

REGULAR MEETING OF THE CITY COUNCIL
CITY OF CALEDONIA, MINNESOTA
Monday, July 27, 2009

CALL TO ORDER: Following due call and notice thereof, Mayor Burns called the meeting to order at 6:07 p.m. in the Council Room, City Hall.

ROLL CALL: Members present: Mayor Robert H. Burns; Council Members: Robert Lemke and Tom Murphy. Members absent: Randi Vick and Peggy Perry. Consultants and City staff present: Kurt Zehnder, Stephanie Mann, Mike Gerardy and Robert L. Nelson. Visitors present: Chuck Schulte, Laurie Gavin and Charlie Warner, Report.

AGENDA APPROVAL: There being no additions or changes to the Agenda, a motion was made by Mayor Burns, seconded by Member Murphy, to approve the Agenda as presented. All members present voted in favor and the motion was declared carried.

CONSENT AGENDA: Following brief discussion, a motion was made by Mayor Burns, seconded by Member Lemke, to approve the Consent Agenda items, listed below. All members present voted in favor and the motion was declared carried.

A. MINUTES OF PAST MEETINGS: To approve the minutes of the Regular Meeting held Monday, July 13, 2009, as presented.

B. CHARITABLE GAMBLING APPLICATION: To approve an Application for Exempt Permit submitted by the Church of St. Mary for a charitable gambling event to take place at St. Mary's Catholic School, 308 East South Street, on October 25, 2009, to include raffles and pull tabs. Further, to waive the 30 day waiting period.

C. SOFT DRINK LICENSE: To approve a soft drink license submitted by the 4-H Federation to serve soft drinks in the 4-H Food Stand at the Houston County Fair.

D. CHARITABLE GAMBLING APPLICATION: To approve an Application for Exempt Permit submitted by the Caledonia USBC WBA, Inc., to conduct a gambling event at the Starlite Bowling Center for a raffle to be held January 9, 2010.

VISITORS AND COMMUNICATIONS

A. TRAFFIC SIGNAL: Chuck Schulte recommended the Council replace the presently inoperable traffic signal with 4-way stop signs. He contended that the 4-way stop signs are much more driver friendly than the traffic signal and can handle larger volumes of traffic in a shorter time limit. Council Member Murphy responded that a concern over and above the volume of traffic that can be held in a short time is safety, particularly pedestrian safety including the safety of children going and coming from school which is also an intense use at the morning hour and afternoon release hour. While it was contended that children must cross intersections all over town, the focus at this intersection was because it is perhaps the highest volume of both pedestrian traffic and vehicle traffic. No decision was made at this time.

B. ADMINISTRATIVE COORDINATOR TOPICS

1. ZONING APPLICATION – YOUNGERBERG: Larry and Holly Youngerberg, having an option to purchase property at 123 North Sprague Street, submitted an application proposing to construct a second garage, being an unattached garage with dimensions of 22' x 24' on the northwest portion of this property. It was pointed out there is also a 231 square foot garage attached to the dwelling. The sum of both garage areas would not exceed the maximum area permitted by the zoning ordinance. Following discussion, a motion was made by Mayor Burns, seconded by Member Lemke, to authorize having a second garage on the same property finding that the existing garage is unreasonably small to provide for vehicle and lawn and garden types of storage. All members present voted in favor and the motion was declared carried.
2. 2010 ELECTRIC DEPARTMENT IMPROVEMENT PROJECT: Mayor Burns commented on the public meeting held July 20th to explain to effective property owners how the City intended to change the utility locations in Sunnyside Addition and the Foltz Addition in the northwest part of the City. When discussion was held on locating transformers in the boulevard area along front yard property lines, no one in attendance was in favor of it and several commented they would not agree to give utility easements to connect the transformers to the existing underground lines now located in the rear yards and

in the rear yard easement area. The consensus of feeling was that where utilities are now buried and situated along rear yard property lines, they may have to remain at those locations. The Council appeared willing to mandate that future developments would have the electric transformer boxes and other apparatus on the front yard property line.

3. **TRAFFIC SIGNAL CONTROLLER:** Mr. Gerardy and Clerk Nelson explained the problems the City had been having with the traffic control device. A used unit, the only remaining unit had a value of \$2,500. Purchase of a demonstrator model would cost \$5,000 and purchase of a brand new unit would cost \$5,500. While all described units had a warranty period of one year, a question was raised on how the warranty would be upheld if the only existing used unit failed. Following discussion, a motion was made by Member Murphy, seconded by Mayor Burns, to authorize purchase of a new \$5,500 traffic control unit for installation in the traffic signal. Members voting in favor: Burns and Murphy. Opposed: Lemke. The motion was declared carried.
4. **FOOTBALL SIGN LOCATION OPPOSED:** Clerk Nelson reported that he had received a call from a resident nearby Sunset Boulevard upon that resident being informed that the "football sign" was to be located at the intersection of Sunset Boulevard and the short street stub leading to Highway 44/76 nearby Kwik Trip. The citizen complained that traffic was already very heavy there and such a sign may reduce visibility and become a hazard. Brief discussion was held by the Council concerning the topic, but they did not share the belief that the sign would constitute a traffic hazard at that location.

C. **POLICE CHIEF'S TOPICS**

1. **RELEASE OF LIABILITY FORM:** Police Chief Kurt Zehnder introduced a form, being a waiver and release of liability for public service rendered. The form would be used by Police Officers to have residence sign for such actions as assistance by Police Officers to unlock their vehicles. Chief Zehnder said occasionally a lock can be broken or a window can be broken or some other damage can be caused by the act of attempting to open a locked vehicle when the driver leaves his or her keys in the ignition. This form, when signed by the petitioner to unlock their vehicle would waive any liability held by the City for damage done in the process. Following discussion, a motion was made by Mayor Burns, seconded by Member Murphy, to authorize use of the Waiver of Liability Form. All members present voted in favor and the motion was declared carried.
2. **EVIDENCE ROOM:** Chief Zehnder distributed an illustration of a proposed evidence room in the corner of the existing police garage. He said utilization of this corner would still allow room for parking all the vehicles which are now parked in the garage. The plan would enable construction of 20 or more lockers with an anticipated cost not to exceed \$385. That cost would also include purchase of a small safe to keep in the police department for holding small items, including small amounts of cash. He also recommended opening an account at a local bank or renting a safety deposit box to keep cash for longer periods of time. Following discussion, a motion was made by Mayor Burns, seconded by Member Lemke, to approve the proposed construction of locker spaces and purchase of a small safe for the police department for an estimated cost of under \$385. All members present voted in favor and the motion was declared carried.
3. **POLICE DEPARTMENT STAFFING:** Chief Zehnder recommended establishing a Sergeant Position in the Police Department and recommended that Officer Stemper be appointed to that position. He contended that establishment of the Sergeant Position would allow the department to grow and provide a means to make administrative leadership in the absence of the Police Chief. He commented that Officer Stemper appeared to have done an outstanding job leading the department during the interim between Chief Shefelbine's retirement and his arrival. Chief Zehnder presented the Council with a written letter of support for the position as well as a draft position description for Police Sergeant. No action was taken by the Council at this time.
4. **UNIFORM DISTRIBUTION:** Chief Zehnder said he had a ballistics vest that was in perfect condition, therefore, did not need to purchase such a vest upon his arrival at Caledonia. He did however require a new pair of boots which is not on the uniform distribution list. Clerk Nelson commented to the Council that he

believed the uniform distribution list was made of items which would obviously constitute part of a uniform and could not easily be worn as personal clothing apparel. That was most likely the reason boots were not on the list because they would so easily interchange between being worn with a uniform and hunting clothes or other personal wear. Following discussion, premised on the fact that a ballistics vest would be unnecessary to purchase at this time, the boots which are anticipated to cost approximately 1/8 the amount of a ballistics vest would be substituted in its place and authorization was given to Chief Zehnder to purchase the boots as part of the initial uniform distribution.

D. ACCOUNTANT'S REPORT: Stephanie Mann, City Accountant, distributed copies of the cash and investment report showing a current balance of cash at \$474,566.31 and investments at \$2,349,900 as of June 30. She also presented copies of the long term debt schedule of payments and balance. All but two long term loans would be repaid by the end of 2017. The remaining two would be paid by the end of 2023. The unpaid debt balance as of July 31, 2009 is \$2,289,619. There was also substantial review of the budget worksheet which showed the position of all line items including revenues and expenditures as of June 30, 2009. The Council was also then informed that the City's certified 2008 Local Government Aid (LGA) was \$830,040, but the State un-allotted \$54,060 for an actual revenue of \$775,980. The City's 2009 LGA was certified at \$908,204, but the State un-allotted \$47,304 for an actual revenue to be distributed of \$860,900. The City's estimated LGA for 2010 is \$941,293, but the State has un-allotted \$109,147 for an anticipated revenue of \$832,146.

OLD BUSINESS

A. TASER WARRANTY: Enclosed with the Agenda was an e-mail from Officer Stemper describing the warranty for purchase of new tasers. The e-mail described the following. All X26 Tasers come with a one year full warranty whether it was purchased new or a "new replacement" within the warranty dates. Taser replacement costs under the current RMA (Repair / Maintenance Authorization) within the one – two years after warranty are \$350. Taser replacement costs for units in the two – three year range after warranty period are \$550. A one year extended warranty can be purchased for \$84.95 (two year total warranty) a four year extended warranty can be purchased for \$184.95 (five year total warranty).

B. EMPLOYMENT INTERVIEWS: Clerk Nelson informed the Council that employment interviews for the position of Clerk Administrator have been scheduled for Tuesday, August 11 and Thursday, August 13, beginning at 6:30 p.m. with interviews scheduled for 35 minute intervals. Five interviews are scheduled each evening.

C. CALEDONIA POLICE ASSOCIATION LABOR AGREEMENT: Clerk Nelson informed the Council that he had prepared a letter inviting the Police Association to present its list of demands in order to get negotiations started for a hopeful completion before the end of the year. Discussion was held concerning Council counter demands and the fact that the Council may hold a closed session for negotiation strategy.

D. ANNUAL FINANCIAL STATEMENT: Clerk Nelson referenced the annual financial statement delivered to Council Members with this meetings packet. He invited the Council to review the statement and list any questions they may have. Stephanie Mann, City Accountant, and Clerk Nelson would attempt to answer those questions at a later meeting.

E. CRIMINAL JUSTICE CENTER: Clerk Nelson said in response to an earlier inquiry concerning the City's cost for its involvement in the Criminal Justice Center zoning application and following lawsuit, the charge from the League of MN Cities Insurance Trust for higher the Minnesota Attorney Firm was \$2,326.09. The cost for the services of City Attorney Timothy A. Murphy over calendar years 2008 and 2009 for involvement in the zoning application process and lawsuit was \$11,961.55. Nelson commented that Attorney Murphy's billing amount was approximate since Mr. Murphy sometimes bills multiple issues with one lump sum and a certain amount of interpellation was done to separate out the billing for the Criminal Justice Center.

NEW BUSINESS

A. SEMINAR: Clerk Nelson submitted a request by Tim Evans to attend a MN Municipal Utilities Association Training Session at Marshall, MN for Overhead Line Workers. The seminar runs from September 15 a portion of the morning on September 18 and has a registration fee of \$425. Motel room registrations would be necessary for Tuesday, Wednesday and Thursday evenings, costing approximately \$66 per day. Inquiring was made by Mayor Burns as to whether or not Matt Blocker, City Electrician had recommended this course. Clerk Nelson responded that he had not spoken with Mr. Blocker concerning the request. Mayor Burns then tabled the issue until the following meeting to obtain the City Electrician's input on the proposed training.

B. **INSURANCE RENEWAL:** Enclosed with the Agenda was a summary and explanation of the insurance renewal package from Tom Danielson, Danielson Insurance Agency, showing approximate increases which have taken place in various coverages. Page 7 showed a history of the insurance premium cost from 2005 through the present. Clerk Nelson informed the Council that Mr. Danielson said he would be happy to attend a meeting in future to answer any questions the Council may have concerning the various policies and coverage's of the City. Following discussion, a motion was made by Mayor Burns, seconded by Member Murphy, to approve renewal of the insurance package for the stipulated price of \$110,832. All members present voted in favor and the motion was declared carried.

C. **NON PROFIT ENTITIES:** Clerk Nelson alluded to the letter sent by City Insurance Agent Tom Danielson. In summary the letter reminded the City and officers of the Fire Foundation and Ambulance Foundation that neither of the two Foundations have any liability insurance coverage. Since the Foundations do not rely on the City Council for any supervisory direction or input into its activities, the Council believed that any insurance decisions should be made by the Foundation Officers not by the City Council.

D. **RESOLUTION:** A motion was made by Mayor Burns, seconded by Member Lemke, to adopt the Resolution, stated below. All members present voted in favor and the motion was declared carried.

WHEREAS, the policy of the State of Minnesota as declared in Minnesota Statutes 353.63 is to give special consideration to employees who perform hazardous work and devote their time and skills to protecting the property and personal safety of others; and

WHEREAS, Minnesota Statutes Section 353.64 permits governmental subdivisions to request coverage in the Public Employees Police and Fire plan for eligible employees of police departments whose position duties meet the requirements stated therein and listed below.

BE IT RESOLVED that the **Caledonia Police Department** of **The City of Caledonia** hereby declares that the position titled **Part-time Police Officer**, currently held by **Timothy L Irwin**, meets all the following Police and Fire membership requirements:

1. Said position requires a license by the MN peace officer standards and training board under sections 626.84 to 626.863 and this employee is so licensed.
2. Said position's primary (over 50%) duty is to enforce the general criminal laws of the state;
3. Said position charges this employee with the prevention and detection of crime;
4. Said position gives this employee the full power of arrest, and
5. Said position is assigned to a designated police or sheriff's department.

BE IT FURTHER RESOLVED that this governing body hereby requests that the above-named employee be accepted as a member of the Public Employees Police and Fire Plan effective the date of this employee's initial Police and Fire salary deduction by the governmental subdivision.

Robert L. Nelson /s/
City Clerk – Administrator

Robert H. Burns /s/
Mayor

E. **MINIMUM WAGE INCREASE:** Clerk Nelson reminded the Council Members that Minimum Wage increased from \$6.55 per hour to \$7.25 per hour on Friday, July 24. He asked how the Council would like to address the wages at the Municipal Liquor Store since new part-time retail clerks in the recent past have started at \$7.25, then moved up to a \$8.25 per hour after a probationary period of 3 months. Since the minimum wage now moved up to \$7.25 per hour Nelson asked if the Council wanted to increase wages by that \$.70 per hour difference. Following brief discussion the Council agreed by general consensus to leave wages as they have been at the municipal liquor store with the starting wage of \$7.25 per hour.

F. **SCHOOL CROSSING GUARD AGREEMENT:** The annual agreement for payment of 50% of the wages of school crossing guards for the Highway 44 crossing was presented to the Council with the information that the current wage is \$13.30 per hour. Following brief discussion, a motion was made by Mayor Burns, seconded by Member Lemke, to approve the Agreement and authorize the Mayor and Clerk-Administrator to sign on behalf of the City. All present members voted in favor and the motion was declared carried.

CLERK'S REPORT

A. **POSSIBLE LIGHTNING STRIKE:** Clerk Nelson informed the Council that Tony Klug reported an apparent lightning strike which damaged the influent flow meter sometime on Thursday evening or Friday morning July 9 or 10. The League of MN Cities Insurance Adjustor is investigating.

B. **CAPITAL ASSET LOSS:** Clerk Nelson informed the Council that the 1994 Chevrolet Pickup with a toolbox on the back was destroyed by fire. City employees noticed smoke coming out of the roof of the storage building around 10:30 on July 17. They entered the building, finding the pickup truck on fire and scorching the rafters of the building. Employees opened the overhead garage door, tied a chain to the rear bumper and dragged it out of the building with another vehicle. This claim is also under investigation by the Insurance Adjuster.

C. **EMPLOYEE TIME RECORD:** Enclosed with the Agenda was the Employee Time Record for pay period June 29 – July 12, 2009.

D. **FEDERAL GOVERNMENT POLICIES:** Distributed at the meeting was a letter from Tri-County Electric Cooperatives encouraging the City Council to petition Federal lawmakers to research very carefully their legislative actions on electrical generating companies. Some of the bills before the Federal Legislator would increase the costs of electricity by 50% or more.

E. **ELECTRICAL ENGINEERING RATES:** Clerk Nelson reported back to the Council on electrical engineering rates from a few different organizations. He commented that each company has multiple rates which depend upon the experience of the electrical engineer performing the work as well as the difficulty of the task being performed. Rates for some engineering firms range from \$90 to \$160 while at others they range from \$60 to \$160. Rates charged over the past twelve months or so from PowerPlus Engineering have been from \$65 to \$120 per hour.

ADJOURNMENT: There being no further business before the Council, a motion to adjourn was made by Member Murphy and seconded by Member Lemke. All members present voted in favor, the motion was declared carried and the meeting then adjourned at 9:21 p.m. The next Regular Meeting of the City Council is scheduled for 6:00 p.m., Monday, August 10, 2009, in the Council Room, City Hall.

Robert H. Burns, Mayor

Robert L. Nelson
City Clerk - Administrator