read differently. It is the suggestion of the Payroll Department to have all employees on the same schedule and for easy tracking that this be January 1st.

15.3 Step Advancement (shall read):
Employees meeting or exceeding the minimum level of performance shall receive advancement to the next step on the salary schedule on the first of January each year calendar year. Employees who move from one job classification to another during the term of this Agreement will have their anniversary date for future step increases adjusted accordingly.

At this same time the police officers brought forth language that was erroneously missed in the LELS Union contract that addressed employees being called out to work outside of their regularly scheduled work shifts.

8.6 Call-back/Call-out (shall read):
Employees called out to work additional hours outside of their regularly scheduled work shifts, to include court time, shall be compensated a minimum of two hours at time and one half. If an employee is canceled prior to reporting to court but less than 24 hours prior to the court hearing they will be paid for one (1) hour at their base wage.

Motion was made by Herzberg to approve the MOU between the City of Paynesville and Law Enforcement Labor Services, Inc. #948 (LELS). Seconded by Soine and unanimously carried.

2022 CRACK SEALING PROJECT

Mergen presented the 2022 Crack Sealing quotes from:

- Midwest Asphalt at $1.38 per pound
- Kameo at $1.45 per pound
- MP Asphalt at $1.68 per pound

Excerpt of minutes from the March 14, 2022 Public Works Board meeting:

CRACK SEALING

Three quotes were received for crack sealing:

- Midwest Asphalt at $1.38 per pound
- Kameo at $1.45 per pound
- MP Asphalt at $1.68 per pound

Members discussed the importance of sealing the cracks to prevent water from penetrating into the subsoils of the road.

Motion was made by Quade to approve the quote from Midwest Asphalt in the amount of $1.38 per pound for 9,000 pounds of material and recommend such to the City Council. Seconded by Peschong and unanimously carried.

The Public Works Board has approved this and recommends approval.

Motion was made by Thielen to approve the quote from Midwest Asphalt in the amount of $1.38 per pound for 9,000 pounds of material. Seconded by Herzberg and unanimously carried.

POLICE DEPARTMENT - SALE OF FORFEITED PROPERTY - 1999 MERCURY GRAND MARQUIS

The police department has forfeited one vehicle that it needs to sell via public auction. Any funds obtained from this vehicle will needs to be split 70/30 with the City Attorney after expenses. These are also dedicated funds and do not go into the general fund.

Wegner requests authorization to auction the above vehicle and place the money in the Forfeiture Account and to sell the vehicle via MinnBid, this is through the MN Dept. of Administration. Selling fees are as stated:

- For items that sell for $625 or less the fee is $50. If the item sells for $50 or less Surplus Services will retain all of the proceeds.
- For items that sell for $626 to $4,000 the fee is 7 percent of the sales price.
- For items that sell for more than $4,000 the fee is 6 percent of the sales price.
- The maximum administrative fee per item is $750.

Wegner would advertise on the City's webpage and Facebook page that the vehicle would be for sale on MinnBid for local residents that may be interested in the vehicle. The vehicle will be available for inspection by appointment.

Motion was made by Soine to approve the sale of 1999 Mercury Grand Marquis via MinnBid online auction and accept the highest bid with the funds being split according to state statute and placed into the department's forfeiture fund for future needs. Seconded by Brick and unanimously carried.

ORDINANCE NO. 34, 3RD SERIES – AMENDING CHAPTER 10 ADDING FOOD TRUCKS

Ordinance No. 34, 3rd Series including a red-lined version, clean version and official summary were presented. The proposed application that includes the suggested fees for the three types of permits was also presented. Once the fees are agreed upon a formal resolution will be brought forward to officially set the fees. This ordinance would add food trucks to the City Code. The revised ordinance has been posted for the necessary 10 day requirement. The Council discussed the ordinance including the distance from restaurants and intersections and who licenses are from. Changes were made to sections 10-170 and 10-175.

Motion was made by Reinke to approve Ordinance No. 34, 3rd Series with the amendments. Seconded by Brick and passed 4:1 (Reinke, yes; Soine, yes; Brick, yes; Herzberg, no; and Thielen, yes).

Motion was made by Soine to approve the Official Summary of Ordinance No. 34, 3rd Series. Seconded by Thielen and passed 4:1 (Reinke, yes; Soine, yes; Brick, yes; Herzberg, no; and Thielen, yes).

Motion was made by Brick to approve the Mobile Food Truck License Application. Seconded by Soine and unanimously carried.

AMPE PARK GRANT

Mergen presented Resolution 2022-10 and information regarding the Outdoor Recreation Grant Program Application:

Estimated Shelter Cost	$380,000.00	
Funding:		
Grant	$190,000.00	
City CIP	$65,000.00	2023 CIP
Paynesville Township	$unknown	
Lions Club	$unknown	

Paynesville Area Community Foundation $unknown

The grant deadline is March 31, 2022 with notice by July, 2022, work to begin by October/November 2022 and completion by June 30, 2024. The Park & Tree Board has reviewed this and recommends approval.

Motion was made by Soine to approve Resolution 2022-10 Authorizing Application For Grant And Execution Of Grant Agreements As Necessary. Seconded by Herzberg and unanimously carried.

SOURCE WATER PROTECTION IMPLEMENTATION GRANT

Mergen presented the MN Department of Health Source Water Protection Plan Implementation Grant Application for the purchase and installation of a generator to provide back-up power for Well #8. The generator is estimated at $20,000.00

Motion was made by Herzberg to approve and submit the attached MN Department of Health Source Water Protection Plan Implementation Grant Application. Seconded by Brick and unanimously carried.

111 POMEROY AVE. – SHOP REMODEL

Mergen presented the following quotes:

Plumbing & Heating	
Voss Plumbing	$55,250.00
Gilk Plumbing	$51,228.00
Concrete	
Voss	$44,455.00
Earl Stang	$50,200.00

Excerpt from the March 14, 2022 Public Works Board meeting:

111 POMEROY - CITY SHOP REMODEL

The prices for the plumbing and heating and concrete work were reviewed:

Plumbing & Heating	
Voss Plumbing	$55,250.00
Gilk Plumbing	$51,228.00
Concrete	
Voss	$44,455.00
Earl Stang	$50,200.00

Motion was made by Herzberg to approve the quotes from Gilk Plumbing & Heating for the plumbing and heating at $51,228.00 and Voss for the concrete work at $44,455.00 and recommend such to the City Council. Seconded by Quade and unanimously carried.

Mergen commented that a new shop is estimated at $3.5 million and the remodel is estimated at $325,000.00.

Motion was made by Soine to approve the quotes from Gilk Plumbing & Heating for the plumbing and heating in the amount of $51,228.00 and Voss for the concrete work in the amount of $44,455.00. Seconded by Thielen and unanimously carried.

ARPA FUNDS

Al-Rifai presented Resolution 2022-11 To Elect The Standard Allowance Available Under The Revenue Loss Provision Of The Coronavirus Local Fiscal Recovery Fund Established Under The American Rescue Plan Act. This was taken from a sample resolution provided by the LMC and formalizes that the City will take the standard allowance available under the revenue loss provision of the Coronavirus Local Fiscal Recovery Fund.

Motion was made by Soine to approve 2022-11 To Elect The Standard Allowance Available Under The Revenue Loss Provision Of The Coronavirus Local Fiscal Recovery Fund Established Under The American Rescue Plan Act. Seconded by Herzberg and unanimously carried.

WATER TREATMENT PLANT RE-PIPING PROJECT

DeWolf gave a brief report on the project and presented Payment Estimate No. 4 (Final) in the amount of $14,709.00 which includes Change Order No. 1 in the amount of $2,585.00, payable to Rice Lake Construction.

Motion was made by Herzberg to approve Payment Estimate No. 4 (Final); including Change Order No. 1 in the amount of $14,709.00; payable to Rice Lake Construction. Seconded by Brick and unanimously carried.

POLICE DEPARTMENT - HIRING OF FULL-TIME OFFICERS

Wegner reported that he and the Policies & Procedures Board conducted the 2nd round of interviews on March 1, 2022. From those interviews, the Board moved 5 applicants onto the next phase of the process with the top 3 applicants being identified. Four of the applicants are still in school and will be available later this spring and summer. One applicant, Noah Ulmaniec, is currently eligible to be licensed. The department has completed a background investigation, psychological exam, physical test and physical exam of Ulmaniec. Ulmaniec has met all of the requirements for being hired and is being recommended for immediate hire.

The top 2 applicants, Logan Eck and Matt Vredenburg, will be available later this year. The department is currently in the process of backgrounding them and will complete the psychological and physical exams. Upon successful completion of the background, the department would like to give Logan Eck and Matt Vredenburg contingent job offers based on them passing the physical exam, physical test, psychological evaluations, background investigation and the MN Police Officer Standards and Training (P.O.S.T) Test by September 1, 2022. This would allow the department to move forward administratively with the hiring if and when all conditions are met. The department would like to put the remaining two applicants; Annabelle Ball and Carden Mueller on an eligibility list in the event of future openings.

Motion was made by Thielen to approve hiring Noah Ulmaniec as a full-time police officer at $25.56 per hour (Grade 9/Step 1), effective immediately. Seconded by Brick and unanimously carried.

Motion was made by Brick to hire Matt Vredenburg and Logan Eck as a full-time Police Officers at $25.56 per hour (Grade 9/Step 1) contingent on passing the physical exam, physical test, psychological evaluations, background investigation and the MN Police Officer Standards and Training (P.O.S.T) Test by September 1, 2022, with anticipated start dates of June and August. Seconded by Soine and unanimously carried.

Motion was made by Soine to create an eligibility list and place Annabelle Ball and Carden Mueller on the list. Seconded by Herzberg and unanimously carried.

Reinke recessed the Regular City Council meeting at 7:21 p.m. to go into Closed Session for attorney client privileged discussions related to AMPI sewer under-billing negotiations and pending or threatened litigation related thereto.

Reinke closed the Closed Session and re-opened the Regular City Council meeting at 7:33 p.m. and announced that the Council discussed the status of negotiations with AMPI on the billing issue. The Council consented to continue negotiations with AMPI.

Reinke recessed the Regular City Council meeting at 7:35 p.m. to go into Closed Session to discuss making an offer on real property located at 311 Washburne Ave., Paynesville, MN and parcel numbers 70.39095.0005, 70.39377.0000, 70.39388.0000, 70.39095.0000, and 70.39094.0000.

Reinke closed the Closed Session and re-opened the Regular City Council meeting at 7:43 p.m.

Motion was made by Soine to authorize the Mayor to send an offer letter to CentraCare Health Paynesville. Seconded by Brick and unanimously carried.

INFORMATIONAL

Mayor Reinke reviewed the following: February 2022 Investments, Liquor Revenue & Expenses, Incode Financial Reports, City Attorney Report, Capital Improvement Breakdown Report and Budget vs Actual Year to Date Chart – all reports can be found on the City's website. Liquor Store Report, American Water Resources – Insurance Letter, West Central Sanitation March Garbage Rates, Mediacom Rate Increase Notice and April & May Meeting Schedules.

There being no further business, Mayor Reinke adjourned the Regular City Council meeting at 7:45 p.m.

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Tariq Al-Rifai, City Administrator