

REGULAR MEETING OF THE CITY COUNCIL
CITY OF CALEDONIA, MINNESOTA
Monday, August 22, 2011

CALL TO ORDER. Following due call and notice thereof, Acting Mayor Vick called the meeting to order at 6:00 p.m. in the Council Room, City Hall.

ROLL CALL. Members present: Mayor Robert H. Burns (6:30 p.m.); Council Members: Robert Lemke, Tom Murphy, Randi Vick and Paul Fisch. Members absent: None. Consultants and City staff present: City Clerk/Administrator Jennifer Feely and City Accountant Stephanie Mann. Visitors present: Matt Blocker and Argus Reporter Charlie Warner.

AGENDA APPROVAL. The following items were added to the agenda for discussion: Sanitary Sewer Discussion, Water Line Break on East Grove Street, and Chamber Lease. A motion was made by Member Murphy, seconded by Member Lemke, to approve the agenda with the addition of the above-mentioned items. All those present voted in favor and the motion was declared carried.

A. MINUTES OF PAST MEETINGS. A motion was made by Member Murphy, seconded by Member Lemke, to approve the Regular City Council Minutes of August 8, 2011 with the following clarification: the four week electrical project extension begins on September 1, 2011 and expires on October 1, 2011; and the Special City Council Minutes of August 15, 2011, as presented. All members present voted in favor and the motion was declared carried.

VISITORS AND COMMUNICATIONS.

A. CALEDONIA DOLPHINS. A group of Caledonia Dolphins was present to request the Council's consideration in allowing the early bird swim to continue August 23-August 26. A motion was made by Member Vick, seconded by Member Fisch, to grant the Dolphin request to use the pool for the early bird swim August 23-August 26 so long as the lifeguard wages are paid for by the Dolphins. All those present voted in favor and the motion was declared carried.

B. CITY ACCOUNTANT TOPICS.

1. CASH AND INVESTMENT REPORT. City Accountant Stephanie Mann was in attendance to report that as of July 31, 2011, the total cash balance was \$1,241,619.48 and the total investment balance was \$2,513,750.00. Discussion ensued.

2. BUDGET WORKSHEET. City Accountant Mann reviewed the budget worksheet which showed the line item detail for revenues and expenditures through July 31, 2011. Discussion ensued.

3. 2011 BUDGET AMENDMENTS. City Accountant Mann presented the Council a list of the following 2011 amendments:

	<u>2011 BUDGET</u>	<u>CHANGES</u>	<u>NEW BUDGET</u>
TAXES	539,240.00	-	539,240.00
LICENSES & PERMITS	12,950.00	-	12,950.00
INTERGOVERNMENTAL REVENUES	777,060.00	767,765.00	1,544,825.00
CHARGES FOR SERVICES	396,285.00	-	396,285.00
FINES & FORFEITS	8,800.00	-	8,800.00
MISC REVENUES	29,000.00	18,940.00	47,940.00
FUND REVENUE - SALES	-	14,340.00	14,340.00
OTHER FINANCING SOURCES	<u>-</u>	<u>-</u>	<u>-</u>

TOTAL REVENUE	1,763,335.00	801,045.00	2,564,380.00
GENERAL GOVERNMENT	250.00	-	250.00
COUNCIL	35,540.00	-	35,540.00
ORDINANCES	1,300.00	-	1,300.00
MAYOR	3,800.00	-	3,800.00
CITY CLERK	111,340.00	-	111,340.00
ELECTIONS	-	-	-
FINANCIAL ADMINISTRATION	7,500.00	-	7,500.00
ASSESSING	50.00	-	50.00
CONSULTING FEES	4,000.00	-	4,000.00
CITY ATTORNEY	40,000.00	-	40,000.00
PERSONNEL ADMIN	1,000.00	-	1,000.00
ADMINISTRATIVE COORDINATOR	41,340.00	-	41,340.00
PLANNING & ZONING	5,000.00	-	5,000.00
DATA PROCESSING	-	-	-
CITY HALL	18,225.00	-	18,225.00
POLICE & AMBULANCE	8,495.00	-	8,495.00
POLICE DEPARTMENT	458,495.00	-	458,495.00
AMBULANCE	202,420.00	-	202,420.00
FIRE DEPARTMENT	108,710.00	120,160.00	228,870.00
AFG GRANT	-	484,870.00	484,870.00
CIVIL DEFENSE	-	-	-
TRAFFIC ENGINEERING	2,310.00	-	2,310.00
ANIMAL CONTROL	5,180.00	-	5,180.00
STREET DEPARTMENT	153,290.00	-	153,290.00
STREETS, ETC	75,075.00	-	75,075.00
ALLEYS/PARKING LOTS	-	-	-
SIDEWALKS	7,050.00	-	7,050.00
STREET EQUIPMENT	27,500.00	13,000.00	40,500.00
STORM DRAINAGE	5,050.00	-	5,050.00
STREET LIGHTING	34,500.00	-	34,500.00
REFUSE DISPOSAL	2,200.00	-	2,200.00
WEED CONTROL	-	-	-
MOSQUITO CONTROL	2,130.00	-	2,130.00
RECREATION	510.00	-	510.00
ATHLETIC FIELD	37,840.00	-	37,840.00
SWIMMING POOL	42,340.00	-	42,340.00
SKATING RINK	1,450.00	-	1,450.00
AUDITORIUM	79,375.00	-	79,375.00
CONCESSION STAND	320.00	-	320.00
PARK AREAS	10,830.00	-	10,830.00
FOR/NURSE	8,100.00	-	8,100.00
LIBRARY	76,480.00	11,140.00	87,620.00
COMM/CIVIC ORGANIZATIONS	-	-	-
SM CITIES GRANT 90	-	-	-
EDA	37,460.00	-	37,460.00
EDA LOANS/PROJECT	-	-	-
WILLIAMS HOTEL	-	-	-
BLUFF COUNTRY	-	-	-
SNO-PAC	-	-	-
CAL LODGING	-	-	-
SCHOEBERL TAX ABATEMENT	-	-	-
CALEDONIA OIL	-	-	-
WITT REAL EST	-	-	-

DEBT SERVICE EXPENSES	83,720.00	-	83,720.00
MISC EXPENSES	3,100.00	-	3,100.00
OTHER MISC	1,675.00	-	1,675.00
BAD DEBTS	25.00	-	25.00
DEBT COLLECTION EXPENSE	-	-	-
UNEMPLOYMENT COMP	-	-	-
TRANSFERS OUT	-	-	-
SESQ	-	-	-
GENERAL CASH SHORT	-	-	-
CABLE TV	<u>350.00</u>	<u>-</u>	<u>350.00</u>
TOTAL EXPENSES	1,745,325.00	629,170.00	2,374,495.00
TOTAL	<u>18,010.00</u>	<u>171,875.00</u>	<u>189,885.00</u>

Discussion ensued. A motion was made by Member Murphy, seconded by Member Fisch, to approve the above-listed 2011 budget amendments. All members present voted in favor and the motion was declared carried.

4. **2012 TAX LEVY DISCUSSION.** City Accountant Mann reviewed a history of levy increases for the City of Caledonia. Discussion ensued. City Clerk/Administrator Feely inquired as to whether the Council would be willing to consider calling a Special City Council Budget Meeting on Thursday, September 8 at 7:00 p.m. to review line items and put together a preliminary tax levy. The consensus was to schedule a special meeting to discuss the budget.

5. **AUDIT REPORT DISCUSSION.** City Accountant Mann noted that the auditors have not yet responded with the 2010 audit highlights. It was noted that a review of the 2010 audit will take place as soon as this information is obtained from the auditors.

C. **ADMINISTRATIVE COORDINATOR TOPICS.**

1. **SOUTH PINE STREET BLACKTOP.** Member Lemke stated that he was contacted by a business owner in Caledonia regarding the condition of South Pine Street from East Grove Street to East South Street as a result of truck traffic associated with the Houston County Justice Center Project. Discussion ensued regarding whether the City should also fix defective curb if the City were to take on improving the street. Member Fisch inquired as to whether the road was bad prior to the project. Mayor Burns directed City Clerk/Administrator Feely to contact Davy Engineering and find out if they have been keeping a record of the road's condition throughout the project. Discussion ensued. No official action was taken.

2. **BALL PARK INFIELD UPDATE.** City Clerk/Administrator Feely pointed to a drawing by Administrative Coordinator Gerardy showing the area of the ball field in which additional material is necessary to bring the field to grade and finish the project. Feely stated that the consensus of the Park and Rec Committee is to order four tons of Sur-Hop material at a cost of \$51.50 per ton x 100 tons = \$5,150.00. Feely went on to provide the following accounting of expenses to date:

\$25,930.75	Materials and Labor
-\$5,000.00	Twins Grant
-\$3,000.00	Legion Grant

\$17,930.75 - (Paid out of Athletic Field Budget in General Fund).

Discussion ensued. The consensus of the Council is that the ball field material and grass seed will be applied by hand through the use of volunteers. A motion was made by Mayor Burns,

seconded by Member Murphy, to approve purchasing four additional truckloads to complete the project in 2011 so that the field is playable in 2012. All members present voted in favor and the motion was declared carried.

D. COMMUNICATIONS.

1. NOTICE FROM MEDIACOM. Attached with the agenda was a notice from Mediacom regarding channel changes.

2. NOTICE FROM BROADVIEW NETWORKS, INC. Attached with the agenda was a notice from Broadview Networks, Inc. to provide local and long distance telecommunications services by the Minnesota Public Utilities Commission and the Department of Commerce.

OLD BUSINESS. None.

NEW BUSINESS.

A. SEWER REHABILITATION PROJCTET FINANCING. City Clerk/Administrator Feely shared that the facility plan for the sanitary sewer collection system and lift stations was approved by the City in January, 2011. Since that time, the facility plan was submitted to Public Facilities Authority (PFA). Feely went on to state that the City is now awaiting the release of the draft Intended Use Plan (IUP) list to determine its fundable range, if any. Once the final IUP has been adopted by PFA, the City can then submit an application for funding. Feely noted that she is currently working with the City's engineer to fill out the Clean Water Revolving Fund (CWRP) and Drinking Water Revolving Fund (DWRP) application. Feely stated that per her conversation with PFA Senior Loan Officer, Anita Gallentine, the City's chances for obtaining low interest financing will be much greater if the sewer fund deficit can be eliminated or demonstrated action is taken. Discussion ensued regarding doing a permanent transfer from the Light Fund to the Sewer Fund to eliminate the deficit. Mayor Burns inquired as to whether a modified financial statement was necessary to send to PFA after a permanent transfer was done. No official action was taken.

B. DAVY ENGINEERING – JUSTICE CENTER ROADWAY REPAIR RECOMMENDATIONS. City Clerk/Administrator Feely shared that attached with the agenda was a letter received from Davy Engineering regarding an assessment of the haul route used for the Houston County Justice Center Project. Based upon Davy Engineer Jim Kochie's letter, the following two areas were affected by the project:

1. West Main Street from the end of the curb and gutter section to Richards Road. This section of highway was used to haul sand to the new Justice Center. The existing roadway is surfaced with crushed aggregate base, recycled asphalt and chip seal coat. Photos taken before and after the construction indicate that damage did occur from heavy truck traffic. Most of the damage occurred on the south side of the roadway. The recommended correction is to complete subgrade replacement in an area approximately 300 feet long and 12 feet wide by excavating approximately 12 inches below grade, installing 12 inches of Class V aggregate base. Complete the roadway repair by placing 1 ½ - 2 inch HMA overlay over approximately 800 feet of roadway to correct the many small areas and the loss 1 – 1 ½ feet of the south pavement edge. This approach would require the following estimated quantities and cost:

150 cy.	Excavation @ \$8.00/cy	=	\$1,200.00
260 ton	Aggregate Base @\$10.00/ton	=	\$2,600.00
200 ton	HMA @ \$100.00/ton	=	<u>\$20,000.00</u>

Total \$23,800.00

2. South Kingston Street at the intersection of South Street. This damaged area is along the west curb line. Witnesses reported that heavy truck loads traveled along the curb line and the pavement started rolling up above the gutter. A truck was used to pack the asphalt down along the curb line to restore the surface profile. In reviewing the location, it appears that the curb has tipped back from the force of the truck and asphalt and a resulting depression is evident along the curb line. The recommended repair would require a removal and replacement of the asphalt and curb and gutter. The estimated quantities and cost were identified as follows:

75 sy	Asphalt Removal @ \$5.00/sy	=	\$375.00
75 lf	Saw Cutting Pavement @ \$4.00/lf	=	\$300.00
31 lf	Removal and Replace Curb and Gutter @\$25/lf	=	\$775.00
13 ton	HMA @ \$125.00	=	<u>\$1,625.00</u>
	Total		\$3,075.00

Discussion ensued. Member Fisch inquired as to whether there was an agreement established with the City regarding the County being responsible for damages to the road. Mayor Burns replied that there was an agreement with the County prior to the commencement of the project. No official action was taken.

C. HEALTH ASSESSMENT. City Clerk/Administrator Feely shared that attached with the agenda was a letter from City Insurance Agent Tom Danielson responding to the Council's inquiry as to whether it was possible to obtain information regarding the number of physicals employees had in 2010. Per Danielson's inquiry to a Blue Cross Blue Shield (BCBS) District Representative, the City cannot utilize this type of information for small groups such as Caledonia. However, Danielson pointed out in his letter that the BCBS representative strongly recommended that the City encourage its plan members (employees, spouses and dependent children age 18 and over) to take an online health assessment. According to Danielson's letter, if at least 20 plan members participate in such an assessment, BCBS can then order an aggregate report that would be specific to the group. The assessment would help to identify high risk areas within the group and then allow the plan members to focus on their health and wellness needs. It was noted that by doing so, it would possibly help the group lower its table rating which is currently 9.5. The lowest table rating is 1 and the highest table rating is 12. It was further noted that the online health assessment takes about 15 minutes and each plan member would login individually. All plan members intending to take the assessment would need to do so within a 60 day timeframe. The plan member will see their individual results immediately. It was noted that the assessment is HIPAA compliant and there is no cost to take the assessment. Danielson pointed out in his email that Blue Cross Blue Shield continues to pay up to \$20 a month for a network fitness center membership so long as the member goes to the center at least twelve times a month. Discussion ensued. No official action was taken as the information will be taken under advisement.

D. REVIEW ORGANIZATIONAL FLOW CHART AND CHAIN OF COMMAND. City Clerk/Administrator Feely shared that in an effort to ensure that City Council and staff are on the same page regarding chain of command, it would be appropriate to take some time to review the City's organizational flow chart, a copy of which was attached with the agenda, so as to ensure that if the City is getting off track, it can get itself realigned. Feely went on to point out that according to the League of Minnesota Cities handbook regarding elected officials, councilmembers' statutory duties are to be performed by the council as a whole. This means that it is the council and not individual councilmembers that supervise administrative officers, formulate policies, and exercise city powers. It was explained that individual councilmembers

have no administrative authority. Feely stated that this means that individual councilmembers cannot give orders or supervise city employees unless specifically directed to do so. It was explained that the City is currently undertaking a number of projects and enforcing new policies, which is why it is pertinent that Councilmembers and staff understand the fundamental framework of a statutory city so as to keep everything functioning as effectively and efficiently as possible. Discussion ensued. No official action was taken.

E. **CONTRACT WITH COMMUNITY ECONOMIC DEVELOPMENT ASSOCIATES (CEDA).** City Clerk/Administrator Feely shared that after significant deliberation, the Caledonia Economic Development Authority (EDA) recommends to the City Council that the existing contract with CEDA be suspended, effective October 1, 2011, thereby eliminating a staff person at City Hall two days a week. Further, that a new contract be established with CEDA on an “as needed” hourly basis, leaving the same amount of money in the budget for EDA consultant services as was done in 2011. It was noted that the City has contracted with CEDA for EDA services since prior to 2001. The City paid \$32,292 in 2007, \$33,424 in 2008, \$34,592 in 2009, and \$34,592 in 2010. To date, the City has expended \$26,334, or three quarters worth of the \$35,639 contract price. It was noted that the 2012 fee is scheduled to increase by 1.5%, which equates to a total contract price of \$36,173. The following concerns were taken into consideration by the EDA when considering whether to suspend the contract with CEDA: duplication of services, value, and perceived lack of accountability. Discussion ensued regarding who would carry on the day to day EDA responsibilities. It was noted that in the absence of the EDA Director, the City Clerk/Administrator already assumes day to day EDA responsibilities. The consensus of the Council is to suspend the contract with CEDA and monitor the proposed arrangement on a monthly basis to ensure its feasibility. Councilmembers asked Feely to report back if her workload was becoming too burdensome with the additional EDA responsibilities so that other options can be explored if necessary. A motion was made by Mayor Burns, seconded by Member Fisch, to suspend the contract with CEDA for EDA services and instead retain CEDA on an hourly “as needed” basis at a rate of \$55.00, plus any expenses incurred, for EDA support services, effective October 1, 2011. All members present voted in favor and the motion was declared carried.

F. **FOOD EXPENSES PAID FOR WITH TAX PAYER DOLLARS.** City Clerk/Administrator Feely shared that an invoice was received for food purchased on the City’s charge account at Kwik Trip by the Fire Department. Feely stated that she was requesting the Council’s direction on how such food expenditures are to be handled as the City’s meal reimbursement policy does not address such expenditures. Feely went on to note that she contacted the League of Minnesota Cities (LMC) to inquire as to whether such food expenditures should be paid for using taxpayer dollars. It was noted that according to the LMC, it is not clear as to whether food expenses are legal as there is no statute to refer to. However, it was pointed out that there is an investigative report from the Minnesota Office of the State Auditor (OSA) regarding an audit performed on a city in 2002, which was triggered by a citizen complaint about food expenses that serves as a good reference when determining in what situations food expenses should be allowed. Feely stated that since the expenditure in question falls within a gray area, direction from the Council is necessary. Discussion ensued. Member Lemke stated that he didn’t see why the City shouldn’t reimburse for such expenditures. The consensus of the Council is to pay for food in emergency situations, such as fires or electrical outages. Feely asked for more specific parameters to be set as “emergency situations” could be considered vague. The consensus of the Council is to pay for food expenses for emergency response personnel in emergency situations that last at least 6 hours in duration, inside or outside of city limits. No official action was taken.

G. REGIONAL MINNESOTA MUNICIPAL BEVERAGE ASSOCIATION (MMBA) MEETING. City Clerk/Administrator Feely shared attached with the agenda was a registration form for Liquor Store Manager Patty Gavin and Assistant Manager Nancy Steele to attend an MMBA meeting in Austin. Due to the travel distance, Feely requested the Council's direction as to whether the Council supported approving the request. Discussion ensued. A motion was made by Mayor Burns, seconded by Member Murphy, to approve sending Liquor Store Manager Patty Gavin and Assistant Manager Nancy Steele to an MMBA meeting in Austin on October 26, 2011. All members present voted in favor and the motion was declared carried.

H. REVISED SCHEDULE – MUNICIPAL AGREEMENTS PROGRAM REVIEW. City Clerk/Administrator Feely shared that attached with the agenda was an email received from Mark Schoenfelder with the Minnesota Department of Transportation regarding the revised Municipal Agreements Program proposal submittal, review, and selection process. It was noted that due to the government shutdown, the schedule for reviewing the initial trail project submittal was delayed. It was further noted that the City can expect to receive a letter no later than September 15, summarizing recommended changes for the final proposal submittal. No official action was taken as the revised schedule was included for informational purposes.

I. SNO PAC FOODS TAX ABATEMENT APPLICATION. City Clerk/Administrator Feely shared that the Caledonia Economic Development Authority recommends to the City Council that a public hearing be scheduled to consider a tax abatement application received from Sno-Pac Foods for 10 years at 75% each year with a cap of \$84,000.00. A motion was made by Member Murphy, seconded by Member Vick, to accept the EDA's recommendation and schedule a public hearing for September 12, 2011 at 6:05 p.m. to consider approving a tax abatement for Sno Pac Foods. All members present voted in favor and the motion was declared carried.

J. 2011 LEAGUE OF MINNESOTA CITIES REGIONAL NOTICE. City Clerk/Administrator Feely shared that attached with the agenda was a 2011 LMC Regional Meeting notice. Due to the fact that the closest meeting is 90 minutes away from Caledonia, Feely stated that she did not feel it was a good use of her time to attend. The consensus of the Council is to forgo sending anyone from the City to the Regional LMC Meeting on September 14. No official action was taken.

K. MINNESOTA INSTITUTE OF PUBLIC HEALTH – ALCOHOL COMPLIANCE CHECK GRANT. City Clerk/Administrator Feely shared that attached with the agenda was a grant award letter for another Minnesota Institute of Public Health (MIPH) grant awarded to the Caledonia Police Department. For purposes of providing background, Feely stated that the consensus of the Council at the June 13, 2011 meeting was to take no action until the accused individuals either admitted guilt in court or were found guilty of violating the sale of liquor to minor laws. Before accepting the MIPH grant, Feely stated that it would be appropriate for the City to determine what, if any, action it wanted to take against the establishments in which the charged individuals sold alcohol to minors. Discussion ensued. A motion was made by Mayor Burns, seconded by Member Lemke, to send another letter to all liquor license holders stating that the City "will" enforce its ordinance for all future violations, with the first violation resulting in a one day suspension on a Friday in addition to any applicable civil or criminal charges for violating the sale of liquor to minor laws. All members present voted in favor and the motion was declared carried.

CLERK'S REPORT.

A. EMPLOYEE TIME RECORD. Enclosed with the agenda was the Employee Time Record for July 25, 2011-August 7, 2011.

B. POOL ITEMS. City Clerk/Administrator Feely stated that the lifeguards were asked to track pool attendance during the 2011 season to gauge usage. It was reported that the pool had approximately 4,500 visitors during the 2011 season. It was noted that the upcoming Community Pool Steering Committee meeting will take place on Wednesday, September 7 at 7:00 p.m. at the American Legion Shelter. The final design and budget will be presented at that time. In addition, Crescendo Consulting will be present to discuss services they can offer as well as their fee schedule. At this meeting, or the one following, discussion will be held regarding forming a board that will oversee various sub-committees (e.g., fundraising, advertising, public relations, construction, etc.) as the steering committee continues to expand. It was noted that to date, the Community Pool Fund has \$13,976.49 in the pool checking bank account at Merchant's Bank.

MISCELLANEOUS ITEMS.

A. CHAMBER LEASE. City Clerk/Administrator Feely shared that a request was received from the Chamber of Commerce to establish a lease for office space rented from the City. Discussion ensued. The consensus of the Council is to forgo paying legal fees to establish a lease as it is fairly straightforward – monthly rent is \$50.00; Chamber can terminate lease at any time without penalty; Chamber is responsible for all costs associated with internet, phone, office supplies, etc.; Chamber is responsible for cleaning its own office; and the City reserves the right to review the arrangement annually to ensure that it is mutually beneficial to both parties.

B. WATER LINE BREAK ON EAST GROVE STREET. Member Vick inquired as to the status of the water line break on East Grove Street. City Clerk/Administrator Feely replied that the property owner was contacted and has requested that the necessary improvements be added as a special assessment to their property taxes. No official action was taken as the City is still awaiting an estimate for necessary improvements from a local plumber.

CLOSED SESSION. The regular meeting was closed at 10:05 p.m. as permitted by Minnesota Statutes, section 13D.03, to discuss the City's labor negotiation strategy related to the City's negotiations with the Caledonia Employee Association. The regular meeting was re-opened at 10:44 p.m.

ADJOURNMENT. A motion to adjourn was made at 10:45 p.m. by Mayor Burns, seconded by Member Vick. All members present voted in favor and the motion was declared carried. The next regularly scheduled meeting of the City Council is scheduled for Monday, September 12, 2011 at 6:00 p.m. in the Council Room, City Hall.

Robert H. Burns, Mayor

Jennifer Feely, City Clerk/Administrator