

January 12, 1998

The regular meeting of the Tracy City Council was called to order at 7:30 p.m., Monday, January 12, 1998 in the "old" Council Chambers of the Municipal Building. The following Council members were present: J. Almlie, M. Rialson, R. Stobb, M. Fraser, D. Berndt, J. Schaefer and J. Otto. Also present were staff members: A. Koopman, D. Polzine, J. Kerr and F. Nielsen.

The Mayor asked for any corrections or additions to the minutes for December 15, 1997. Motion by Fraser, seconded by Stobb to approve said minutes as written. All voted in favor of the motion.

Mrs. Koopman administered the Oath of Office to Marv Rialson, M. Fraser and J. Schaefer.

The Mayor asked for any additions or deletions to the agenda. The following addition was made: Sidewalk ordinance. Motion by Stobb, seconded by Fraser to approve the agenda as now written. All voted in favor of the motion.

Gary Garrels, Building Inspector, reported on the inspection he conducted on the Williams house located at 224 Craig Avenue. He presented pictures identifying areas that need repair. He contended that this structure is still considered hazardous, however, the public can not gain access. He also outlined the areas that need to be repaired before anyone can live there. Mr. Williams presented a list of repairs he would perform including time frames for completion. He estimated 18 to 20 weeks to complete all the work. Mr. Kerr questioned if Mr. Williams would dismiss the claim he filed in Conciliation Court against the City if an agreement can be reached. Mr. Williams stated that he would consider it. Frank Nielsen, Assistant City Attorney, recommended that an actual agreement be used so the City and Mr. Williams understand their obligations. He further stated that the City should reserve the right to go back to court and ask the court to enforce the order if Mr. Williams does not complete the repairs. After further discussion, the Mayor directed the staff to cooperate with Williams and prepare a contract that is acceptable to both the City and Mr. Williams and present it at the next meeting.

Mr. Nielsen updated the Council on the status of the Hansen house located on the corner of 9th and South Street. He stated that Mr. Hansen informed the City Administrator that this property is going to be tax forfeited in February, 1998 and to do whatever. He stated that he will schedule a court date and will check the status of tax forfeiture.

Mr. Kerr reported that he contacted the League of Minnesota Cities concerning amendments to the existing sidewalk ordinance. Their attorney recently completed an eighty page report on sidewalks. The League is sending a copy of this report to Mr. Kerr. This matter will be placed on the next agenda for further discussion.

Dick Kelley, representing the Cemetery Commission, reported that the Commission is still recommending splitting the superintendent's and groundskeeper's position, however, they are now recommending that each position be employed as an independent contractor. After a brief discussion, Schaefer moved and Rialson seconded to approve the Commission's recommendation. All voted in favor of the motion.

Charlie DeSchepper presented the ambulance's annual report and thanked the Council for their support.

Mr. DeSchepper requested authorization to place a defibrillator in the Police car. He contended that the Police are normally the first to arrive at the scene and explained the importance of a defibrillator in saving lives. The purchase price is \$3,000. He also stated that the ambulance's medical director will provide the necessary training. Mr. Kerr questioned the liability exposure. After a brief discussion, Otto moved and Stobb seconded to authorize the purchase of a defibrillator contingent on verification that the City's insurance will cover the liability exposure. All voted in favor of the motion.

The City Administrator requested authorization to submit an application to the Rural Development Authority for funding for the sewer separation project. She stated that this is merely a method to determine what, if any, grant funds are available for this project. This application does not commit the City to this project. After a brief discussion, Rialson moved and Stobb seconded to authorize the submittal of said application and direct the Mayor and City Administrator to sign all necessary forms. All voted in favor of the motion.

Weedman Service Company, Lamberton, MN submitted an application for a plumbing license. Motion by Schaefer, seconded by Rialson to grant said application. All voted in favor of the motion.

Motion by Rialson, seconded by Stobb to grant a cigarette license to the Tracy Municipal Liquor Store. All voted in favor of the motion.

A resolution authorizing final payment to Quam Construction, Inc. was introduced. Motion by Schaefer, seconded to Fraser to adopt said resolution. All voted in favor of the motion. (Res. No. 1998-1)

The Consent Calendar included the following: Economic Development Authority minutes for November 21 and December 22, 1997, Cemetery Commission minutes for December 10, 1997, Hospital Advisory Board Committee minutes for November 19, 1997, Multi-Purpose Center minutes for December 8, 1997, Planning Commission minutes for January 5, 1998 and Firemen's Relief Association minutes for January 5, 1998. A brief discussion was held on the City's contribution to the Firemen's Relief Fund. Motion by Fraser, seconded by Schaefer to approve the above listed items. All voted in favor of the motion.

The Council agreed to schedule a special meeting to discuss future projects for the City. The meeting is scheduled on Thursday, January 29, 1998 at 7:00

The City Administrator informed the Council that the School Board appointed a committee to meet with the City to discuss a ten year lease for the gym. The Council appointed David Berndt, Mike Fraser, Con Rettmer and the City Administrator.

Mr. Stobb questioned whether a meeting has been scheduled with the school to discuss the future swimming pool. The City Administrator stated that she would try to schedule something after the new superintendent arrives.

The Mayor presented a Certificate of Appreciation from the League of Minnesota Cities to the City for hosting the last Regional League meeting.

The Mayor appointed the following individuals to their respective positions:

City Clerk/Administrator	Audrey Koopman
Public Works Director/Deputy	Donk Polzine
Finance Director	David Spencer
City Attorney	Jim Kerr
Assistant City Attorney	Frank Nielsen
Fire Chief	Keith Engesser
Assistant Fire Chief	Ric Stefanick
Fire Marshal	John Judkins
Weed Inspector	Tom Greenfield
City Forester	Don Polzine
Building Inspector	Gary Garrels
City Assessor	Orlin Bruss
Civil Defense Director	Bryan Hillger

Motion by Stobb, seconded by Rialson to approve the above listed appointments.

Motion by Schaefer, seconded by Berndt to approve the following appointments:

President Pro-Tem	Mike Fraser
Community Ed Advisory Board	Russ Stobb
Planning Commission	Russ Stobb
Economic Development Authority	Marv Rialson

Attorney meetings

Jan Otto
Mike Fraser
John Almlie

All voted in favor of the motion.

Motion by Rialson, seconded to Stobb to establish the second and fourth Mondays of each month at 7:30 p.m. in the Council Chambers of the Municipal Building as the time and place for Council meetings. All voted in favor of the motion.

Motion by Stobb, seconded by Fraser to adopt Robert's Rules of Order and the standard agenda format as the rules and order of business for Council proceedings. All voted in favor of the motion.

Motion by Stobb, seconded by Rialson to approve the Headlight Herald as the official municipal newspaper. All voted in favor of the motion.

Motion by Stobb, seconded by Rialson to approve Tracy State Bank, 21st Century Bank, the 4-M Fund and Smith and Barney as the official municipal depositories. All voted in favor of the motion.

There being no further business, Rialson moved and Stobb seconded to adjourn. All voted in favor of the motion at 9:10 p.m.

ATTEST:

City Administrator

Mayor

January 26, 1998

The regular meeting of the Tracy City Council was called to order at 7:30 p.m., Monday, January 26, 1998 in the Council Chambers of the Municipal Building. The following Council members were present: J. Almlie, J. Otto, D. Berndt, J. Schaefer, M. Fraser, R. Stobb and M. Rialson. Also present: A. Koopman and J. Kerr.

The Mayor asked for any additions or corrections to the minutes of January 12, 1998. Motion by Fraser, seconded by Schaefer to approve said minutes as written. All voted in favor of the motion.

The Mayor asked for any additions or deletions to the agenda. The following change was made: Remove Williams Agreement from Legal Issues and delay it until the end of the meeting at which time the meeting will be closed to discuss pending litigation. Motion by Stobb, seconded by Fraser to approve the agenda as now written. All voted in favor of the motion.

A discussion followed on the Garbage Contract with Larson's Services. Mr. Kerr noted the renegotiation clause, stating that Mr. Larson has the first opportunity to submit a proposal. He suggested that the Council meetings in February be used to review Mr. Larson's proposals. The City Administrator reported that she discussed with Mr. Larson to include two rates for residential, i.e. 15 gallon and 30 gallon rates, plus alley and curb side rates. Mr. Kerr suggested that the Council provide input prior to Mr. Larson presenting his proposal. Mr. Almlie questioned the office requirement with specific office hours. Mr. Larson stated that he responds to all his calls in a timely manner. Mr. Rialson suggested the use of garbage bags rather than using a garbage can rate. Mr. Larson explained that he has used the bag method in other communities and has found that there is no way to force people to buy and use bags. The City Administrator expressed a concern the bag method may encourage residents to stock pile their garbage. Mr. Berndt noted that Larson's Services has provided good service to the community.

It was the consensus that Mr. Larson would submit his proposal at the next meeting. Mr. Larson then left the meeting. Mr. Rialson then questioned what other communities are doing and how they handle their garbage. He suggested establishing a committee to compare rates, etc. with other communities. After some discussion, it was the consensus to direct the City Administrator to conduct a survey of other communities rather than establishing a committee. The survey should include such information as rates for commercial and residential, whether there is mandatory pickup, City billing, etc.

The City Attorney presented proposed language for amending the sidewalk ice and snow ordinance. He suggested that a snow removal policy be adopted as well. A brief discussion followed on vacant property owners. It was suggested that we look into conducting the hearing for an ordinance amendment at a time when the snowbirds would be present to participate. After further discussion, Rialson moved and Schaefer seconded to approve the proposed language for amendment to the sidewalk snow removal ordinance, include language for vacant owners and draft a snow removal policy for sidewalks and street. All voted in favor of the motion.

The Hollywood Ballroom requested one day dance licenses for February 7, 1998 and March 27, 1998. Motion by Rialson, seconded by Stobb to grant said licenses. All voted in favor of the motion.

A resolution supporting DM&E Railroad's improvement project was introduced. Motion by Fraser, seconded by Rialson to adopt said resolution. All voted in favor of the motion. (Res. No. 1998-2)

A resolution approving change in pledged securities was introduced. Motion by Stobb, seconded by Schaefer to adopt said resolution. All voted in favor of the motion. (Res. No. 1998-3)

A resolution limiting the property tax to a percentage of income was introduced. Discussion followed concerning the supporting documentation referenced in various studies conducted relating to property taxes. It was the consensus to table action.

The Consent Calendar included the following: Cemetery Commission minutes for January 8, and 15, 1998, Monthly Financial Report for December, Multi-Purpose Center Minutes for January 12, 1998 and Municipal Accounts Payable. Motion by Fraser, seconded by Schaefer to approve the above listed items. All voted in favor of the motion.

The City Administrator informed Council that the gym lease committee is scheduled to meet on February 19, 1998 at 7:00 p.m. in Con's office.

The City Administrator informed the Council that the annual Chamber of Commerce banquet is scheduled on Saturday, January 31, 1998. Anyone wishing to attend was instructed to contact her office.

A brief discussion followed on rescheduling the special meeting to discuss improvement projects. Two more council members were unable to attend the meeting scheduled on January 29, 1998, therefore, the Council agreed to conduct the meeting on Monday, February 2, 1998 at 7:30 p.m.

The City Administrator informed the Council that the Council meetings will not be televised until we move downstairs into the new chambers. All the wiring that was previously upstairs was used downstairs, plus we would have to re-wire the sound system.

The remainder of the meeting was closed to discuss pending litigation on the Williams property.

There being no further business, Rialson moved and Schaefer seconded to adjourn. All voted in favor of the motion at 9:07 p.m.

ATTEST:

City Administrator

Mayor

**CLOSED MEETING NOTES
WILLIAMS PROPERTY**

January 26, 1998

Brian Williams has not withdrawn his claim against the City in Conciliation Court. Kevin Renneke met with Frank Neilsen on Friday, January 9, 1998 and submitted a written statement claiming that he is now owner of this property, that he demanded a year to complete the renovation, plus a provision for an extension if the work is not complete. He further demanded that the City withdraw all legal action at once. He allowed 15 working days after receipt of his written response to complete the withdrawal. He also suggested that the City act promptly so further legal action against the City could be avoided. Both Mr. Neilsen and Kerr recommended that the City go forward with the hazardous building suit. Stobb moved and Rialson seconded to reject Mr. Renneke's offer and proceed with the pending case under the hazardous building act.

February 2, 1998

A special meeting of the Tracy City Council was called to order at 7:30 p.m., Monday, February 2, 1998 by Mayor Pro-Tem Fraser. The following Council members were present: M. Fraser, R. Stobb, J. Otto, M. Rialson, J. Schaefer and D. Berndt. Members absent: J. Almlie. Also present were: A. Koopman and D. Polzine.

The purpose of this meeting was to discuss future capital improvements for the City. Projects included the sewer separation project proposed for 1998 as well as street improvement projects. It was noted that MPCA imposed deadlines to complete sewer and lagoon improvements, however, currently there is no funding available through PFA loans, which MPCA administers. MPCA agree that this should be a fundable project, however, Tracy does not rank high enough to receive funding, based on MPCA's ranking criteria. Efforts will be made by staff to work with our local legislators to change the ranking formula for PFA funding. Discussion also included the possibility of increasing water and sewer rates in the future to off set the proposed sewer separation project. The previous increase in the surcharge fund will not be sufficient to pay the this improvement after the change in the engineer's estimate of cost. The engineers reported that Tracy's utility rates are very low compared to comparable sized cities. In addition, due to the low utility rates, we do not qualify for RDA grant funds. Discussion also included working with the County to determine their involvement in determining future drainage needs on County street improvements. It was the consensus that the staff will report back to the Council concerning County involvement as well as PFA ranking.

Don Polzine presented a color coded map which identified future street improvements. He pointed out that there are a number of streets that were improved in 1977, 1979 and 1982 that now need attention. The engineer pointed out that it is very important apply overlay in a timely manner to avoid having to reconstruct an entire street. He noted overlays cost approximately \$15,000 a block compared to reconstruction costing \$50,000 per block.

There being no further business, Rialson moved and Stobb seconded to adjourn. All voted in favor of the motion at 9:45 p.m.

ATTEST:

is offering a two tier rate. Bob Nelson, resident, stated that he did not believe in the bag system, and contended that most people are not honest and there was no way the City could force people to buy bags. Mr. Schaefer responded and asked how Mr. Nelson could question the integrity of the people of this community. Mr. Larson then responded to Mr. Rialson's statement about Garvin's garbage pickup. He stated that there are a number of residents in Garvin that do not set out any bags and further stated that he does not have a contract with Garvin. They also allow burning in Garvin. Mr. Larson reminded the Council that the prices he quoted are guaranteed for five years, plus he takes more recyclable products than other haulers. Mr. Berndt stated that he supported Larson's Service, however, he did not support the bag system. The City Administrator expressed concern that if the bag system were initiated, it would be impossible to enforce mandatory pickup and in her opinion, we would be taking a major step backwards. Mr. Polzine later reiterated this statement. Ms. Otto stated that prior to mandatory pickup, the City would average between 6 to 12 complaints a year on garbage accumulation. After a lengthy discussion, Rialson moved and Schaefer seconded to wait until the full Council is present during the first meeting in April before making a decision on this matter. Upon roll call, the following vote was recorded: voting aye: Fraser, Rialson and Schaefer; voting nay: Berndt, Otto and Stobb. The motion was defeated due to a tie vote. Berndt then moved and Otto seconded to accept the proposal as submitted by Mr. Larson. Upon roll call, the following vote was recorded: voting aye: Berndt, Otto and Stobb; voting nay: Fraser, Rialson and Schaefer. The motion was defeated due to a tie vote. It was the consensus to direct the City Administrator to incorporate Mr. Larson's proposal and submit a completed contract at the next regular meeting.

Dick Kelley, representing the Cemetery Commission informed the Council that they conducted interviews for the Superintendent and Groundskeeper positions and recommended hiring Bernie Holm and Superintendent and Thad Lessman as Groundskeeper. Motion by Stobb, seconded by Rialson to approve said recommendation. All voted in favor of the motion.

Dan Anderson, Chairman of the Planning Commission, informed the Council that the EDA met jointly with the Planning Commission to discuss strategy for selling the Eastview lots. They recommended lowering the prices of the lots to \$9,500 as part of a package deal which would require construction to occur this building season. After a brief discussion, Stobb moved and Berndt seconded to approve the Planning Commission's recommendation. All voted in favor of the motion.

The Tracy Eagles Club submitted their application for a Private Bottle Club license. Motion by Rialson, seconded by Stobb to grant said license. All voted in favor of the motion.

Sander's Eastside and Tracy Lanes submitted their application for a Set-Up License. Motion by Stobb, seconded by Berndt to grant said licenses. All voted in favor of the motion.

The City Administrator informed the Council that a joint meeting was held with the County Engineer, City Engineer, MnDOT, County Administrator and County Commissioner present to discuss the use of State Aid funds for the South Street Improvement project. The County recommended diverting the water that currently drains into Co. Ditch 36 into J.D. #23. She requested authorization to petition the County for an outlet into J.D. #23. Motion by Schaefer, seconded by Rialson to authorize submission of said petition. All voted in favor of the motion.

A resolution was introduced calling for a hearing on the multi-family rental housing facility to be conducted on March 9th. Motion by Stobb, seconded by Rialson to adopt said resolution. All voted in favor of the motion. (Res. No. 1998-4)

A resolution calling for a hearing to accept the facility plan for the sewer separation project was introduced with said hearing being scheduled on Monday, February 23, 1998 at 7:45 p.m. Motion by Rialson, seconded by Schaefer to adopt said resolution. All voted in favor of the motion. (Res. No. 1998-5)

The Consent Calendar included the following: Municipal Accounts Payable, Firemen's Relief Association minutes for February 2, 1998, Planning Commission minutes for February 2, 1998, Economic Development Authority minutes for January 16 and February 2, 1998 and Cemetery Commission minutes for January 26, 1998. Motion by Stobb, seconded by Rialson to approve the above listed items. All voted in favor of the motion.

The Capital Improvement Budget for 1998 through 2002 was reviewed by the Council. Motion by Berndt, seconded by Stobb to adopt said budget. All voted in favor of the motion.

David Berndt volunteered to serve as the Council representative for the monthly City Attorney meetings until the Mayor returns.

Russ Stobb provided information to the public concerning a hearing being held on February 19th on a hog confinement facility being constructed within one-half mile of the City limits. He encouraged public to voice their opinions if they have any concerns.

Mr. Schaefer informed the Council that a ticket was issued to someone who was admitted to the hospital and left their car parked overnight. He strongly suggested that the ticket be refunded. The City Administrator was directed to discuss this matter with the Police Chief.

There being no further business, Rialson moved and Stobb seconded to adjourn. All voted in favor of the motion at 9:30 p.m.

February 23, 1998

The regular meeting of the Tracy City Council was called to order at 7:30 p.m., Monday, February 23, 1998 in the Council Chambers of the Municipal Building. The following Council members were present: M. Fraser, J. Otto, D. Berndt, R. Stobb, and M. Rialson. Members absent: J. Schaefer and J. Almlie.

Mayor Pro-Tem Fraser asked for any additions or corrections to the minutes for February 9, 1998. Motion by Stobb, seconded by Rialson to approved said minutes as written. All voted in favor of the motion.

Mr. Fraser asked for any additions or deletions to the agenda. The following additions were made: (6B) Request to waive parking restrictions, (9D) Municipal Accounts Payable and (11A-2) M. Fraser comments. Motion by Stobb, seconded by Berndt to approve the agenda as now written. All voted in favor of the motion.

Mr. Fraser informed the Council that he contacted John Almlie in Arizona concerning the garbage issue. Mr. Almlie told Mr. Fraser that he had complete faith in the Council to make a decision in his absence and recommended that the Council proceed, and further noted that if he were there, he would support Larson's garbage contract. Due to the absence of Mr. Schaefer, Mr. Fraser recommended that this matter be tabled until March 23, 1998 when all council members except Mr. Almlie will be present. Motion by Rialson, seconded by Stobb to table this matter until March 23, 1998. All voted in favor of the motion.

Mr. Kerr noted that there may have to be some ordinance amendments if the proposed garbage contract is approved.

The City Administrator reported that there have been a number of complaints from residents who have to park their vehicles on their yards. Due to the unseasonably warm weather, the frost has left the ground and the yards have become very soft. She recommended waiving the parking restriction for the remainder of this month, but noted that if snow removal is required all vehicles will have to be removed from the streets or they will be ticketed. Motion by Otto, seconded by Rialson to adopt a resolution suspending the parking restriction for the remainder of this month unless snow removal is required. All voted in favor of the motion. (Res. No. 1998-6)

The Council reviewed the licensing report for the Deputy Registrar's office. The number of long forms increased by 49.18% since 1993 and the number of driver's license transactions increased by 86.86%. No action was taken.

The City Administrator informed the Council that the City Attorney's monthly meeting is scheduled on Tuesday, March 17 at 4:30 p.m.

Mr. Fraser opened the hearing to public testimony at 7:45 p.m. to consider approval of the facility plan for the sewer separation project. Eric Wharton, RLK-Kuusisto Engineering, informed the public that this plan provides the technical information required by the MPCA. Alternative forms of construction included expanding the sanitary collection capacity and adding a stabilization pond and pumping station, however, Mr. Wharton recommended the sewer separation alternative as the most cost efficient and effective form of construction. The area to be served includes the entire service area within the City limits. He outlined various funding alternatives including PFA, RDA and the possibility of a combination grant/loan. Mr. Wharton did note, given the City's current sewer and water rates, it would be unlikely that the City would receive grant funds. PFA is underfunded, based on the number of applications. The PFA ranking system, does not rank Tracy high enough to receive funds. He pointed out that the City is in an awkward position. After a meeting with the local legislators and representatives from MPCA and DTED, the MPCA agreed to grant an extension until the year 2000 to eliminate the bypass. Mr. Wharton stated that he was confident that funding would be available in the future that would be comparable to PFA funding. There being no public comment, the hearing was declared closed and referred to the Council for their consideration. Motion by Stobb, seconded by Rialson to adopt a resolution approving the facility plan as proposed. All voted in favor of the motion. (Res. No. 1998-7)

The City Administrator presented a petition signed by five property owners along Rowland Street requesting the installation of a new water main. They contended that the water pressure was extremely low. Motion by Otto, seconded by Rialson to adopt a resolution accepting the petition and ordering the report on the proposed improvement. All voted in favor of the motion. (Res. No. 1998-8)

Mr. Fraser informed the public that telephone calls to the Tracy Police Department are being diverted to the Lyon County Sheriff's Office at the expense of the City. The County is no longer accepting non-emergency calls on their 911 line due the County's enhanced 911 system which is now operating.

There being no further business, Rialson moved and Stobb seconded to adjourn. All voted in favor of the motion at 8:35 p.m.

ATTEST:

City Administrator

Mayor Pro-Tem

March 9, 1998

The regular meeting of the Tracy City Council was called to order at 7:45 p.m., Monday, March 9, 1998 in the Council Chambers of the Municipal Building. The following Council members were present: M. Fraser, J. Schaefer, J. Otto and R. Stobb. Members absent: J. Almlie, M. Rialson and D. Berndt.

Mayor Pro-Tem Fraser asked for any additions or corrections to the minutes for February 23, 1998. Motion by Stobb, seconded by Schaefer to approve said minutes as written. All voted in favor of the motion.

Mr. Fraser asked for any additions or deletions to the agenda. The following additions were made: (5A) Hospital Roof Bid and (5B) Williams Court Case. Motion by Stobb, seconded by Schaefer to approve the agenda as now written. All voted in favor of the motion.

Tom Quinlivan, Hospital Administrator, requested authorization to advertise for roof replacement bids for the Hospital. In addition to the roof bids, he stated that the back-up generator and air handling system need replacement. After a brief discussion, Schaefer moved and Stobb seconded to adopt a resolution approving specifications for the roof bids and authorize the advertisement for bids with said bids being awarded at 7:35 p.m., Monday, March 23, 1998. All voted in favor of the motion. (Res. No. 1998-9)

The City Attorney reported that last Friday, Gary Garrels and Audrey Koopman represented the City in Court on the William's case. The Judge did find the house to be hazardous. Mr. Williams has to present timelines for repair and the Judge will then determine whether he will allow the repair or order the demolition. The Judge dismissed William's claim in Conciliation Court with prejudice. Mr. Kerr requested reimbursement for his legal fees, which the Judge took under advisement. He estimated three weeks before the decision is

Mayor Pro-Tem Fraser opened the hearing to public testimony at 8:00 p.m. on the issuance of \$500,000 bonds by the Economic Development Authority, which is backed by the full faith and credit of the City. There being no public testimony, the hearing was declared closed and referred to the Council for their consideration. Motion by Otto, seconded by Stobb to adopt a resolution approving the issuance by the Economic Development Authority of the City of Tracy of its housing development bond, series 1998, (City of Tracy, Minnesota General Obligation), in an aggregate principal amount of \$500,000 backed by the full faith and credit of the City of Tracy. All voted in favor of the motion. (Res. No. 1998-10)

Mayor Pro-Tem Fraser appointed the following individuals to each respective Board or Commission:

BOARD OR COMMISSION	APPLICANT	TERM EXPIRES
Planning Commission	Eugene Hook (one vacancy remains)	2002
Library Board	Marjorie Peterson	2001
	Joanne Knutson	2001
	Willard (Bill) Drackley	2001
Cemetery Commission	Milton Moen	2003
Police Commission	Steve Larson	2001
H.R.A. Board	Con Rettmer	2003
Senior Center Board	Alda Mae Brewster	2001
	Fylla Paulson	2001
	Kenneth Sletten	2001
E.D.A. Board	Dennis Fultz	

Mr. Fraser noted that Dale D. Johnson Sr. also applied for a position on the Police Commission. Mr. Schaefer stated that he felt Mr. Johnson should be considered for the appointment due to his experience as Mayor and Council member. J. Otto spoke in favor of Larson, emphasizing his experience on the Police Commission and further stated that he has done a fine job. Motion by Otto, seconded by Stobb to approve the slate as presented by Mr. Fraser. Upon roll call, the following vote was recorded: voting aye: Otto, Stobb and Fraser; voting nay: Schaefer. The motion carried.

A discussion followed on replacement of the gym floor. Bill Tauer, Athletic Director for District #417, informed the Council that the gym committee has reviewed the Mondo floor covering and found it to be very versatile. This floor covering would not be restricted solely to athletic events, but could be used for multiple purposes. Previously the committee explored the use of sport court flooring, however, they determined that it works very well for volleyball, but not as well for basketball. In addition, it could not be used for a wedding dance, etc. The Mondo floor covering would cost \$45,120 for 6000 square feet (equivalent of one basketball court) or \$84,840 for 12,000 square feet (equivalent of two basketball courts). The school proposes to lease the gym for a thirteen year period. The City Administrator explained that the lease would dedicate \$2,000 annually towards the flooring with the remaining \$2,000 subject to review if the cost of utilities increase. The discussion included the possibility of installing both courts, however financing for the second court would have to be derived from a possible fund raiser. After further discussion, Stobb moved and Otto seconded to proceed with drafting a lease agreement with the school and state our intention to install one (1) new floor before next fall, with the possibility of more. All voted in favor of the motion.

Eric Wharton, Kuusisto Engineering, presented the feasibility report for the water line replacement on Rowland and 10th Street. He estimated the total cost at \$87,659.66. After a brief discussion, Stobb moved and Schaefer seconded to adopt a resolution ordering the improvement and preparation of plans. All voted in favor of the motion. (Res. No. 1998-11)

Don Polzine, Public Works Director, reported that 5th Street between Harvey and Emory was proposed for replacement in 1999. Due to the construction of the four-plexes, 5th Street received a lot heavy vehicle traffic and was severely damaged. He recommended that we proceed with improving said street this year. He also noted that this project could be completed in coordination with the County's project on South Street. He estimated the cost for the improvement at \$50,000. Motion by Otto, seconded by Stobb to adopt a resolution ordering the preparation of a feasibility report for the reconstruction of 5th Street between Harvey and Emory. All voted in favor of the motion. (Res. No. 1998-12)

The City Administrator informed the Council that the Police Commission addressed the concerns raised by the Hospital on the parking tickets issued to either patients or parents of patients. She reported that the Commission submitted the following recommendation to the Council based on the advice of the City Attorney:

- 1) The Commission unanimously recommended that the Council consider dismissing or reimbursing the hospital parking tickets issued in February.
- 2) The Commission unanimously recommended that the Council consider an amendment to the parking ordinance which would establish an "Emergency Zone" that would include State Street from 4th Street East to 5th Street East and the entire length of 5th Street East with said "Emergency Zone" being exempt from winter parking restrictions.

Bryan Hillger, Police Chief, suggested that the Council consider doing away with the 2:00 a.m. - 6:00 a.m., December 1st to March 1st parking restriction and go with a "snow emergency" type ordinance instead. Both the City Administrator and Public Works Director pointed out that it would be difficult to let people know when an emergency was being declared. Mr. Polzine also stated that the current parking restrictions work very well for snow removal, why consider changing it. After a lengthy discussion, Stobb moved and Otto seconded to affirm the Police Commission's recommendations as outlined above. All voted in favor of the motion. It was noted that the proposed amendment to the parking ordinance would be submitted at a future meeting.

The Consent Calendar included the following: Planning Commission minutes for March 2, 1998, Police Commission minutes for February 26, 1998, Firemen's Relief Association minutes for March 2, 1998, Cemetery Commission minutes for February 19, 1998, Municipal Accounts Payable and Hospital Advisory Board minutes for February 25, 1998. Mr. Fraser questioned the GPS mentioned in the Hospital Advisory Board minutes. The City Administrator reported that she gave this information to Homer Dobson, Airport Commission Chairman, and he is checking into it. Motion by Stobb, seconded by Schaefer to approve the above listed items. All voted in favor of the motion.

The City Administrator reported that she has received written confirmation from MPCA granting an extension until the year 2000 to correct the mandates they have previously addressed. She also noted that Senator Vickerman has incorporated language in a bill that addresses the City of Tracy's project.

There being no further business, Schaefer moved and Otto seconded to adjourn. All voted in favor of the motion at 9:19 p.m.

ATTEST:

City Administrator

 Mayor

March 23, 1998

The regular meeting of the Tracy City Council was called to order at 7:30 p.m., Monday, March 23, 1998 in the Council Chambers of the Municipal Building. The following Council members were present: M. Fraser, J. Schaefer, D. Berndt, J. Otto, M. Rialson and R. Stobb. Members absent: J. Almlie. Also present were staff members: A. Koopman, D. Polzine and J. Kerr.

Mayor pro-tem Fraser asked for any additions or corrections to the minutes of March 9, 1998. Motion by Schaefer, seconded by Rialson to approve said minutes as written. All voted in favor of the motion.

Mr. Fraser asked for any additions or deletions to the agenda. Motion by Stobb, seconded by Berndt to approve the agenda as written. All voted in favor of the motion.

Proposed amendments to the Garbage Ordinance were submitted to the Council for their review. The City Attorney pointed out that these amendments should be considered, regardless of who receives the contract. After a brief discussion, Stobb moved and Rialson seconded to waive the first reading and set the second reading and public hearing at 7:45 p.m., Monday, April 13, 1998. All voted in favor of the motion.

The Garbage Contract was again reviewed. Currently the contract includes a provision where there is an automatic increase in rates if the landfill rates increase. Mr. Larson has agreed to reduce his rates equal to any landfill rate decrease during the term of the contract. The same would apply to operational cost increase and/or decrease. The rates would be adjusted accordingly. Mr. Fraser suggesting tabling further action until a survey is conducted to determine what level of service the city residents will require. It was the consensus that the survey will be conducted in coordination with the monthly water bills. After a brief discussion, Stobb moved and Rialson seconded to proceed with said survey and table action until April 27, 1998. All voted in favor of the motion.

The following bids were received, opened and tabulated on March 23, 1998 by a sub-committee of the Hospital Advisory Board for roof replacement at the Hospital:

Busswitz Company, Avoca, MN	\$132,000 (per specs)
	\$134,178 (alternative to specs)
Laraway Roofing, Inc. New Ulm,	\$ MM 9,900
Buyse Roofing & Sheet Metal	\$125,250
Marshall, MN	

The sub-committee recommended accepting the low bid submitted by Buyse Roofing and Sheet Metal in the amount of \$125,250. Motion by Rialson, seconded by Stobb to adopt a resolution accepting the low bid submitted by Buyse Roofing and Sheet Metal. All voted in favor of the motion. (Res. No. 1998-13)

Motion by Stobb, seconded by Rialson to appoint Tim Byrne to serve a three year term on the Planning Commission. All voted in favor of the motion.

Chief Hillger requested funding in the amount of \$2,860 for a two year period for Southwest Minnesota Criminal Gang Strike Force. He explained that this strike force will benefit all of southwest Minnesota in an attempt to combat gang related activities. After a brief discussion, Stobb moved and Schaefer seconded to support this endeavor and authorize funding. All voted in favor of the motion.

The feasibility report of 5th Street was reviewed by the Council. Mr. Polzine pointed out that the proposed improvement to 5th Street between Emory and Harvey may do extensive damage to the surrounding streets during construction. He suggested looking at other streets in the City and consider expanding this project. He contended that if some streets do not receive an overlay now, they will have to be completely reconstructed which would cost approximately \$80,000 per block, compared to \$15,000 per block for an overlay. It was the consensus to postpone action until the next meeting and direct the Public Works Director to prepare a report addressing needed street improvements.

A brief discussion followed on the South Street Improvement Project. The County is proposing to extend storm sewer on 8th Street from South Street to Highway 14. The engineers questioned whether the City should consider replacing the water and sewer lines in coordination with this project. Discussion included the commitments already made for use of the Surcharge Fund, plus the limited resources available. The City engineer's will be working in coordination with the County engineer's to complete this project. The cost for the City's portion of engineering will equal \$10,000. Stobb moved and Schaefer seconded to forego the replacement of the water and sewer lines on 8th Street and proceed with the necessary engineering work. All voted in favor of the motion.

The City Administrator informed the Council that the Police Commission is recommending establishing a policy that would allow on-street parking for special occasions during the months of December 1st through March 1st. Each request would require written approval from the Police Department in duplicate form. The form would be dated and placed on the dash of the vehicle and include a warning that if snow removal is required the vehicle will have to be removed from the street or it will receive a parking ticket. Mr. Berndt suggested amending the ordinance rather than establishing a policy. The City Administrator explained that this action was based on the advice of the City Attorney and this has been the practice in the past. She noted that the purpose of this policy is to accommodate the public's needs. After further discussion, Otto moved and Stobb seconded to adopt a resolution accepting the recommendation from the Police Commission to allow on-street parking for special occasions during the months of December 1st through March 1st, only if the residence has no other available space for off-street parking. Upon roll call, the following vote was recorded: voting aye: Fraser, Otto, Rialson, Schaefer and Stobb; voting nay: Berndt. The motion carried. (Res. No. 1998-14)

A resolution authorizing the refinancing of the FHA Bonds in the amount of \$1,705,000.00 was introduced. The City Administrator explained that the City could save between \$79,000 to \$110,000 if we refinance the bonds due to the low interest rates currently available. Motion by Rialson, seconded by Otto to adopt said resolution. All voted in favor of the motion. (Res. No. 1998-15)

A resolution approving the change in pledged securities was introduced. Motion by Stobb, seconded by Berndt to adopt said resolution. All voted in favor of the motion. (Res. No. 1998-16)

The Consent Calendar included the following: Monthly Financial Report, Senior Center Minutes, Police Commission Minutes for March 12, 1998 and Municipal Accounts Payable. Motion by Rialson, seconded by Berndt to approve the above listed items. All voted in favor of the motion.

The Board of Review is scheduled on April 28, 1998 at 10:00 a.m. It was the

consensus to try to conduct this meeting in the evening due to the difficulty of designating three Council members to serve on the board during the daytime hours.

Mr. Schaefer presented plan for the installation of water and sewer lines on property owned by Joe Smarzik. It was the consensus that Mr. Smarzik submit his plan to the Department of Health for approval prior to any action by the

There being no further business, Rialson moved and Schaefer seconded to adjourn. All voted in favor of the motion at 9:15 p.m.

ATTEST:

City Administrator

Mayor pro-tem

April 13, 1998

The regular meeting of the Tracy City Council was called to order at 7:30 p.m., Monday, April 13, 1998 in the Council Chambers of the Municipal Building. The following Council members were present: J. Almlie, J. Schaefer, M. Fraser, D. Berndt, M. Rialson and R. Stobb. Members absent: J. Otto. Also present were staff members: A. Koopman, D. Polzine and J. Kerr.

The Mayor asked for any addition so corrections to the minutes for March 23,

1998. Motion by Fraser, seconded by Rialson to approve said minutes as written. All voted in favor of the motion.

The Mayor asked for any additions or deletions to the agenda. The following additions and deletions were made: DELETE: (4A) Zoning Ordinance Amendments; ADD: (6B) Request for dance license : Hollywood Ballroom; (8B) A resolution conveying tax forfeited property to Robert and Erma Hatch; and (4B) Legal issues - Garbage contract. Motion by Rialson, seconded by Berndt to approve the agenda as now written. All voted in favor of the motion.

Mr. Kerr reported that the Court has declared both the William's and Hanson's house as hazardous buildings. The City is asking for reimbursement of cost and expenses which will be either placed as a lien against the property or go after it on a personal basis. The City Administrator will verify that tax forfeiture is complete on the Hanson property and request the County to share in the cost of demolition.

Mr. Kerr also updated the Council on the nuisance cases still pending. The Court has ruled that the vehicles located on the Ger Xiong property is in violation of the nuisance ordinance. They will be removed after the 15 day period has expired after the order is issued.

A lengthy discussion followed on the garbage contract. Mr. Rialson contended that the existing contractor is dictating the terms of the Contract and he felt it was the obligation of the Council to make a counter offer. He compared Tracy's current hauler's proposal with a contract recently awarded in Woodlake. Mr. Rialson moved and Schaefer seconded to submit a counter offer to Larson Services in the amount of \$10.50 for the 15 gallon container and \$13.00 for the 30 gallon container, plus \$1.00 extra for each container if there is alley pick-up. Mr. Berndt questioned how we could ask the existing contractor to take less than he did five years ago. Mr. Schaefer contended that this would be a way of keeping the local hauler and avoid bidding. Further discussion was delayed until after the public hearing.

The Mayor opened the hearing to public testimony at 7:45 p.m. on Ordinance No. 265, an ordinance amending City Code Section 6.55 GARBAGE. Mr. Kerr reviewed the proposed amendments. The hearing was declared closed at 8:05 p.m. and referred to the Council for their consideration. Motion by Fraser, seconded by Rialson to adopt said ordinance. All voted in favor of the motion.

Discussion continued on the Garbage Contract. Mr. Schaefer stated that if Larson didn't accept this offer, then we should put it out on competitive bids. Both Mr. Stobb and Fraser questioned the amount of the counter proposal and expressed concern that Mr. Larson would not be able to submit a counter offer. Mr. Rialson stated that he intended this offer to be the final offer. After further discussion, the following vote was recorded: voting aye: Rialson and Schaefer; voting nay: Berndt, Fraser, Stobb and Almlie.

The motion failed. Fraser then moved and Berndt seconded to submit the following counter offer to Larson's Services: \$10.50 for a 15 gallon container; \$13.50 for a 30 gallon container, plus \$1.00 for each container if there is a alley pick-up and 2% for each year for four years for commercial customers. Upon roll call, the following vote was recorded: voting aye: Berndt, Fraser, Stobb and Almlie; voting nay: Rialson and Schaefer. The motion carried.

Mr. Kerr reported that a nuisance complaint has been received on the Pfannschmidt property. Notice of Violation and Notice of Hearing were sent simultaneously, with the hearing being scheduled on April 27th. Mr. Kerr contended that only the City Council has the authority to set the time and place of hearings. Motion by Stobb, seconded by Fraser to ratify the City Administrator's action in setting the time and place for hearing. All voted in favor of the motion.

Motion by Schaefer, seconded by Rialson to adopt a resolution authorizing the City Administrator to set the time and place for hearings. All voted in favor of the motion. (Res. No. 1998-17)

The City Attorney informed the Council that Robert and Erma Hatch are interested in assuming ownership of tax forfeited land abutting their property which is currently owned by the City. It was noted that the City acquired a number of tax forfeited lands in 1990 and established a policy to give all unbuildable lots to the abutting property owners if they paid for the cost to transfer title. After a brief discussion, Fraser moved and Schaefer seconded to adopt a resolution authorizing the Mayor and City Administrator to sign a quit claim deed, deeding Lot One, Block Three, First Railway Addition to Robert and Erma Hatch. All voted in favor of the motion. (Res. NO. 1998-18)

The City Administrator informed the Council that Bernie Holm resigned from the Cemetery Commission due to accepting the position of Cemetery Superintendent. Motion by Stobb, seconded by Schaefer to advertise to fill the vacancy on the Cemetery Commission for the unexpired term. All voted in favor of the motion.

Jerry Gladis, Hollywood Ballroom, submitted a request for a dance license. Motion by Rialson, seconded by Fraser to grant said license contingent on receiving the required fee. All voted in favor of the motion.

Don Polzine informed the Council that there are twenty-two blocks of street in need of an overlay, plus four blocks in need of complete reconstruction. He noted that this list does not include the street that would be involved with the sewer separation project. He suggested that we look into milling some of the streets. After a brief discussion, Stobb moved and Rialson seconded to adopt a resolution ordering preparation of the report on the above listed streets. All voted in favor of the motion. (Res. No. 1998-19)

The City Administrator informed the Council that payments in the amount of \$3,681.53 are outstanding on the gym renovation project. She reminded the Council that on March 24, 1997, Change Order No. 3 was approved equaling \$1,585.00 to reconnect the lighting that was disconnected due to the installation of the air handling units. The reason this change order was necessary was because the reconnection of the lighting was not included in the specifications. When this change order was approved the Council directed the staff to hold payment to Group II Architects until this matter could be investigated further. The discussion at the time the change order was approved included the thought that if the reconnection of the lighting would have been included in the specifications, the total bid would have been higher and they may not have approved both Alternate's #1 and #2 due to the limited funding. Currently a total of \$1,881.53 is due to Group II Architects. Motion by Stobb, seconded by Rialson that Group II Architects assume financial responsibility for Change Order No. 3 totaling \$1,585.00 and authorize payment of the remaining balance of their outstanding invoice equaling \$296.53. All voted in favor of the motion.

Motion by Rialson, seconded by Fraser to authorize payment to Baete-Forseth in the amount of \$1,800.00 and authorize a transfer of funds from the Other Financial Use Fund in the General Fund to the Gym Construction Fund. All voted in favor of the motion.

A resolution authorizing intoxicating liquor to be dispensed at Prairie Pavilion for the Ducks Unlimited banquet by the Mediterranean Club was introduced. Motion by Fraser, seconded by Rialson to adopt said resolution. All voted in favor of the motion. (Res. No. 1998-20)

The Consent Calendar included the following: Municipal Accounts Payable, Economic Development Authority minutes for March 20, 1998, Monthly financial Report, Firemen's Relief Association minutes for April 6, 1998, Cemetery Commission minutes for April 2, 1998 and Planning commission minutes for April 6, 1998. Motion by Rialson, seconded by Fraser to approve the above listed items. All voted in favor of the motion.

The City Administrator informed the Council that the time and date for the Board of Review will have to remain at 10:00 a.m. on April 28, 1998 because the notices

had already been prepared. John Almlie, Marv Rialson and Jack Schaefer agreed to serve on said Board.

The City Administrator informed the Council that the Bond funds for the four-plexes will not be available until mid-May. Motion by Stobb, seconded by Fraser to authorize the EDA Housing Fund to operate with a deficit balance until the bond funds are received.

The City Administrator informed the Council that an informative meeting with DM&E Railroad will be held at 10:00 a.m. at the Mediterranean club on April 23, 1998 to discuss proposed railroad improvements. Anyone within to attend was directed to contact the City Administrator.

The City Administrator suggested that a city-wide survey be conducted during the first week in May and place an ad in the paper notifying residents that they have until then to remove any potential nuisances.

There being no further business, Rialson moved and Schaefer seconded to adjourn. All voted in favor of the motion at 9:22 p..

ATTEST:

City Administrator

Mayor

April 27, 1998

The regular meeting of the Tracy City Council was called to order at 7:30 p.m., Monday, April 27, 1998 in the Council Chambers of the Municipal Building. The following Council members were present: J. Almlie, J. Schaefer, M. Fraser, D. Berndt, J. Otto, M. Rialson and R. Stobb. Also present were staff members: A. Koopman, D. Polzine and J. Kerr.

The Mayor asked for any additions or corrections to the minutes for April 13, 1998. Motion by Rialson, seconded by Stobb to approve the minutes as written. All voted in favor of the motion.

The Mayor asked for any additions or deletions to the agenda. The following additions were made: (11B-2) John Almlie comments and (6A-3) Paul Knoblauch. Motion by Fraser, seconded by Stobb to approve the agenda as now written. All voted in favor of the motion.

A resolution approving the issuance by the EDA of the Housing Bonds in the amount of \$480,000 was introduced. Rusty Fifield, Ehlers and Associates, Inc., informed the Council that he will negotiate this sale on the 28th or 29th. This resolution will authorize the Economic Development Authority to issue the bonds. They are scheduled to meet on Wednesday. After a brief discussion, Rialson moved and Stobb seconded to adopt said resolution. All voted in favor of the motion. (Res. No. 1998-21)

A resolution awarding the sale of \$1,705,000 General Obligation Water Revenue Bonds was introduced. Mr. Fifield informed the Council that this bond will refund the FHA bonds used on the water project. The average interest rate equaled 5.096% and was sold to US Bancorp Investment, Inc., Norwest Investments Services, Inc. Refinancing this bond will result in a savings to the City of \$126,032 over the life of the bond. Motion by Stobb, seconded by Fraser to adopt said resolution. All voted in favor of the motion. (Res. No. 1998-22)

A resolution approving specifications and authorize the advertisement for quotes on control structures was introduced. The City Administrator reported that new control structures at the lagoons was one of the special requirements addressed in the issuance of the National Pollutant Discharge Elimination System (NPDES) permit. They required that these structures be replaced by June 30, 1998. After

a brief discussion, Otto moved and Rialson seconded to adopt said resolution. All voted in favor of the motion. (Res. No. 1998-23)

A resolution approving the change in pledged securities was introduced. Motion by Stobb, seconded by Rialson to adopt said resolution. All voted in favor of the motion. (Res. No. 1998-24)

Mr. Polzine reported that the 1972 Chevy pickup needs replacing. He reported that there is a pickup at Salmon Chevrolet for \$850 that would meet the City's needs. Motion by Rialson, seconded by Fraser to approve the purchase of said pickup in the amount of \$850.00. All voted in favor of the motion.

Mr. Polzine reported that the Toro mower is scheduled for replacement. Motion by Rialson, seconded by Stobb to replace said mower. All voted in favor of the motion.

The Planning Commission recommended entering into a contract with the Southwest Regional Development Commission (RDC) to update the City's Land Use Plan. The cost of the update will not exceed \$2,200. Motion by Fraser, seconded by Berndt to accept the Planning Commission's recommendation and enter into an agreement with the RDC at a cost not to exceed \$2,200. All voted in favor of the motion.

The Consent Calendar included the following: Economic Development authority minutes for April 17, 1998, Police Commission minutes for April 9, 1998, Municipal Accounts Payable and Multi-Purpose Center minutes for April 20, 1998. Motion by Fraser, seconded by Rialson to approve the above listed items. All voted in favor of the motion.

The Community Education Advisory Board has prepared a handbook which outlines their duties and responsibilities as well as the Joint Powers Agreement with the School District. It was been reviewed by the Advisory Board and both the School Board and City Council will now have to approve it. Motion by Schaefer, seconded by Fraser to approve said handbook. All voted in favor of the motion.

Mayor Almlie briefly reported on the meeting he attended with the DM&E Railroad outlining improvements proposed for the future. Mr. Almlie noted that it was a very positive meeting.

The City Administrator reminded the Council that the Board of Review is scheduled tomorrow. Mr. Almlie, Mr. Rialson and Mr. Schaefer were appointed as the Council representatives.

The Mayor opened the hearing to public testimony at 8:00 p.m. on a nuisance complaint received on Heide and Matthew Pfannschmidt, 148 Craig Avenue East. The City Administrator noted that the Notice of Violation was sent on April 9th and they were given until April 23, 1998 to abate the nuisance. Chief Hillger testified that there has been improvement in the appearance, however, the nuisance is still not fully abated. Jerry Gladis, contract holder of this property was also notified of this hearing. Chief Hillger contended that Pfannschmidt's are repeat offenders and recommended that the City proceed with the nuisance complaint. After a brief discussion, Fraser moved and Rialson seconded to proceed with all legal action necessary to abate the nuisance located at 148 Craig Avenue East. All voted in favor of the motion.

The proposed Garbage Contract was again discussed. Mr. Larson responded to the City's offer of \$10.50 for 15 gallon containers and \$13.50 for 30 gallon containers, plus \$1.00 extra for alley pickup. Mr. Larson contended that he would be working for less than he did five years ago, therefore, respectfully declined the Council's offer. He submitted a counter proposal which equaled \$11.00 for 15 gallon containers and \$14.00 for 30 gallon containers, plus \$1.00 extra for alley pickup. He also requested a cost of living increase after the first year equal to the annual increase in Social Security. He offer to leave the commercial rates the same for the first year of the contract and then apply the same annual cost of living increase as the residential rates receive.

Claire Hannasch stated that he wanted to talk on behalf of Mr. Larson. He contended that the issue in question should be the quality of service. He stated that we know what we are getting now, so why would we want to take a chance on another hauler. He further stated that he felt that the cost of living increase Mr. Larson requested was a fair proposal. He closed by saying that this matter should be resolved by entering into a contract with Larson.

Steve Almlie expressed concern that this matter has become an issue of argument rather than discussion. He stated that there has been no complaints on the service, and there have been a number of untruths concerning the rates being charged by the Larson's. He contended that the Council should look out for the community as a whole and stated that the percentage increase that Larson is asking for is less than others receive. He encouraged the Council to vote in favor of Larson's current offer.

Paul Knoblauch stated that five years ago, the contract with Larson was handled poorly. He noted that it's already costing the residents \$1.00 extra a month. He expressed concern on how this contract has been handled and suggested that the City consider giving a subsidy rather than approving an increase in rates, or enter into a one year contract then put it up for bids. Mr. Stobb pointed out that some people will be paying less than they have during the past five years, plus this reduced rate actually lowers the overall average. Mr. Knoblauch questioned why they didn't bid this from the start rather than asking Larson to submit a proposal. Mr. Kerr contended that the contract calls for the Council to negotiate in good faith. Mr. Knoblauch disagreed.

Bill Fargan stated that Larson is doing a good job and contended that the proposed increase equals less than 2% per year. If an outside hauler contracts with the City, all that revenue will leave town. In his opinion, we are getting a good value for the work being done.

Mr. Rialson questioned why so many people are allowed to speak on this issue when this isn't a public hearing. He further noted that the existing ordinance requires a public hearing before rates are approved. Steve Almlie suggested approving the contract and bypassing the hearing.

After further discussion, Schaefer moved to conduct a public hearing. The motion died due to lack of a second.

Stobb then moved and Berndt seconded to enter into a contract with Larson Services for a five year period at the rates Mr. Larson proposed subject to a public hearing being conducted on May 11, 1998 at 7:45 p.m. All voted in favor of the motion.

There being no further business, Rialson moved and Stobb seconded to adjourn. All voted in favor of the motion at 9:01 p.m.

ATTEST:

City Administrator

Mayor

May 11, 1998

The regular meeting of the Tracy City Council was called to order at 7:30 p.m., Monday, May 11, 1998 in the Council Chambers of the Municipal Building. The following Council members were present: J. Almlie, J. Schaefer, M. Fraser, D. Berndt, M. Rialson and R. Stobb. Members absent: J. Otto. Also present were staff members: A. Koopman, D. Polzine and J. Kerr.

The Mayor asked for any additions or corrections to the minutes for April 27, 1998. Motion by Fraser, seconded by Berndt to approve said minutes as written. All voted in favor of the motion.

The Mayor asked for any additions or deletions to the agenda. The following additions were made: (11A) M. Rialson comments. Motion by Fraser, seconded by Stobb to approve the agenda as now written. All voted in favor of the motion.

The City Administrator informed the Council that the Planning Commission conducted a public hearing to consider the rezoning of the south side of South Street between 2nd and 6th Street from an I-1 to and I-2 District. The Planning Commission recommended proceeding with said rezoning. After a brief discussion, Stobb moved and Fraser seconded to waive the first reading and set the second reading and public hearing at 7:45 p.m., Tuesday, May 26, 1998 on an ordinance amending the Zoning Ordinance. All voted in favor of the motion.

Dan Anderson, Chairman of the Planning Commission expressed concern that there has not been much movement on the sale of the Eastview lots. He reminded the Council that there were 26 lots, of which 20 have been improved. The EDA and City Council had a joint meeting in February and agreed to reduce the price of the lots from \$14,500 to \$9,000. He noted that the Planning Commission feels very strongly that efforts should be made to promote the sale of these lots. He suggested that the Council could facilitate this effort by directing the EDA to consider this as a priority. He reported that ads have been placed in the Headlight Herald and Independent, but would like support from the Council. He acknowledged that the EDA has been busy with the townhouses, but suggested that the sale of the Eastview lots be established as a priority. After a brief discussion, Stobb moved and Otto seconded to designate the sale of Eastview lots as a priority for the EDA. All voted in favor of the motion.

Don Polzine informed the Council that he received a quote from Clarke Mosquito Control Products, Inc. in the amount of \$7,500 for replacement of the mosquito sprayer. They offered \$500 in trade for the old sprayer, however, Mr. Polzine felt that we could receive more if we sold it separately. Motion by Fraser, seconded by Rialson to approve the purchase of a mosquito sprayer in the amount of \$7,500 from Clarke Mosquito Control Products, Inc. All voted in favor of the motion.

The Tracy Softball Association requested a temporary on sale non-intoxicating malt liquor license. Motion by Berndt, seconded by Rialson to grant said license. All voted in favor of the motion.

The Mayor opened the hearing to public testimony on the rates for the garbage contract. Con Rettmer, representing the Chamber of Commerce stated that their Board of Directors is requesting the Council to ratify the contract with Larson's Services and get on with more pressing issues. Paul Knoblauch expressed disappointment with how the Council has handled the contract and determined the rates. He suggested that the Council consider a one year contract then seek quotes. He contended that the residents are paying \$1.00 additional per month compared to the surrounding area. Virginia Garvey voiced a number of objections concerning Larson's Service. Claire Hannasch compared Tracy's proposed rates to St. Cloud and Sauk Rapids and contended that the proposed rates are not exorbitant, but justifiable. He suggested that the Council approve the contract and move on to other business. Ted Haugen, Tri State Petroleum, questioned if this was an exclusive contract. Mr. Kerr referenced the contract and

explained that it is an exclusive contract. He then questioned if this also applies to the recyclable items. Mr. Kerr noted that this contract does not cover recycling. Mr. Haugen contended Larson charges for recycling. Mr. Larson informed Mr. Haugen that he does not charge for recycling, but noted that he charges for the container if he provides it because he has to maintain it. Mr. Haugen questioned why the Council does not bid this contract when the City requires bids for cars, etc. Mr. Berndt explained that it's difficult to bid a service. Mr. Haugen stated that Mr. Larson has dictated the rates and apparently the Council agrees. Ruth Carlson stated that every utility bill she receives the rates are dictated, and questioned why Larson can't dictate his rates. Mr. Kerr informed the public that there is case law that clearly states that we do not have to require bids for garbage service. Steve Almlie noted that there is a floating schedule for commercial dumpster rates. You merely pay for the amount of service you receive. Kurt Enderson suggested that we keep the local garbage service and requested the Council to take a vote and be done with this matter. Harry Remely stated that we should support the local businesses. Cary Quigley questioned if the Council wanted another empty building in town. He contended that if another hauler comes into town they will not spend a penny before they leave. Mr. Rialson stated that he has never opposed having Larson continue as the garbage hauler, he has just been trying to get a competitive rate. The hearing was declared closed to public testimony at 8:25 p.m. and referred to the Council for their consideration. Motion by Berndt, seconded by Otto to adopt a resolution accepting the contract and confirming the rates as spelled out in Section 8 of the Contract. Mr. Stobb reminded the public that according to the survey, 222 residents will actually be paying \$2.00 less per month than they currently are. Mr. Rialson contended that with the cost of living included in the contract, and the rates increasing 3% per year, the residents will experience between \$1.00 to \$2.00 per month increase. A brief discussion followed on using the Social Security annual increase as a basis to determine the cost of living. Mr. Kerr pointed out that the Social Security increase is political, whereas, the Consumer Price Index (CPI) is based on economics and suggested that the Council may want to consider using the CPI national average. Mr. Schaefer questioned how much the City retains for collecting and billing for Larson's Services. The City Administrator responded that the City receives \$.10 per bill monthly. Mr. Schaefer felt that the City should receive \$.50 per bill which should be retained from Larson's proposed rate increase. After further discussion the original motion was amended to include the Consumer Price Index national average be used to determine the Cost of Living for the garbage contract. Upon roll call, the following vote was recorded: voting aye: Berndt, Fraser, Otto, Stobb and Almlie; voting nay: Rialson and Schaefer. The motion carried. (Res No. 1998-25)

Mr. Rialson expressed displeasure with the conduct at the last Council meeting and referenced an article prepared by the League of Minnesota Cities concerning participation of voters. Mr. Kerr responded that this applies to the legislative process and referenced an article from the Handbook for Minnesota Cities where it allows citizens involvement if the Council agrees to allow them to participate in the discussion.

A resolution approving plans and specifications and authorizing the advertisement for bids for the 10th Street water line was introduced. Eric Wharton, RLK Kuusisto Engineering, explained that bids would be let early June. After a brief discussion, Stobb moved and Rialson seconded to adopt said resolution. All voted in favor of the motion. (Res. No. 1998-26)

Eric Wharton then reviewed the feasibility report for the 1998 Street Project. He explained that the report includes overlaying 22 blocks and reconstructing 4 blocks. The estimate of cost includes milling on some streets. He noted that in order to complete the project, we will be operating under a very tight schedule. He recommends obtaining soil borings to assist them in developing the design. He also suggested that the staff assist them in reviewing the condition of some streets to determine if the condition and age of the existing curb would justify delaying the overlay and explore total reconstruction if underground utility work is also needed. After further discussion, Rialson moved and Stobb seconded to adopt a resolution to receive the report and call for a hearing on the 1998 Street Project to be conducted on Tuesday, May 26, 1998 at 8:00 p.m. All voted in favor of the motion. (Res. No. 1998-27)

The 1997 Audit was presented by Dick Holmberg, from the firm of Kinner Holmberg and Co., LTD. Motion by Otto, seconded by Schaefer to approve said audit. All voted in favor of the

motion.

The Consent Calendar included the following: Firemen's Relief Association minutes for May 4, 1998, Economic Development Authority minutes for April 29, 1998, Cemetery Commission minutes for April 23, 1998 and Municipal Accounts Payable. Motion by Fraser, seconded by Berndt to approve the above listed items. All voted in favor of the motion.

Mr. Rialson stated that he received a complaint on a cistern that has not been properly covered. Mr. Schaefer stated that he also received this complaint and offered to provide cement blocks to be used to cover and later fill it in, however, he needed assistance in hauling them. The Police Chief stated that he has not been able to reach the renter yet.

Mr. Rialson also noted that he received a complaint that there were a number of kids on top of the picnic shelter in Central Park. He suggested that the Police check the park periodically.

Mr. Schaefer submitted his resignation from the City Council, effective May 15, 1998. No action was taken.

A brief discussion followed on an article that appeared in the Sioux Falls Argus Leader referencing the DM&E Railroad's proposed improvements. Additional copies will be prepared for the Council's review.

There being no further business, Berndt moved and Rialson seconded to adjourn. All voted in favor of the motion at 9:33 p.m.

ATTEST:

City Administrator

Mayor

May 26, 1998

The regular meeting of the Tracy Council was called to order at 7:30 p.m., Monday, May 26, 1998 in the Council Chambers of the Municipal Building. The following Council members were present: J. Almlie, M. Fraser, D. Berndt, J. Otto, M. Rialson and R. Stobb. Also present were staff members: A. Koopman and J. Kerr.

The Mayor asked for any additions or corrections to the minutes for May 11, 1998. Motion by Fraser, seconded by Stobb to approve said minutes as written. All voted in favor of the motion.

The Mayor asked for any additions or deletions to the agenda. The following addition was made: (4C) Review and consider quotes for the slide gates; (6B) B. Holm and (11B) J. Almlie. Motion by Fraser, seconded by Rialson to approve the agenda as now written. All voted in favor of the motion.

The City Administrator informed the Council that the Planning Commission conducted a public hearing to consider a variance request from Art Peterson, d.b.a. A&K Storage, to place a storage building directly on his property line. The Planning Commission recommended granting said variance with the condition that he provide a grass boulevard abutting South Street and that the proposed structure appear similar to the existing structure. Motion by Rialson, seconded by Berndt to approve the Planning Commission's recommendation. All voted in favor of the motion.

Eric Wharton presented the following quotes received for the slide gates:

Shank Construction Minneapolis, MN	\$37,500
Robert L Carr Marshall, MN	\$20,200

Mr. Wharton reported that the low quote is approximately \$5,000 below the engineers estimate and recommended accepting the low quotes submitted by Robert L. Carr. Motion by Stobb, seconded by Rialson to accept the low quote submitted by Robert L. Carr in the amount of \$20,200. All voted in favor of the motion.

The City Administrator reminded the Council that they previously approved the purchase of new flooring for the Municipal Gym. A Committee met to explore the possibility of installing two new floors in the Prairie Pavilion. Two floors will cost approximately \$84,840. The committee recommended that the City provide the financing interest free for both floors, with funding for the second floor being paid back over a five year period through various fund raisers and donations from civic organizations. Motion by Fraser, seconded by Berndt to authorize the City to provide financing for two floors with the second floor being paid back within a five year period. All voted in favor of the motion.

The Mayor opened the hearing to public testimony at 7:45 p.m. Ordinance No. 266, an ordinance rezoning the area abutting South Street between 2nd Street and 6th Street from an I-1 Zone to an I-2 Zone. The City Administrator reported that the Planning Commission conducted a public hearing to consider said rezoning and recommended that the Council adopt said ordinance. There being no public testimony, the Mayor declared the hearing closed and referred to the Council for their consideration. Motion by Stobb, seconded by Rialson to adopt said Ordinance. All voted in favor of the motion.

Stacy Iverson, representing the Redwood Area Chamber of Tourism, presented a brochure outlining various attractions in the area. She explained how the brochures are distributed and noted that they will begin working on the 1999 brochure in August or September.

The Consent Calendar included the following: Monthly Financial Report, Planning Commission minutes, Police Commission minutes for May 14, 1998, Multi-Purpose Center minutes for May 11, 1998 and Municipal Accounts Payable. Motion by Rialson, seconded by Berndt to approve the above listed items. All voted in favor of the motion.

The Mayor opened the hearing to public testimony at 8:00 p.m. on the proposed 1998 Street Project. Eric Wharton briefly reviewed the proposed improvement. Dennis Schroeder, 225 Union Street, questioned if Union Street would be milled. Deb Ohman, 224 Union asked the same question. Mr. Wharton stated that portions of Union Street will be milled. Paul Rignell, 331 3rd Street East, also questioned if his street would be milled. He expressed concern that he already is having difficulty entering and exiting his driveway. He was informed that his street would be milled. A brief discussion followed on the truck traffic on Union Street. Murial Ohman, 224 Union Street, suggested that a designated truck route be established leading to the Hospital, O'Brien Court and the Nursing Home. Mr. Wharton stated that a traffic count was needed to justify increasing the tonnage of the road. The City Administrator read the following petition into the record:

We the undersigned, are opposed to paying full amount to repair (overlay) Union Street; Blocks one and two. We feel most of the damage to our street was done by the heavy equipment used to build the O'Brien Court and apartments the EDA wanted on 3rd Street East.

This petition was signed by 10 property owners. Von Buesing questioned the tonnage of Union Street between 3rd East and 5th East. Mr. Wharton thought it was a 7-ton road. Mr. Kerr noted that this project would be paid for with bond funds and the assessments would be spread over the same number of years that the bonds are issued for. Mr. Wharton suggested that soil borings be conducted to provide information for plan design. There being no further public testimony, the hearing was declared closed and referred to the Council for their consideration. Motion by Stobb, seconded by Otto to proceed with soil borings. All voted in favor of the motion.

Motion by Rialson, seconded by Fraser, to adopt a resolution ordering the improvement and preparation of plans for the 1998 Street Project. All voted in favor of the motion. (Res. No. 1998-28)

A lengthy discussion then followed on the Attorney General's opinion on the responsibilities of the Police Civil Service Commission. Mr. Kerr noted that there are two differing opinions, his and the Attorney General's. He felt that each opinion speaks for itself and felt that he provided sufficient information for the Council to make a decision. Bernie Holm, Chairman of the Police Commission stated that he didn't think this situation was a personality conflict, but rather it was a power struggle. He noted that he has served the City in many ways during previous years. He noted the chain of command and believes in it and uses it. He made reference to a previous Police Chief who was served with divorce papers and was immediately transported to St. Mary's Hospital for chemical dependency treatment. A special meeting was called by the Commission and the room was filled with dispatchers and police officers. He noted that it has not been the policy of the Commission to become involved with the day to day operation of the Police Department. Today's commission is operated in the same manner as previous commission, and have operated on the advice of the City Attorney. He reminded the Council of previous incidents relating to personnel issues in which the Council ruled in favor of the Commission. The Commission handled these matters in a peaceful manner. Prior to the establishment of the commission, the Mayor was head of the Police Department. Now, the Council is not involved in the action, but does control the budget. He stated when he came on the Commission, he took an Oath and he will carry it out, because that is his word. Mayor Almlie referenced a memo concerning the definition of employment. Mr. Kerr responded that Mr. Vigil, Assistant Attorney General, concentrated his response in reference to MN Statute, Chapter 419.05. Mr. Kerr contended that the term employment can actually be defined three different ways. The Attorney General's office defined the term employment to mean "hiring". Mr. Kerr stated that he looked beyond that. Both look at it in a different way. Mr. Kerr stated that the Commission has the right and obligation to write and employ Rules and Regulations for the Police Department. If the Council limits the duties of the Commission solely to the hiring, firing and disciplining of employees, those Rules and Regulations will not longer be able to be utilized unless the Council assumes the responsibility of supervising, then they would have to adopt their own rules and

regulations. The Mayor noted that there is a distinction between a Police Commission and a Police Civil Service Commission, however, the City could conceivably have both and be served by the same people. Mr. Kerr agreed. Chief Hillger felt that this would be a bad situation and further indicated that we would be getting away from the legislative intent of Chapter 419. He contended that the legislative intent was to remove nepotism, cronyism out of hiring and firing of police officers. Mr. Kerr responded that Mr. Hillger is not trained in the law. He referred to the term “cronysim”, which is actually reference to the political arena, meaning the Mayor. When the Mayor was making the appointments of Chief. This is the primary reason why we put in a Civil Service Commission. Because we had the problem when the Mayor would arbitrarily decide whether the Chief would stay or not. That has nothing to do with a police commission. A police commission would be independent other than appointment by the City Council. They would oversee the Police Chief and contended that the Chief has to be answerable to somebody. In his opinion, a Police Commission could do that. Jan Otto questioned if other cities have Police Commissions, and not Civil Service Commissions. Chief Hillger responded the only ones he’s aware of are Lakefield, and they are an advisory board. Ms. Otto referred to articles that appear in the Minneapolis paper that mention Police Commissioners. Mr. Kerr agreed that there are Commission’s in St. Paul. Ms. Otto confirmed that they have the obligation to oversee the police department. Chief Hillger reminded the council of the opinion recently received from the Attorney General’s office. He stated the title reads: “The powers and duties of the Police Civil Service Commission for the City of Tracy”. He contended that there can’t be any doubt what our police commission is suppose to be doing. Mr. Kerr disagreed contending that it was merely Mr. Vigil’s opinion. Chief Hillger argued that it was also the opinion of a number of other attorneys and included reference to an excerpt from the League of Minnesota Cities Handbook. Mr. Kerr argued that Mr. Vigil didn’t do his homework either. Mr. Kerr then suggested a solution by establishing a Police Commission with duties spelled out as to who has control of the police department. Chief Hillger contended that the City Administrator is his supervisor. He stated that if the Council accepts Mr. Kerr’s opinion, he would not have to listen to the Administrator. Chief Hillger also contended that the cases Mr. Kerr referenced in his memo were irrelevant to this matter. A lengthy debate followed on the various cases used as reference in Mr. Kerr’s memo. The City Administrator explained that the Police Civil Service Commission has conducted themselves more as a “police commission” compared to a “police civil service commission.” She expressed concern that without a police commission, the general public will have to submit their complaints on public television at a public meeting. She further stated that the police commission has functioned very effectively during the past 22 years and would like to see it continue. The Chief stated that anyone has a right to file charges with the secretary of the Police Commission. Mr. Kerr did not agree. Chief Hillger reiterated that the appointment of a police commission is merely a means to circumvent State Law. Further with said appointment, it comes very close to saying the Council is incapable of supervising the Chief. Mayor Almlie stated that his personal concern is not that at all. He stated that he would hate to have a public discussion of very sensitive material. Mr. Kerr reiterated that the City could have a Police Commission and a Police Civil Service Commission. They are not conflicting roles and there is nothing wrong with the same people filling both roles. Chief Hillger argued that there is something wrong with the same people filling both roles because you haven’t changed anything. Mr. Berndt questioned if the Chief answers to the Administrator. The Administrator responded that he does especially when it relates to budgetary matters. Her normal practice when a complaint is received is to refer it to the Police Commission, because she does not personally handle. She further stated that the Commission has functioned very effectively in the past and contended if it works, don’t fix it. The Chief stated that there weren’t any police commission meetings between August, 1997 through February 1998 and the department continued to function. Mr. Rialson stated that this appears to be an isolated incident. Last fall when we discussed this there was a difference of opinion between Mr. Kerr and three other attorneys, now we have a difference of opinion between Mr. Kerr and the Attorney General. Rialson then moved and Berndt seconded to accept the Attorney General’s opinion to keep it as a Police Civil Service Commission. Ms. Otto stated that she could not support that because she strongly believes that we need a Police Commission with the authority to give direction and prioritize our resources of the Department. Mr. Berndt questioned if we would need both a Police Commission and a Police Civil Service Commission. Ms. Otto contended that both would be needed. Mr. Berndt argued that if we did have both, he would not support using the same members on each commission. Ms. Otto also questioned the Chief on the issues that brought the Council to this

point. Chief Hillger responded that the only concern he has is that we follow State Law which we are not doing by using the Commission in roles that it is not suppose to be used. He contended that the purpose of a Commission is to take care of abuses, not abuses committed by the Department, but against the Department. Mr. Kerr argued that was not true, that it was intended to promote efficiency within the Department and prevent the hiring of unqualified officers. Mr. Stobb contended that he has more questions than answers. He questioned if a Police Commission is established, would the rules and regulations of the Police Civil Service Commission still remain in force. The Chief stated that if the Commission never had the right to establish the rules, the rules are null and void. The Chief further contended that there are rules they have adopted that they don't know anything about. He made reference to the rule on Deadly Force. The City Administrator informed the Council that the policy on deadly force was mandated by the State and prepared by the State Association, then reviewed by the Assistant City Attorney. The Chief contended that the Commission adopted a policy that they had no expertise in. He stated that he didn't object to the policy that was adopted, but it should have been adopted by the Police Department, not the Police Commission. After further discussion, the Mayor called for a vote on the motion to accept the Attorney General's opinion and keep it as a Police Civil Service Commission.. The following vote was recorded; voting aye: Berndt, Rialson and Stobb; voting nay: Fraser, Otto and Almlie. The motion was defeated due to a tie vote. It was the consensus to delay and further action and place it on the next agenda.

Due to the resignation of Jack Schaefer, the Council declared a vacancy exists on the City Council. The Mayor suggested that an advertisement be placed in the newspaper requesting all interested parties to apply for the Council position. Mr. Rialson felt that Brad Nelson should be appointed because he received next highest votes in the last election and a precedent was set with previous appointments. The Mayor pointed out that appointments have been made both ways in the past. Rialson then moved and Fraser seconded to appoint Brad Nelson to fill Jack Schaefer's unexpired term. Upon roll call, the following vote was recorded: voting aye: Berndt, Fraser, Rialson and Stobb; voting nay: Otto and Almlie. The motion carried.

Mayor Almlie gave a brief update on the Highway 14 project.

There being no further business, Rialson moved and Berndt seconded to adjourn. All voted in favor of the motion at 10:11 p.m.

ATTEST:

City Administrator

Mayor

June 8, 1998

The regular meeting of the Tracy City Council was called to order at 7:30 p.m., Monday, June 8, 1998 in the Council Chambers of the Municipal Building. The following Council members were present: J. Almlie, M. Fraser, D. Berndt, J. Otto-Arvizu, M. Rialson and R. Stobb. Also present were staff members: A. Koopman, D. Polzine and J. Kerr.

The Mayor asked for any additions or corrections to the minutes for May 26, 1998. Motion by Berndt, seconded by Fraser to approve said minutes as written. All voted in favor of the motion.

Mrs. Koopman administered the Oath of Office to Brad Nelson.

The Mayor asked for any additions or deletions to the agenda. Motion by Fraser, seconded by Rialson to approve the agenda as written. All voted in favor of the motion.

Chief Hillger reported that the Pfannschmidt's have not abated the nuisance identified on their property located at 148 Craig Avenue East. It was noted that this seems to be a continuing problem as nuisances have been identified there before. After further discussion, Fraser moved and Berndt seconded to accept Chief Hillger's report and declare that the nuisance is not fully abated pursuant to the order of abatement and proceed with all necessary legal action. All voted in favor of the motion.

Chief Hillger requested authorization to close Morgan Street from the intersection of 4th Street to the alley behind Korner Krafts on Saturday, June 20th to conduct a bicycle safety rodeo. Motion by Stobb, seconded by Rialson to grant said request. All voted in favor of the motion.

A resolution authorizing a temporary loan of \$40,000 from the Utility Fund to the Surcharge Fund was introduced. Motion by Fraser, seconded by Berndt to adopt said resolution. All voted in favor of the motion. (Res. No. 1998-29)

A resolution approving a budgeted transfer in the amount of \$10,000 from the General Fund to the Code Enforcement Fund was introduced. Motion by Rialson, seconded by Berndt to adopt said resolution. All voted in favor of the motion. (Res. No. (1998-30)

A resolution granting a one day off-site gambling permit to the American Legion was introduced. Motion by Berndt, seconded by Fraser to adopt said resolution. All voted in favor of the motion. (Res. No. 1998-31)

The Consent Calendar included the following: Planning Commission minutes for May 18, 1998, Cemetery Commission minutes for May 21, 1998, Economic Development minutes for May 15, 1998 and Municipal Accounts Payable. Motion by Rialson, seconded by Berndt to approve the above listed items. All voted in favor of the motion.

A discussion then followed on the duties and responsibilities of the Police Commission. Mr. Stobb presented the following proposal for the Council's consideration:

1. The Tracy Police Commission shall be maintained by the City with its present membership intact.
2. The Tracy Police Commission shall have duties and responsibilities consistent with the Chapter 419-Police Civil Service Commissions. As a commission, this body will have absolute control and supervision over the hiring, promotion, discharge and suspension of all officers and employees of the Police Department.
3. Any rules adopted by the Police Commission shall be consistent with 419.06 - "Rules for Police Department:", items 1 through 10.
4. The Police Commission shall make recommendations to the City Council for revisions of, additions to, or deletions of "Rules, Regulations, and/or Policies" not covered by 419.06, 1 - 10, that currently regulate activities of the Police Department. A request for change in "Rules, Regulations, and/or Policies" may originate with either members of the Police Commission, members of the Police Department, or individuals from the public and shall

be submitted in writing to the Police Commission. The Police Commission shall consider all such requests and submit their recommendation to the City Council along with the rationale for that recommendation. The City Council will act on all such recommendations in a manner consistent with state law, local ordinances, and the welfare of the residents of Tracy.

5. The Chief of Police will have total responsibility for the Police Department and the “day to day” activities of himself and his officers in accordance with existing laws, ordinances, rules, regulations and policies.
6. In the event of a documented conflict between members of the Police Department or between the Police Department and the public, the Police Commission shall continue to have the duty, consistent with Chapter 419, of holding hearings, gathering information, and rendering a judgement.

After a brief discussion, Rialson moved and Berndt seconded to accept the above proposal as submitted. All voted in favor of the motion.

A discussion followed on whether an ordinance was needed to more clearly define the roles and associated responsibilities. Motion by Berndt, seconded by Rialson to direct the staff to prepare an ordinance for review at the next meeting. All voted in favor of the motion.

The Mayor opened the hearing on the following nuisance complaints:

750 Randal Street. Officer Lichty informed the Council that the nuisance still exists. Motion by Fraser, seconded by Stobb to declare a nuisance exists at 750 Randal Street and issue an order of abatement. All voted in favor of the motion. (Res. No. 1998-32)

337 8th Street. Officer Lichty informed the Council that the owner of the vehicle located at 337 8th Street stated that the vehicle will be removed within the next few days. Motion by Stobb, seconded by Fraser to continue the hearing on said nuisance complaint until Monday, June 22, 1998 at 8:00 p.m. All voted in favor of the motion.

201 7th Street. Officer Lichty informed the Council that the nuisance still exists and he recommended an Order of Abatement be issued. Motion by Rialson, seconded by Berndt to adopt a resolution declaring a nuisance still exists at 201 7th Street and issue an order of abatement. All voted in favor of the motion. (Res. No. 1998-33)

284 7th Street. Officer Lichty informed the Council that the nuisance still exists and recommended an Order of Abatement be issued. Motion by Fraser, seconded by Rialson to adopt a resolution declaring a nuisance exists at 284 7th Street and issue an Order of Abatement. All voted in favor of the motion (Res. No. 1998-34)

157 5th Street. Officer Lichty contended that some progress has been made and recommended continuing the hearing. Motion by Stobb, seconded by Berndt to continue said hearing until Monday, June 22, 1998 at 8:00 p.m. All voted in favor of the motion.

550 3rd Street. Officer Lichty informed the Council that the nuisance still exists and recommended an Order of Abatement be issued. Motion by Berndt, seconded by Rialson to adopt a resolution declaring a nuisance exists at 550 3rd Street and issue an Order of Abatement. All voted in favor of the motion. (Res. No. 1998-35)

Motion by Stobb, seconded by Berndt to adopt a resolution declaring the nuisance located at 412 Harvey Street abated. All voted in favor of the motion. (Res. No. 1998-36)

Motion by Berndt, seconded by Rialson to adopt a resolution declaring the nuisance located at 75 Rowland abated. All voted in favor of the motion. (Res. No. 1998-37)

200 State Street. Officer Lichty informed the Council that the nuisance still exists and recommended an Order of Abatement be issued. Motion by Berndt, seconded by Rialson to adopt a resolution declaring a nuisance exists at 200 State Street and issue an Order of

Abatement. All voted in favor of the motion. (Res. No. 1998-38)

Motion by Berndt, seconded by Rialson to direct the Police Department to investigate whether the animals located at 200 State Street are licensed. All voted in favor of the motion.

Officer Lichty presented pictures of 301 6th Street and stated that this property is unsecured. The Council was informed that this property was ordered secured this afternoon. No further action was necessary.

There being no further business, Rialson moved and Berndt seconded to adjourn. All voted in favor of the motion at 8:25 p.m.

ATTEST:

City Administrator

Mayor

June 22, 1998

The regular meeting of the Tracy City Council was called to order at 7:30 p.m., Monday, June 22, 1998 in the Council Chambers of the Municipal Building. The following Council members were present: J. Almlie, B. Nelson, M. Fraser, D. Berndt, J. Otto-Arvizu, M. Rialson and R. Stobb. Also present were staff members: A. Koopman, D. Polzine and J. Kerr.

The Mayor asked for any additions or corrections to the minutes for June 8, 1998. Motion by Fraser, seconded by Berndt to approve said minutes as written. All voted in favor of the motion.

The Mayor asked for any additions or corrections to the agenda. The following addition was made: (5C) A resolution requesting authorization to execute an agreement. Motion by Fraser, seconded by Rialson to approve the agenda as now written. All voted in favor of the motion.

The following bids were received for the 10th Street/Rowland Street water line:

H&W Contracting 4612 W 12 th Street Sioux Falls, SD 57107	\$91,112.90
Midstate Utilities 34 th Street Slayton, MN 56172	\$77,754.00
Bode Construction P.O. Box 398 Lake Preston, SD 57249	\$62,850.25

Kuusisto Engineering recommended accepting the low bid submitted by Bode Construction in the amount of \$62,850.25. After a brief discussion, Stobb moved and Rialson seconded to adopt a resolution awarding the bid to Bode Construction, Lake Preston, SD for construction of the 10th Street/Rowland Street water line in the amount of \$62,850.25. All voted in favor of the motion. (Res. No. 1998-39)

A resolution approving plans and specifications and authorizing the advertisement for bids for the 1998 Street Project was introduced. Eric Wharton, Kuusisto Engineering, explained that the plans will be in final form by the end of the week. After a brief discussion, Rialson moved and Stobb seconded to adopt said resolution. All voted in favor of the motion. (Res. No. 1998-40)

A brief discussion followed on the final assessment hearing. The City Administrator explained that we will be operating with a very tight time schedule. She informed the Council that it may be possible that the final assessment hearing will have to be conducted prior to completion of the project. She cautioned the Council that if the hearing is not conducted by mid-October, the assessments could not be certified for collection next year and we would have to provide for capitalized interest through the year 1999. The Council did not voice any objections to conducting the hearing prior to completion of the project.

A resolution authorizing the transfer of funds was introduced. Motion by Rialson, seconded by Fraser to adopt said resolution. All voted in favor of the motion. (Res. No. 1998-41)

A resolution authorizing the execution of an agreement with the Minnesota Department of Public Safety, Bureau of Criminal Apprehension and Criminal Gang Strike Force Council was introduced. Motion by Stobb, seconded by Berndt to adopt said resolution. All voted in favor of the motion. (Res. No. 1998-42)

Steve Almlie representing the Softball Association requested the City to extend their existing agreement for Softball lighting approximately another year. They requested an additional \$2500 to improve the lighting on the South field. After a brief discussion, Fraser moved, and Rialson seconded to adopt a resolution to provide funding for lighting the South field in the Softball

Complex for an amount not to exceed \$2,500 and extend the existing agreement to allow for repayment. All voted in favor of the motion. (Res. No. 1998-43)

Chief Hillger reported that the nuisance located at 337 7th Street has been abated. Motion by Rialson, seconded by Stobb to adopt a resolution declaring said nuisance abated. All voted in favor of the motion. (Res. No. 1998-44)

Chief Hillger reported that the nuisance at 157 5th Street still remains. Motion by Fraser, seconded by Nelson to adopt a resolution ordering the abatement of said nuisance. All voted in favor of the motion. (Res. No. 1998-45)

Chief Hillger reported that the nuisance located at 750 Randall has been abated. Motion by Fraser, seconded by Rialson to adopt a resolution declaring said nuisance abated. All voted in favor of the motion. (Res. No. 1998-46)

Chief Hillger reported that the nuisance located at 284 7th Street has been abated. Motion by Rialson, seconded by Fraser to declare said nuisance abated. All voted in favor of the motion. (Res. No. 1998-47)

Chief Hillger reported that the nuisance located at 550 3rd Street has been abated. Motion by Rialson, seconded by Fraser to declare said nuisance abated. All voted in favor of the motion. (Res. No. 1998-48)

Chief Hillger reported that the nuisance located at 200 State Street has been abated. Motion by Rialson, seconded by Fraser to declare said nuisance abated. All voted in favor of the motion. (Res. No. 1998-49)

Jim Kerr, City Attorney, presented a memo describing information that could be used in a proposed ordinance. He recommended establishing a Public Safety Commission, plus continue to maintain the Police Civil Service Commission. The Public Safety Commission would be responsible for addressing areas relating to public safety. After a brief discussion, it was the consensus to review this matter at the next meeting.

Tom Quinlivan, Hospital Administrator, informed the Council that the roof project is complete. He further stated that the Hospital Advisory Committee recommended purchasing an air handling unit in the amount of \$10,478.00 from Brown and Even Associates, Inc. Motion by Stobb, seconded by Fraser to accept the Hospital Advisory Committee's recommendation and approve said purchase. All voted in favor of the motion.

Mr. Quinlivan also reported that the Hospital Advisory Committee recommended purchasing a backup generator in the amount of \$23,935.00 from Everson Electric in Pipestone, MN. Motion by Rialson, seconded by Stobb to accept the Hospital Advisory Committee's recommendation and approve said purchase. All voted in favor of the motion.

Mr. Quinlivan stated that the Hospital has a 500 gallon buried gas tank that needs to be removed. Motion by Fraser, seconded by Rialson to authorize the removal of the existing gas tank. All voted in favor of the motion.

Jack Schaefer requested the Council to consider allowing the water at the trailer park to remain connected even though there is a delinquent bill. He explained that the trailer park is in the process of being reposed by Norwest Bank in Marshall. There are still 5 trailers that are currently occupied and if the water is disconnected, they will have to move. After a lengthy discussion, Stobb moved and Rialson seconded to continue water service for another 30 day period so a meeting can be conducted with the residents. All voted in favor of the motion.

The City Administrator informed the Council that Terry and Carol Strand, 384 Emory Street requested a one and three foot side yard variance to construct a new house. The Planning Commission recommended granting said variance. Motion by Fraser, seconded by Berndt to approve the Planning Commission's recommendation and grant said variance. All voted in favor

of the motion.

Don Polzine informed the Council that he received two quotes for a new paint striper:

EZ-Liner Industries	\$3,790.00
Barco	\$3,595.00

Motion by Fraser, seconded by Rialson to accept the low quote from Barco in the amount of \$3,595.00. All voted in favor of the motion.

The Consent Calendar included the following: Municipal Accounts Payable, Multi-Purpose Center Minutes for June 8, 1998, Hospital Advisory Board Minutes for May 20, 1998, Firemen’s Relief Association Minutes for June 1, 1998, Planning Commission Minutes for June 8, 1998 and Monthly Financial Report. Motion by Stobb, seconded by Otto-Arvizu to approve the above listed items. All voted in favor of the motion.

The City Administrator reported that the Hanson house located on the corner of 9th and South Street was declared a hazardous building by the Court last March. This property became tax forfeited last February. She requested the Council’s authorization to contact the County to request that they share in the cost of demolition. Motion by Fraser, seconded by Nelson to authorize the Administrator to contact the County and submit said request. All voted in favor of the motion.

Don Polzine reported that the contractors have completed the concrete work on Highway 14 and will begin milling on Wednesday. He estimated that this would be at least a two to three week process.

There being no further business, Rialson moved and Berndt seconded to adjourn. All voted in favor of the motion at 9:10 p.m.

ATTEST:

City Administrator

Mayor

July 13, 1998

The regular meeting of the Tracy City Council was called to order at 7:30 p.m., Monday, July 13, 1998 in the Council Chambers of the Municipal Building. The following Council members were present: J. Almlie, B. Nelson, M. Fraser, D. Berndt, J. Otto-Arvizu, M. Rialson and R. Stobb. Also present : A. Koopman and J. Kerr.

The Mayor asked for any additions or corrections to the minutes for June 22, 1998. Motion by Fraser, seconded by Berndt to approve said minutes as written. All voted in favor of the motion.

The Mayor asked for any additions or deletions to the agenda. Mr. Rialson indicated that he may have some comments at the end of the meeting. Motion by Fraser, seconded by Stobb to approve the agenda as written. All voted in favor of the motion.

Homer Dobson voiced concern on the proposed amendments to the Police Commission ordinance. He briefly outlined his previous experience in positions he held relating to law enforcement. He stressed the importance of not allowing anger, hostility and even personalities to influence their decision concerning the future of the Police Commission. He also contended that policy should not be changed over one issue. All employees need guidelines and need to be accountable to someone. They don't write their own job description, they only provide input. He contended that one person is not enough to supervise this department, which in his opinion is another reason to maintain the Commission. The public needs a buffer between the department and the Council. The public would not feel comfortable expressing their concerns before the entire City Council. In his opinion, the Commission has worked very well over the years and needs to be maintained. Mr. Stobb stated that the Council is currently considering two proposals and either way, the Commission would be maintained. Mr. Dobson cautioned the Council about giving complete authority to one person in the Police Department. He contended that they need supervision and that they differ from other departments within the City. Mr. Kerr explained that the Council can't abolish the Commission, that can only be done by a vote of the people. He further stated that the Council can't repeal this ordinance in parts. He prepared a memo and stated that he objects to the proposed ordinance drafted by the Chief. He referred to the memo he prepared at the last meeting which included excerpts from the League of Minnesota Cities ordinances and also incorporated Mr. Stobb's recommendations by establishing a Public Safety Commission. He did not recommend amending the existing Police Commission Ordinance. Chief Hillger argued that the City of Marshall has a Police Commission who limits their duties to hire, fire, and disciplinary action. Supervision of the Department is provided by the City Manager and Council. After further discussion, Rialson moved and Nelson seconded to adopt the revised Civil Service Ordinance prepared by the Chief and set a public hearing at 7:45 p.m., Monday, July 27th. Mr. Stobb contended that a lot of the duties Mr. Kerr has outlined in his memo he intended that the Commission would still do. Mr. Kerr argued that by striking language from the existing Civil Service Ordinance you are trying, in part to limit the Police Commission's powers. He argued that you can't do that, it is illegal. Mr. Rialson was informed that the adoption of the ordinance can not occur until after a public hearing is conducted. Upon roll call, the following vote was recorded: voting aye: Berndt, Nelson, Rialson and Stobb; voting nay: Fraser, Otto-Arvizu and Almlie. The motion carried. Mr. Kerr asked if there would be any consideration of his memorandum at the 27th hearing. Mr. Stobb stated that we can talk about it. He noted that his initial thought was how this matter could be resolved with the least amount of change. The City Administrator stated that she hoped that the Council would give serious consideration to Mr. Kerr's memo. She cited examples where in this past week, she addressed the same question relating to scheduling to two council members and each of them saw her role differently. She contended that if the Council is considering change to current and/or past practice, they should be very descriptive as to what authority and responsibility each party has, namely, the Chief, Administrator, Council and Commission. Ms. Otto-Arvizu questioned if the roles of each party would be spelled out, including chain of command. She referred to previous memo's she read where individual Commission members could not talk directly to an officer privately and questioned if she would also be denied the right to speak to an officer privately. She contended that we could be picking and choosing who would be favorable to us. Mr. Stobb stated that he couldn't see any reason why we couldn't speak to them. She referred to a memo prepared by the Chief where a Commissioner could not speak directly to an officer without

going through the Chief of Police. She questioned if the Commission is removed, does that mean that she would also be restricted in talking to the officers. Mr. Stobb contended that the Commission would still be there. Ms. Otto-Arvizu then questioned the Chief if it was true that there is a directive that the officers have to report any time a commissioner speaks to an officer. The Chief stated that was correct because at the time, he believed that he had one Commissioner trying to undermine his authority. Mayor Almlie directed the Council to give consideration in determining who is responsible to whom and how much. Mr. Berndt stated that he didn't feel that the Commission would change that much. Ms. Otto-Arvizu questioned what happens if the Chief disagrees with a directive the Administrator gives him, what recourse is there so that each of them are protected. The Mayor indicated that would have to be defined. Mr. Stobb felt that this would fall under Chapter 419. The Commission would evaluate that officer and their lack of performance. Ms. Otto-Arvizu wanted the Council to confirm that there was that kind of support for the Administrator to exercise her right as his superior. Mr. Berndt said absolutely the Chief answers to the Administrator. She questioned if there is a disagreement, does the Chief have the right to lobby individual Council members if he disagrees with the directive. Chief Hillger responded that he has an obligation to carry out any directives give by the Administrator and if he doesn't, he would be subject to disciplinary action by her. He contended that he already is supervised by the Administrator. The Administrator questioned if the hearing will relate solely to the ordinance proposed by the Chief, or is the City Attorney also directed to prepare an ordinance. She also questioned if we are premature in calling for a hearing at this time because there still are areas that haven't been addressed. She noted that repeatedly the Chief has stated that the Administrator is his supervisor, however, this proposed ordinance was given directly to a Council member, when it should have been given to the Administrator if the chain of command was followed. Mr. Stobb stated that he didn't see any harm in receiving as much public input of both proposals as possible. Mr. Kerr stated that he will be giving an opinion as to legality at the hearing.

A resolution establishing policy limiting the time when garbage rates can be changed was introduced. The City Administrator recommended allowing 90 days from July 1st to allow residents to change the rate, then thereafter, restrict changes to the period of May 1st through June 15th unless there are extenuating circumstances. Motion by Stobb, seconded by Rialson to adopt said resolution establishing a policy as outlined above. All voted in favor of the motion. (Res. No. 1998-50)

A resolution approving Change Order No. 1 for the 10th Street/Rowland Street water line was introduced. Motion by Rialson, seconded by Fraser to adopt said resolution. All voted in favor of the motion. (Res. No. 1998-51)

A resolution approving change in pledged securities was introduced. Motion by Fraser, seconded by Rialson to adopt said resolution. All voted in favor of the motion. (Res. No. 1998-52)

A resolution declaring the nuisance abated at 157 5th Street was introduced. Motion by Stobb, seconded by Fraser to adopt said resolution. All voted in favor of the motion. (Res. No. 1998-53)

A resolution approving plans for the entire length of South Street Project was introduced. Motion by Rialson, seconded by Fraser to adopt said resolution. All voted in favor of the Motion. (Res. No. 1998-54)

A resolution restricting parking of all vehicles on South Street from County Road 73 to 8th Street was introduced. Motion by Fraser, seconded by Nelson to adopt said resolution. All voted in favor of the motion. (Res. No. 1998-55)

The City Administrator reported that a proposal has been submitted by Safety First to provide safety training for the City in the amount of \$4,800 for a twelve month period. Motion by Stobb, seconded by Nelson to accept said proposal. All voted in favor of the motion.

The City Administrator informed the Council that we will be joining with the County in letting bids for our 1998 street project. The bid letting date was delayed until August 4th.

The City Administrator stated that the Gym Committee is recommending giving the existing gym floor to Samuel Lutheran School in Marshall. They have agreed to remove the floor by August 14th. The Committee plans to have the new flooring in place by October 2nd. Motion by Fraser, seconded by Rialson to accept the Gym Committee's recommendation. All voted in favor of the motion.

The Consent Calendar included the following: Planning Commission minutes for June 22, 1998 and July 6, 1998, Police Commission minutes for June 11, 1998, Firemen's Relief Association minutes for July 6, 1998, Municipal Accounts Payable and Cemetery Commission minutes for June 25, 1998. Motion by Stobb, seconded by Fraser to approve the above listed items. All voted in favor of the motion.

Mr. Rialson questioned the status of the house on Craig Avenue that had a fire. The City Administrator reported that the renovation schedule was established by the Court and will be inspected to verify compliance.

There being no further business, Rialson moved and Berndt seconded to adjourn. All voted in favor of the motion at 8:50 p.m.

ATTEST:

City Administrator

Mayor

The regular meeting of the Tracy City Council was called to order at 7:30 p.m., Monday, July 27, 1998 in the Council Chambers of the Municipal Building. The following Council members were present: J. Almlie, B. Nelson, M. Fraser, D. Berndt, J. Otto-Arvizu, M. Rialson and R. Stobb. Also present were staff members: A. Koopman, D. Polzine and J. Kerr.

The Mayor asked for any additions or corrections to the minutes for July 13, 1998. Motion by Rialson, seconded by Fraser to approve said minutes as written. All voted in favor of the motion.

The Mayor asked for any additions or deletions to the agenda. The following addition was made: (5D) Request for a temporary on-sale intoxicating liquor license : Deer Hunters Association. Motion by Fraser, seconded by Rialson to approve the agenda as now written. All voted in favor of the motion.

Con Rettmer, representing the Chamber of Commerce, submitted the following requests for Box Car Days:

- 1) To authorize Chuck's Amusement to operate during the Labor Day weekend and to waive the license fee.
- 2) To authorize the use of the City Park for the Concert In The Park following the parade on Monday, September 7th and that electricity be provided in the band shell for this event.
- 3) To authorize the use of the city parking lot for the Beer Garden from Friday, September 4 at 6:00 a.m. until Tuesday, September 8, at 7:00 p.m. for the beer tent set up, operation and dismantling and clean up during the time listed.
- 4) Grant a beer license for said Beer Garden.
- 5) To authorize the use of the City water truck, road grader and bleachers from the pool softball fields to be used at the State Plowing Contest.
- 6) To authorize the use of the Central Park for a Kid's Day on Saturday, September 5th from 12 noon until 3:00 p.m.

STREET CLOSURE REQUESTS:

- 1) KIDDIE PARADE-Saturday, September 5, 2nd Street from Emory to Rowland.
- 2) GRAND PARADE-Monday, September 7. - E. Hollett from 4th E. to 1st E.; 1st E. from Hollett to Emory and 1st E. to 2nd Street; Park and 2nd from Morgan to Center from 9:00 a.m. to 5:00 p.m. Parade Route - Emory from 2nd to 6th; 6th from Emory to Morgan; Morgan from 6th to 2nd; 2nd from Morgan to Emory from 10:00 a.m. until 3:30 p.m.
- 3) CARNIVAL-South Street from 4th to 2nd; closed 6:00 p.m. Friday, September 4 through Midnight Monday, September 7th; 3rd Street from Morgan to South closed 6:00 p.m. Friday, September 4 through Midnight Monday, September 7th; 3rd Street from alley to Morgan closed noon Saturday September 5, alley by Senior Center to 4th Street closed 5:00 p.m. Saturday, September 5 through Monday, September 7th.

Motion by Rialson, seconded by Stobb to approve the above listed requests. All voted in favor of the motion.

The Chamber of Commerce also submitted a request for an on sale non-intoxicating malt liquor license for September 4th through the 7th. Motion by Stobb, seconded by Fraser to grant said request. All voted in favor of the motion.

The following businesses requested renewal of their licenses:

OFF SALE NON-INTOXICATING MALT LIQUOR

Food N Fuel
Tracy Eagles Club
Sander's Eastside
Tracy Lanes

ON SALE NON-INTOXICATING MALT LIQUOR

Tracy Eagles Club
Sander's Eastside
Tracy Lanes
Hollywood Ballroom
Pizza Barn

Motion by Rialson, seconded by Fraser to grant the above listed licenses. All voted in favor of the motion.

Steve Knott, representing the Deer Hunters Association, submitted a request for an temporary on sale intoxicating liquor license. He explained that as a non-profit organization they will apply for the license and contract with the Municipal Liquor Store to provide the liquor for their banquet. Motion by Rialson, seconded by Nelson to grant a temporary on sale intoxicating liquor license, contingent on approval from the Department of Public Safety. All voted in favor of the motion.

The Mayor opened the hearing to public testimony at 7:45 p.m. on an ordinance amending City Code Section 9.22 CIVIL SERVICE COMMISSION. Paul Knoblauch stated that he has reviewed the proposed amendment and said that he felt that the word employment should be used rather than hiring that was proposed. He also questioned who would set policy, establish guidelines, determine terms of employment, and issue reprimands if needed for the Chief if Subdivision 7 is amended. He contended that he would like to see a common sense approach used and not allow personalities to interfere with the final decision. He also stated if there is going to be a change, the terms and policies should be clearly spelled out. Homer Dobson reiterated comments he made at the last meeting concerning personalities. He stated that he did not believe that any one was trying to undermine the Chief, nor was any one trying to remove him from office as has been rumored. He questioned the benefit of comparing Tracy to other communities and suggested that the Council make a decision on what's best for the City of Tracy. He noted if it takes another commission, while maintaining the Police Commission, then each commission's responsibilities have to be clearly outlined. He didn't think it was necessary to have a commission overlooking the day to day operations, but he did feel it was necessary to have a commission that could work with the police department, and the department work with the commission and that is in effect right now. The commission relative to police matters is a must and is a protection for the police chief and his officers, plus a protection for the City and the Council members. Ruth Carlson felt that the Chief should take care of daily things. Lorraine Radke stated that she hoped that this matter could be resolved in a way that would be satisfactory for all concerned. The hearing was then closed to public testimony and referred to the Council for their consideration. Mr. Kerr stated that he hoped that we always have the best interest of the City in mind. He explained that he does not have a personal agenda, but he does have a very strong feeling to enforce the law. The end must justify the means and the means must be legal and reasonable. He reviewed several Attorney General opinions and concluded that if the Council, by the proposed amendment limits the powers of the Police Commission, it is a complete contradiction of three specific provisions of MS 419. He contended that the proposed amendment is improper legislation and should not be adopted by the City Council. He also referred to Marshall's Police Commission and contended that we are dealing with apples and oranges using them as a comparison. The Civil Service Ordinance adopted by the Council in 1976 spells out exact duties of the Commission and the only way to abolish the Commission is by a vote of the people. He reiterated that it has never been the intent of the Commission to interfere in the day to day operation of the department, however, there needs to be someone providing overview of the department, especially when they hear a complaint. After some discussion, Stobb moved and Fraser seconded to direct the City Attorney, City Administrator and Police Chief to come up with a solution so there is no question on the legality and submit a report to the Council no later than September 28, 1998. All voted in favor of the motion.

Homer Dobson commended the Street and Fire Department for their efforts in removing the trees that were damaged in the last storm.

A resolution approving Change Order No. 1 for the Slide Gate Replacement was introduced. Motion by Stobb, seconded by Fraser to adopt said resolution. All voted in favor of the motion. (Res. No. 1998-56)

A resolution approving payment to Robert L. Carr Co. for Slide Gate replacement was introduced. Motion by Fraser, seconded by Berndt to adopt said resolution. All voted in favor of the motion. (Res. No. 1998-57)

The Consent Calendar included the following: Economic Development Authority minutes for June 26, 1998, Multi-Purpose minutes for July 13, 1998, Police Commission minutes for July 9, 1998 and Municipal Accounts Payable. Motion by Berndt, seconded by Nelson to approve the above listed items. All voted in favor of the motion.

The City Administrator informed the Council that the Ditch Viewers will hold public meetings on August 20 and 21, 1998 from 9:00 a.m. to 12:00 p.m. and 1:00 p.m. to 4:00 p.m. for individuals to review their proposed ditch assessment.

The City Administrator reported on a meeting she attended with Representative Winter, Representative Schumacher and Senator Stevens, plus representatives from the Cities of Zimmerman and Dawson. These communities are also experiencing wastewater treatment problems and suggested uniting together to seek special legislation for necessary funding. She noted that because Tracy's problem is unique, we may still have to seek our own special legislation.

The Mayor informed the Council that the Lyon County Historical Society will make their building available to public officials during the Lyon County Fair.

There being no further business, Rialson moved and Nelson seconded to adjourn. All voted in favor of the motion at 8:38 p.m.

ATTEST:

City Administrator

Mayor

August 10, 1998

The regular meeting of the Tracy City Council was called to order at 7:30 p.m., Monday, August 10, 1998 in the Council Chambers of the Municipal Building. The following Council members were present: J. Almlie, B. Nelson, M. Fraser, M. Rialson and R. Stobb. Members absent: D. Berndt and J. Otto-Arvizu. Also present : A. Koopman and J. Kerr.

The Mayor asked for any additions or corrections to the minutes for July 27, 1998. Motion by Rialson, seconded by Fraser to approve said minutes as written. All voted in favor of the motion.

The Mayor asked for any additions or deletions to the agenda. The following addition was made: (5a) Purchase of scholarship print - B. Bolin. Motion by Nelson, seconded by Fraser to approve the agenda as now written. All voted in favor of the motion.

Bill Bolin informed the Council on a print entitled "Going Home" which is being sold to generate funds designated for scholarships for the decedents of the indians who saved some white families that resided in this area in 1862. The costs of the print is \$125.00. Motion by Nelson, seconded by Fraser to authorize a donation to Sioux Falls Area Foundation in the amount of \$125.00 for the purchase of said print. All voted in favor of the motion.

The City Administrator reported that the Planning Commission requested quotes from a number of contractors to repair the Bandshell roof. Only one quote was received from Busswitz Roofing. The quote included an amount of \$400 to \$850 to replace roof and decking material, however the Commission was unclear whether this amount was included in the total bid of \$2,475. After verification, Busswitz agreed to repair the entire roof for a cost not to exceed \$3,075. The Planning Commission recommended repairing the roof for a cost not to exceed \$3,000. After a brief discussion, Fraser moved and Stobb seconded to approve the repair of the Bandshell roof in an amount not to exceed \$3,075. All voted in favor of the motion.

The following bids were received, opened and tabulated for the 1998 Street Improvement Project:

Duininck Bros. Prinsburg, MN	\$415,523.15
McLaughlin & Schulz Marshall, MN	\$534,408.65

The engineers estimate equaled \$461,725.68 and they recommended accepting the low bid submitted by Duninick Bros. in the amount of \$415,523.15. Motion by Rialson, seconded by Nelson to adopt a resolution accepting the low bid submitted by Duninick Bros. in the amount of

\$415,523.15. All voted in favor of the motion. (Res. No. 1998-58)

Motion by Rialson, seconded by Nelson to adopt a resolution calling for the sale of bonds in the amount of \$560,000.00 for the 1998 Street Improvement Project. All voted in favor of the motion. (Res. No. 1998-59)

A resolution approving payment to Bob Bode Construction in the amount of \$37,634.64 for work completed on the 10th Street/Rowland Street water line was introduced. Motion by Stobb, seconded by Fraser to adopt said resolution. All voted in favor of the motion. (Res. No. 1998-60)

The Consent Calendar included the following: Cemetery Commission minutes for July 23, 1998, Economic Development Authority minutes for July 17, 1998, Firemen’s Relief Association minutes for August 3, 1998 and Municipal Accounts Payable. Motion by Stobb, seconded by Rialson to approve the above listed items. All voted in favor of the motion.

Jan Otto-Arvizu arrived at 7:53 p.m.

The Department Heads submitted their 1999 Budget requests. No action was taken.

There being no further business, Rialson moved and Nelson seconded to adjourn. All voted in favor of the motion at 8:26 p.m.

ATTEST:

City Administrator

Mayor

August 24, 1998

The regular meeting of the Tracy City Council was called to order at 7:30 p.m., Monday, August 24, 1998 in the Council Chambers of the Municipal Building. The following Council members were present: J. Almlie, B. Nelson, M. Fraser, J. Otto, M. Rialson and R. Stobb. Members absent: D. Berndt. Also present were staff members: A. Koopman, D. Polzine and J. Kerr.

The Mayor asked for any additions or corrections to the minutes for August 10, 1998. Motion by Fraser, seconded by Stobb to approve said minutes as written. All voted in favor of the motion.

The Mayor asked for any additions or deletions to the agenda. The following additions were made: (5E) EDA appointment; (7B) A resolution payment to Robert L Carr Company for work completed on the Slide Gates and (8E) Monthly Financial Report. Motion by Rialson, seconded by Nelson to approve the agenda as now written. All voted in favor of the motion.

The Planning Commission recommended granting a variance to Dennis Peterson, 772 Easy Street to construct a garage with a seven foot side yard. Motion by Nelson, seconded by Fraser to approve the Planning Commission's recommendation to grant said variance. All voted in favor of the motion.

Scott Wood, Wood's Plumbing and Heating, Balaton, MN submitted an application for a plumbing license. Motion by Rialson, seconded by Nelson to grant said license. All voted in favor of the motion.

Motion by Fraser, seconded by Stobb to appoint Marlene Buck to fill the unexpired term of Bernie Holm on the Cemetery Commission. All voted in favor of the motion.

Motion by Rialson, seconded by Nelson to approve the Election Judges slate for the Primary Election. All voted in favor of the motion.

Motion by Rialson, seconded by Otto to appoint Ivan VanEssen to fill the unexpired term of Scot Nelson on the Economic Development Authority Board. All voted in favor of the motion.

A resolution approving budgeted transfer in the amount of \$7,800 from Licensing to the Sidewalk Improvement Fund was introduced. Motion by Fraser, seconded by Nelson to adopt said resolution. All voted in favor of the motion. (Res. No. 1998-61)

A resolution approving payment to Robert L Carr Company for work completed on the Slide Gates was introduced. Motion by Nelson, seconded by Otto to adopt said resolution. All voted in favor of the motion. (Res. No. 1998-62)

The Consent Calendar included the following: Multi-Purpose Center minutes for August 10, 1998, Cemetery Commission minutes for August 13, 1998, Municipal Accounts Payable, Planning Commission minutes for August 3, 1998 and Monthly Financial Report. Motion by Rialson, seconded by Nelson to approve the above listed items.

The City Administrator submitted her 1999 budget recommendations. She reported that the proposed budget includes a 3.1% increase for the General Fund, however, the overall levy will increase 16.8% due primarily to the 1998 Street Improvement Bond. No action was taken.

There being no further business, Rialson moved and Nelson seconded to adjourn. All voted in favor of the motion at 7:58 p.m.

ATTEST:

City Administrator

Mayor

September 14, 1998

The regular meeting of the Tracy City Council was called to order at 7:30 p.m., Monday, September 14, 1998 in the Council Chambers of the Municipal Building. The following Council members were present: J. Almlie, B. Nelson, M. Fraser, D. Berndt, J. Otto-Arvizu, M. Rialson and R. Stobb. Also present were staff members: A. Koopman, D. Polzine and J. Kerr.

The Mayor asked for any additions or corrections to the minutes for August 24, 1998. Motion by Fraser, seconded by Nelson to approve said minutes as written. All voted in favor of the motion.

The Mayor asked for any additions or deletions to the agenda. The following additions were made: (4F) A resolution approving transfer of funds; (6B) Request for authorization to purchase a salt spreader : D. Polzine and (10B) M. Rialson comments. Motion by Rialson, seconded by Nelson to approve the agenda as now written. All voted in favor of the motion.

A resolution awarding the sale of \$560,000 General Obligation Improvement Bonds, Series 1998C for the City of Tracy, Minnesota was introduced. Rusty Fifield, Ehlers and Associates, informed the Council that the following bids were received:

NAME OF BIDDER	PRICE	NET INTEREST COST	TRUE INTEREST RATE
John G. Kinnard & Company Minneapolis, MN	\$554,008.00	\$155,593.67	4.4626%
United Bankers' Bank Bloomington, MN	\$555,800.00	\$156,053.33	4.4654%
R.J. Steichen & Co. Minneapolis, MN	\$552,776.00	\$155,827.46	4.4738%
Cronin & Company, Inc. Minneapolis, MN	\$553,140.00	\$165,140.00	4.7392%

Mr. Fifield recommended accepting the low bid from John G. Kinnard & Company with a true interest rate of 4.4626%. Motion by Rialson, seconded by Stobb to adopt a resolution awarding the sale of \$560,000 General Obligation Improvement Bonds, Series 1998C; Fixing their form and specifications; directing their execution and delivery; and providing for their payment. All voted in favor of the motion. (Res. NO. 1998-61)

A resolution increasing pledged securities at Tracy State Bank was introduced. Motion by Nelson, seconded by Berndt to adopt said resolution. All voted in favor of the motion. (Res. No. 1998-62)

A resolution approving change in pledged securities at 21st Century Bank was introduced. Motion by Fraser, seconded by Stobb to adopt said resolution. All voted in favor of the motion. (Res. No. 1998-63)

A resolution approving pay estimate No. 2 for the 10th Street/Rowland Street water line was introduced. Motion by Rialson, seconded by Fraser to adopt said resolution. All voted in favor of the motion. (Res. No. 1998-64)

A resolution approving payment to Duininck Bros. for work completed on the 1998 Street Improvement Project was introduced. Motion by Nelson, seconded by Rialson to adopt said resolution. All voted in favor of the motion. (Res. No. 1998-65)

A resolution approving transfer of funds was introduced. Motion by Nelson, seconded by Fraser to adopt said resolution. All voted in favor of the motion. (Res. No. 1998-66)

Jim Kerr reported on the Police Department recommendations. He referenced a meeting held on August 4th where the Chief, City Attorney and Administrator agreed that a Public Safety Commission would be an acceptable format, however, at the August 27th meeting, the Chief concluded that no Commission was necessary and that it would be just another layer of bureaucracy. Both the City Administrator and Attorney recommended establishing a Public Safety Commission which would remove from the Tracy Police Civil Service Commission powers which the Council determined should not be in their authority and control. Chief Hillger proposed the following:

1. The City Council approves and adopts the latest MN Attorney General's opinion concerning the Powers and Duties of the Tracy Police Civil Service Commission.
2. At the same time, the Council adopts a policy which would allow the Police Commission to act as an advisory board on other police-related matters, if the Council requests the Commission to make a recommendation(s) and only if the Commission agrees to or chooses to take on this added duty on a case by case basis.

Motion by Rialson, seconded by Nelson to adopt the Attorney General's opinion. Mr. Kerr then requested authorization to comment on Chief Hillger's recommendation. Mr. Rialson called for a point of order stating that the Council did not request a legal opinion and the issue should be discussed only by the Council. Mr. Kerr pointed out that he was appointed to the committee and was submitting his report. The Mayor allowed Mr. Kerr to proceed. He informed the Council that a clearly defined method to administer the Police Department and clarification of the chain of command would be accomplished by the adoption of an ordinance establishing a Public Safety Commission. He contended that if there is no continuing policy expressed in an ordinance regarding the Department, the Department will not only lack direction but permit the practice of subjective versus objective interpretation of duties and/or goals. Supervision for all practical purposes will not be consistent and, very well, could become non-existent. He suggested that the Commission consist of three to five members. Mr. Stobb stated that if a commission is established, it should consist of representatives from the ambulance and fire department. A brief discussion followed on establishing an emergency plan. Chief Hillger contended that he is in the process of establishing a Safety Committee to develop an emergency plan. He acknowledged that we do not currently have a plan in place. The City Administrator questioned where citizens can direct their concerns on issues relating to the police department but do not involve disciplinary action. She emphasized that it can be very intimidating to present their concerns before the entire City Council on live television. Chief Hillger pointed out that the public can contact individual Council members with their concerns. The City Administrator contended that if action is required on an issue, it will have to be presented to the Council as one body, because they can not act individually. Mr. Stobb expressed disappointment that the three individuals directly involved with the issue could not reach an agreement and he did not know

who to support. The City Administrator tried to emphasized the importance of removing the personalities from this issue and making a decision based solely on what is best for our community. Mr. Rialson pointed out that the City Attorney over stepped his bounds by suggesting a Public Safety Commission. He was never directed by the Council to pursue this. Mr. Kerr pointed out that if the Council is willing to accept the Attorney General’s opinion, it limits the powers of the Police Commission. Currently the Council does not have standards to judge the department by and stressed that what action he has taken he did in the best interest of the City. He noted that the Council, as appointing authority, will submit complaints to the Police Commission and questioned how the Commission can judge without rules to go by. Some Council members felt that the job descriptions already define the rolls of the City Administrator and Police Chief. The following vote on the motion to adopt the Attorney General’s opinion was recorded: voting aye: Berndt, Fraser, Nelson, Rialson and Almlie; voting nay: Otto-Arvizu; abstain: Stobb. The motion carried.

Motion by Rialson, seconded by Nelson to adopt a policy which would allow the Police Commission to act as an advisory board on other police-related matters, if the Council requests the Commission to make a recommendation(s) and only if the Commission agrees to or chooses to take on this added duty on a case by case basis. Mr. Kerr stated that he wanted to go on record that this action is not permitted legislation. All voted in favor of the motion.

Mark Vaglahf, Lyon County Economic Development Director, gave a brief overview of assistance and direction he has provided to businesses within the County. No action was taken.

Don Polzine presented the following quotes received for a salt spreader:

Northern Truck Equipment Corp. Sioux Falls, SD	\$3,189.68
Crysteel Truck Equipment Lake Crystal, MN 56055	\$3,033.12

Motion by Fraser, seconded by Rialson to accept the low quote submitted by Crysteel Truck Equipment in the amount of \$3,033.12. All voted in favor of the motion.

The Consent Calendar included the following: Economic Development Authority minutes for August 14, 1998, Police Commission minutes for August 27, 1998, Monthly Financial Report, Fireman’s Relief Association minutes for September 8, 1998 and Municipal Accounts Payable. Motion by Nelson, seconded by Berndt to approve the above listed items. All voted in favor of the motion.

The 1999 budget was briefly reviewed. Motion by Rialson, seconded by Stobb to adopt a resolution adopting the proposed tax levy for 1999 as follows:

\$234,734	Bonded Indebtedness
\$ 10,000	Permanent Improvement
<u>\$139,389</u>	General Fund
\$384,123	TOTAL LEVY

All voted in favor of the motion. (Res. No. 1997-67)

Motion by Fraser, seconded by Nelson to establish December 8, 1998 as the date for the Truth In Taxation hearing and December 14, 1998 for the continuation hearing if one is necessary with both meetings beginning at 7:30 p.m. All voted in favor of the motion.

Don Polzine informed the Council that the water way in the Industrial Park is complete. A total of 75% of the cost will be reimbursed through the Soil and Water Conservation office. The total cost of this project equaled \$5,105.85. Motion by Nelson, seconded by Rialson to approve payment to G&B Construction in the amount of \$5,105.85 for reshaping the water way in the

Industrial Park. All voted in favor of the motion.

The Council was informed that the Regional League meeting is scheduled in Marshall on October 20, 1998 at the Country Club. A copy of the agenda will be included the Council's next agenda packet.

Mr. Rialson reported on the positive comments he heard on the new lights at the softball fields from the out of town teams that participated in the softball tournament. He suggested that more trees are needed in the softball park.

There being no further business, Rialson moved and Nelson seconded to adjourn. All voted in favor of the motion at 8:58 p.m.

ATTEST:

City Administrator

Mayor

September 28, 1998

The regular meeting of the Tracy City Council was called to order at 7:30 p.m., Monday, September 28, 1998 in the Council Chambers of the Municipal Building. The following Council members were present: J. Almlie, B. Nelson, M. Fraser, M. Rialson and R. Stobb. Members absent: J. Otto-Arvizu and D. Berndt. Also present were staff members: A. Koopman and J. Kerr.

The Mayor asked for any additions or corrections to the minutes for September 14, 1998. Motion by Fraser, seconded by Nelson to approve said minutes as written. All voted in favor of the motion.

The Mayor asked for any additions or deletions to the agenda. The following additions and deletions were made: DELETE:(4A) Ordinance adopting the Uniform Fire Code and ADD: (7B) A resolution calling for a hearing on the 1998 Street Improvement Project; and (10B) Comments: M. Rialson. Motion by Stobb, seconded by Fraser to approve the agenda as now written. All voted in favor of the motion.

The City Administrator informed the Council that St. Mary's Church requested a variance to allow for the placement of a commercial heating/cooling unit within six inches of the City's right of way. The Planning Commission recommended granting said variance with the City being released from liability if damage is done while maintaining the alley. Motion by Stobb, seconded by Rialson to accept the Planning Commission's recommendation to grant said variance. All voted in favor of the motion.

The City Administrator reported that Lanny Iverson requested a variance to construct a garage with an eight foot rear yard, whereas the Zoning Ordinance requires a twenty foot rear yard set back. The Commission found that Mr. Iverson could not claim undue hardship due to the size of his lot and recommended denying said variance. Motion by Stobb, seconded by Fraser to approve the Planning Commission's recommendation to deny said variance request. All voted in favor of the motion.

Mr. Stobb noted that the Commission may have to address the definition of rear yard and side yard sometime in the future.

A resolution approving a change order for the 1998 Street Improvement Project was introduced. Motion by Fraser, seconded by Rialson to adopt said resolution. All voted in favor of the motion. (Res. No. 1998-70)

A resolution calling for a hearing on the 1998 Street Improvement Project was introduced. Motion by Rialson, seconded by Nelson to adopt a resolution scheduling said hearing on Monday, October 26, 1998 at 7:35 p.m. All voted in favor of the motion. (Res. No. 1998-71)

The Consent Calendar included the following: Police Commission minutes for September 10, 1998, Multi-Purpose Center minutes for September 14, 1998, Cemetery Commission minutes for September 17, 1998, Municipal Accounts Payable, Planning Commission minutes for September 8, 1998, Economic Development Authority minutes for September 14, 1998 and Election Judges Slate. Motion by Nelson, seconded by Fraser to approve the above listed items. All voted in favor of the motion.

Tom Quinlivan, Hospital Administrator presented the Hospital and O'Brien Court audit. Motion by Stobb, seconded by Nelson to accept the audit for the Hospital. All voted in favor of the motion.

Motion by Nelson, seconded by Fraser to accept the audit for O'Brien Court. All voted in favor of the motion.

The 1999 Budget was briefly discussed. No action was taken.

The City Administrator informed the Council that interviews were conducted for the Head Librarian and the Assistant Librarian. The interview board recommended hiring Vicky Olson as the Head Librarian and Lynn Peterson as the Assistant Librarian. Motion by Fraser, seconded by Nelson to accept the recommendation to hire both Vicky Olson and Lynn Peterson. All voted in favor of the motion.

The City Administrator reminded the Council that the Regional League meeting is scheduled on October 20th at the Marshall Country Club. Any one interested in attending was directed to notify her office prior to October 17th.

Mr. Rialson made the following comments on the City Attorney's behavior at the September 14th Council meeting. He stated that after the motion was made by Council, Mr. Kerr had no right to be heard. He's not a Council member, no one asked him for legal advice and no legal opinion was needed. He considered his actions a violation in parliamentary procedure. After Mr. Stobb made a statement he disagreed, with Mr. Kerr began questioning him. One woman said it sounded like Russ was a criminal under cross examination. He has an attitude that when he speaks to someone, he really goes after him and that is what he did with Russ. He made reference to Mr. Kerr slamming the door when he left the meeting and suggested that he was sure he could have closed it more quietly. He was told that people who watched the meeting on TV even heard the door slam. In his opinion, the action and behavior of the City Attorney were very unprofessional. He believed that the Mayor and Council members deserve more respect from the City Attorney than he demonstrated on September 14th. Mayor Almlie acknowledged that he was sure they were all uncomfortable during this situation and apologized if he did not control it. He did feel that Mr. Kerr had an adversarial attitude when he was addressing Mr. Rialson and Mr. Stobb. He felt that Mr. Kerr was very anxious to serve the City and hoped that we could expect better service than we witnessed that night. Mr. Stobb stated that he didn't think that intimidation attempts should affect anyone's decisions or vote on this Council. No action was taken.

There being no further business, Rialson moved and Nelson seconded to adjourn. All voted in favor of the motion at 8:00 p.m.

The remainder of the meeting was closed to the public to discuss strategy for union negotiations.

ATTEST:

October 12, 1998

The regular meeting of the Tracy City Council was called to order at 7:30 p.m., Monday, October 12, 1998 in the Council Chambers of the Municipal Building. The following Council members were present: J. Almlie, B. Nelson, M. Fraser, D. Berndt, M. Rialson and R. Stobb. Members absent: J. Otto-Arvizu. Also present were staff members: A. Koopman and J. Kerr.

The Mayor asked for any additions or corrections to the minutes for September 28, 1998. Motion by Fraser, seconded by Stobb to approve said minutes as written. All voted in favor of the motion.

The Mayor asked for any additions or deletions to the agenda. The following addition was made: (7D) A resolution approving payment to Duininck Bros. Motion by Stobb, seconded by Fraser to approve the agenda as now written. All voted in favor of the motion.

A resolution approving a special law relating to PERA contributions for Tracy Municipal Hospital Employees was introduced. Mr. Kerr informed the Council that the adoption of a resolution approving this law is required before it becomes effective. After a brief discussion, Stobb moved and Fraser seconded to adopt said resolution. All voted in favor of the motion. (Res. No. 1998-72)

A resolution approving application for a gambling permit for the American Legion was introduced. Motion by Rialson, seconded by Stobb to adopt said resolution. All voted in favor of the motion. (Res. No. 1998-73)

A resolution authorizing the transfer of funds was introduced. Motion by Fraser, seconded by Berndt to adopt said resolution. All voted in favor of the motion. (Res. No. 1998-74)

A resolution approving payment to Duininck Bros. Inc. for work completed on the 1998 Street Improvement Project was introduced. Motion by Rialson, seconded by Fraser to adopt said resolution. All voted in favor of the motion. (Res. No. 1998-75)

The Consent Calendar included the following: Monthly Financial Report, Fireman's Relief Association minutes for October 5, 1998 and Municipal Accounts Payable. Motion by Fraser seconded by Nelson to approve the above listed items. All voted in favor of the motion.

The 1999 Budget was again submitted for the Council's review. No action was taken.

The City Administrator reminded the Council that anyone planning to attend the Regional League meeting in Marshall on October 20th was instructed to contact her office by tomorrow.

The City Administrator informed the Council that the revisions to the gym lease agreement with the High School was distributed tonight and will be placed on the next agenda for final approval.

The remainder of the meeting was closed to discuss strategy for union negotiations and personnel issues.

There being no further business, Rialson moved and Nelson seconded to adjourn. All voted in favor of the motion at 8:10 p.m.

ATTEST:

City Administrator

Mayor

October 26, 1998

The regular meeting of the Tracy City Council was called to order at 7:30 p.m., Monday, October 26, 1998 in the Council Chambers of the Municipal Building. The following Council members were present: J. Almlie, B. Nelson, M. Fraser, D. Berndt, J. Otto-Arvizu, M. Rialson and R. Stobb. Also present were staff members: A. Koopman, D Polzine and J. Kerr.

The Mayor asked for any additions or corrections to the minutes for October 26, 1998. Motion by Nelson, seconded by Fraser to approve said minutes as written. All voted in favor of the motion.

The Mayor asked for any additions or deletions to the agenda. The following additions were made: (5B) Pfannschmidt nuisance report and (11 A-1) Special meeting to canvass the election. Motion by Fraser, seconded by Rialson to approve the agenda as now written. All voted in favor of the motion.

The Consent Calendar included the following: Planning Commission minutes for October 5, 1998, Police Commission minutes for October 8, 1998, Multi-Purpose Center minutes for October 12, 1998 and Municipal Accounts Payable. Motion by Rialson, seconded by Fraser to approve the above listed items. All voted in favor of the motion.

The Mayor opened the hearing to public testimony at 7:35 p.m. on the 1998 Street Improvement Project. Eric Wharton, RLK Kuusisto Engineering informed the public that the project has gone very well. Testing has been done through out the project and he indicated that they had good quality control at the bituminous plant. He provided the following changes in the final assessment rate compared to the preliminary assessment rate:

	Preliminary	Final
Overlay	\$5.16	\$ 4.00
New Curb & Gutter	\$11.48	\$12.26
Reconstruction	\$35.97	\$35.87

The contractor guaranteed that the seeding would be germinated by next spring. Manley Rolland, 132 Union Street, contended that they should receive a reduction in their assessment on Union Street because it was a designated haul route during the construction of the storm sewer and O'Brien Court. Deb Ohman, 224 Union Street, also requested that they receive some concession on their assessment and reminded the Council of a letter she presented at the preliminary hearing signed by property owners along Union Street objecting to having to pay the full amount of their assessment. Norma Emerson, 285 5th Street, questioned if she was being assessed for the storm sewer. Janice Dunk 212

Union Street questioned the cracking that appears in the street. Mr. Wharton responded that reflective cracking is a common occurrence in overlays. Mr. Polzine was asked to provide a recommendation concerning an adjustment for the Union Street assessments. He stated, normally streets are overlaid between 15 to 20 years. Union Street was reconstructed in 1984. He suggested that the life of the street was reduced between 25% to 1/3 and recommended those percentages be used to reduce the assessments. Mr. Polzine also noted that the City already absorbs 75% of the total cost of an overlay. The City Administrator stated that no written objections to file an appeal were received in her office. The hearing was then closed to public testimony and referred to the Council for their consideration. A discussion followed how much the life of Union Street was reduced with it being designated as a haul route. Motion by Rialson, seconded by Nelson to reduce the assessments for the overlay on Union Street by 35%. All voted in favor of the motion.

Motion by Stobb, seconded by Nelson to adopt a resolution adopting the amended assessment roll for Union Street and the remainder of the assessment roll as presented. All voted in favor of the motion. (Res. No. 1998-76)

Mr. Kerr reviewed the proposed agreement with School District #417 to lease the Prairie Pavilion through the year 2011. Motion by Stobb, seconded by Berndt to adopt a resolution entering into an agreement with School District #417 to lease the Prairie Pavilion. All voted in favor of the motion. (Res. No. 1998-77)

Mr. Kerr reported that Judge George Harrelson has submitted an order to Heidi Pfannschmidt allowing her one month to basically clean up her property. The order also addresses future violations. Mr. Kerr reminded the Council that we still have to follow the City's nuisance ordinance, however, after the time limit has expired a list of violations can be provided to the Court. He also suggested that legal fees associated with this case be submitted for reimbursement.

Mr. Wharton briefly updated the Council on various projects. He noted that the repair of the pond structure came in on budget and on schedule. The rip rap has also been reduced in size. MPCA reviewed the project and approved the way it looked at that point and they have been requested to provide written verification that it is now in compliance. The water main on 10th and Rowland Street is complete. South Street project is making good progress and felt that the City will benefit in the long run from the drainage improvements that are being made. He noted a certain amount of progress being made in the funding of the storm sewer separation project. The City qualifies for low interest loan this coming year and will continue to seek special legislation to secure the necessary funding.

Mr. Wharton noted that when the Council installed the storm sewer on 8th Street, the remainder of the street showed strong evidence of wear. Last Friday the staff ordered a 1-1/2 inch overlay on 8th Street from South to Harvey Street to improve the rideability of the street and avoid resident complaints. We will try to get the County to share in the cost. The cost of this improvement including three castings equaled \$6,363.40. Motion by Stobb, seconded by Berndt to ratify the staff's action and approve the additional project cost. All voted in favor of the motion.

The City Administrator informed the Council that an agreement has been reached with the Police Union (LELS). The agreement included a 3% salary increase in 1999 and 3% in 2000. Uniform allowance was increased \$25.00 in 1999 plus an additional \$25.00 in 2000. They also agreed to include the requirement that a new employee has to be employed six (6) months before becoming eligible to receive a floating holiday and personal leave day. Motion by Rialson, seconded by Berndt to approve the LELS contract through the year 2000. All voted in favor of the motion.

A resolution approving payment to Duininck Construction, Inc. in the amount of \$61,679.94 for work completed on the 1998 Street Improvement Project was introduced. Motion by Fraser, seconded by Stobb to adopt said resolution. All voted in favor of the motion. (Res. No. 1998-78)

A resolution approving payment to Mathiowetz Construction Co. in the amount of \$6,935.00 for work completed on the lagoons was introduced. Motion by Rialson, seconded by Nelson to adopt said resolution. All voted in favor of the motion. (Res. No. 1998-79)

A resolution appointing Y2k Coordinator was introduced. Motion by Nelson, seconded by Stobb to adopt said resolution. All voted in favor of the motion. (Res. No. 1998-80)

A resolution establishing the gym usage policy was introduced. A brief discussion followed on smoking restrictions. The Council agreed that prior approval will be required before smoking will be allowed and shall be restricted to the garage area only. Motion by Stobb, seconded by Otto-Arvizu to adopt said resolution. All voted in favor of the motion. (Res. No. 1998-81)

The 1999 Budget was again submitted for review. No action was taken.

The Council scheduled a special Council meeting on Wednesday, November 4, 1998 at 11:30 a.m. to canvass the election.

There being no further business, Nelson moved and Rialson seconded to adjourn. All voted in favor of the motion at 9:28 p.m.

ATTEST:

City Administrator

Mayor

November 4, 1998

A special meeting of the Tracy City Council was called to order at 11:40 p.m., Wednesday, November 4, 1998 in the Council Chambers of the Municipal Building. The following Council members were present: J. Almlie, D. Berndt, R. Stobb and M. Fraser. Members absent: J. Otto Arvizu, M. Rialson and B. Nelson. Also present: A. Koopman.

Motion by Berndt, seconded by Fraser to adopt a resolution certifying that the General Election was in all respects duly and legally conducted on November 3, 1998 and that the following results for Mayor and City Council were canvassed and officially counted:

MAYOR

NAME	TOTAL
Claire Hannasch	564
Kenneth Anderson	281

WRITE INS:

Paul Knoblauch	3
Darold Goettig	2
Marvin Rialson	2
Mike Fraser	1
Lucy Almlie	1
Rollie Johnson	1
Gassy Verdick	1
Bob Rau	1
Roy Bjorklund	1
John Almlie	1
Bill Tauer	1
Russ Stobb	1

CITY COUNCIL

NAME	TOTAL
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Russell Stobb	760
Jan Otto Arvizu	615
Brad Nelson	596

WRITE INS:

Paul Knoblauch	13
Jack Schaefer	4
Deann Vogl	1
Julie Nelson	2
Marvin VanAcker	3
Claire Hannasch	1
Dave Borchard	1
Brent Larson	2
Darold Goettig	2
Gary Tholen	1
Dick Stelter	1
Terry Scharr	1
Gloria Hamilton	4
Ray Peterson	2
Bernie Holm	2
Marv Rialson	1
Arlen Thomas	2
Ken Drever	1
Roger Kiihn	1
Steve Rundle	2
Mike Fraser	1
Doug Sanders	2
Ken Anderson	2
Maureen Jackson	1
Mike Rose	2
Steve Almlie	3
Thad Lessman	1
John Carlson	2
Kurt Enderson	2
Robert Caron	1
W. Apostol	1
Tom Vershey	1
Dave Scott	1
Bettie Johnston	1
Bob Nelson	1
John Almlie	3
Archie Daniels	1
Dan Zimmansky	1
Rollie Johnson	1
Dan Anderson	2
Dale Johnson	1
John Rokke	1
Jeff Salmon	1
Homer Dobson	1
Dick Kelly	1
Dave Ohmen	1
Steve Hickman	1
Mike Andres	1
Jeri Schons	1
Tim Byrne	1
Don Christianson	3
Glenda Johnson	1

Joyce Visker	1
Donald Duck	1
Mickie Mouse	1
Santa Claus	1
Art Marben	1
Robt. Ladehoff	1
Eugene Hook	1
Jim Miller	2

Claire Hannasch is hereby declared the winner of the Mayor's position and will serve a term of four years commencing on the first meeting in January, 1999. Russell Stobb, Jan Otto Arvizu and Brad Nelson are hereby declared the winners of the City Council positions and shall serve a four year term commencing on the first meeting in January, 1999. All voted in favor of the motion. (Res. No. 1998-82)

There being no further business, the meeting was adjourned.

ATTEST:

City Administrator

Mayor

November 9, 1998

The regular meeting of the Tracy City Council was called to order at 7:30 p.m., Monday, November 9, 1998 in the Council Chambers of the Municipal Building. The following Council members were present: J. Almlie, B. Nelson, M. Fraser, J. Otto Arvizu, M. Rialson and R. Stobb. Members absent: D. Berndt. Also present were staff members: A. Koopman, D. Polzine and J. Kerr.

The Mayor asked for any additions or corrections to the minutes for October 26, 1998. Motion by Nelson, seconded by Fraser to approve said minutes as written. All voted in favor of the motion.

The Mayor asked for any additions or deletions to the agenda. The following additions were made: (4B)Pfannschmidt Nuisance Report and (10B) M. Rialson comments. Motion by Stobb, seconded by Fraser to approve the agenda as now written. All voted in favor of the motion.

The Planning Commission proposed amending the zoning ordinance to clarify the definitions of the height, lot and yard dimensions in an R-1 District. Mr. Kerr contended that the definitions are already in place in the ordinance. Further discussion was delayed until the public hearing. Motion by Stobb, seconded by Rialson to waive the first reading and set the second reading and public hearing at 7:35 p.m., Monday, November 23, 1998. All voted in favor of the motion.

The City Attorney reported that the bus parked on the Pfannschmidt property falls under the Judge's order which includes that the vehicle be made operable and not be used as a storage receptacle.

John Judkins, Fire Marshal, reported that after conducting an inspection, the house located at 348 Rowland Street either needs to be repaired or razed. It was noted that this property has become tax forfeited. After a brief discussion, Fraser moved and Stobb seconded to adopt a resolution declaring this structure to be hazardous and forward said information to the County. All voted in favor of the motion. (Res. No. 1998-83)

A resolution approving budgeted transfers was introduced. Motion by Rialson, seconded by Fraser to adopt said resolution. All voted in favor of the motion. (Res. NO. 1998-84)

A resolution approving payment to Duininck Bros., Inc. for work completed on the 1998 Street Project was introduced. Motion by Fraser, seconded by Otto Arvizu to adopt said resolution. All voted in favor of the motion. (Res. No. 1998-85)

A resolution approving transfer of funds from the 1998 Street Reconstruction Fund to the 1998 Bond Fund was introduced. Motion by Rialson, seconded by Nelson to adopt said resolution. All voted in favor of the motion. (Res. NO. 1998-86)

A resolution approving a temporary loan from the Utility Fund to the Surcharge Fund was introduced. Motion by Nelson, seconded by Rialson to adopt said resolution. All voted in favor of the motion. (Res. No. 1998-87)

A resolution approving transfer of funds from the General Fund to the Code Enforcement Fund was introduced. Motion by Stobb, seconded by Fraser to adopt said resolution. All voted in favor of the motion. (Res. No. 1998-88)

A resolution approving transfer of funds from the Surcharge Fund to the 1998 Construction Fund for underground utility replacement was introduced. Motion by Rialson, seconded by Nelson to adopt said resolution. All voted in favor of the motion. (Res. No. 1998-89)

The Consent Calendar included the following: Municipal Accounts Payable, Cemetery Commission minutes for October 22, 1998, Planning Commission minutes for November 2, 1998 and Firemen’s Relief Association minutes of November 2, 1998. Motion by Nelson, seconded by Fraser to approve the above listed items. All voted in favor of the motion.

Otto Arvizu referenced the Planning Commission minutes concerning the lack of visible progress being made to sell the Eastview Lots. She acknowledged the Planning Commission’s previous recommendation to identify the sale of these lots as a high priority and expressed concern that there is no accountability. She stated that she will discuss this matter at the next EDA meeting. The Mayor also agreed to attend and will report back to the Council. Motion by Stobb, seconded by Otto Arvizu to reaffirm all previous action taken by the City Council concerning the sale of the Eastview Lots including the promotional package with the intention that everything will be in order for promotion for the 1999 building season. All voted in favor of the motion.

The 1999 Budget was again reviewed. No action was taken.

Mr. Rialson pointed out that he was contacted by a resident on E. Hollett Street concerning his driveway approach and the need for gutter repair by his driveway. It was noted that this property was reviewed by the engineer. Mr. Nelson pointed out that there are two manholes that are too low, one on E. Hollett and one on 3rd Street and Hollett.

There being no further business, Rialson moved and Nelson seconded to adjourn. All voted in favor of the motion at 8:12 p.m.

ATTEST:

City Administrator

Mayor

November 23, 1998

The regular meeting of the Tracy City Council was called to order at 7:30 p.m., Monday, November 23, 1998 in the Council Chambers of the Municipal Building. The following Council members were present: J. Almlie, B. Nelson, M. Fraser, D. Berndt, J. Otto Arvizu, M. Rialson and R. Stobb. Also present: A. Koopman.

The Mayor asked for any additions or corrections to the minutes for November 9, 1998. Motion by Fraser, seconded by Nelson to approve said minutes as written. All voted in favor of the motion.

The Mayor asked for any additions or deletions to the agenda. The following additions were made: (7A) EDA Report : J. Otto Arvizu. Motion by Rialson, seconded by Fraser to approve the agenda as now written. All voted in favor of the motion.

The Gramstad Bros. requested a \$100.00 increase in the Ground Lease fee . The City leases land from them for a place to deposit the snow that has been removed. Motion by Rialson, seconded by Nelson to approve the Ground Lease fee of \$600.00. All voted in favor of the motion.

The Mayor opened the hearing to public testimony on Ordinance No. 267, an ordinance amending City Code Section 3.10 Land Use Regulations. The City Administrator explained that the amendments provide a clearer definition of yard regulations in R-1 and R-2 Districts. There being no public testimony, the hearing was declared closed and referred to the Council for their consideration. Mr. Rialson commended the Planning Commission for their efforts. After a brief discussion, Rialson moved and Nelson seconded to adopt said ordinance. All voted in favor of the motion.

Mrs. Otto Arvizu reported that the EDA is very willing to work with whatever commission or committee they can to promote the sale of the Eastview lots. Con Rettmer, Community Development Director, will prepare a promotional incentive package and will be attending the next Planning Commission meeting. The EDA also appointed Jan Otto Arvizu to act as a liaison between the EDA and the Planning Commission. She noted that she was very encouraged by the EDA's response. They also discussed determining who is responsible and establishing time lines for completion of projects. Discussion also included having Mr. Rettmer contact other communities to see what they are using as promotional tools.

The Consent Calendar included the following: Police Commission minutes, Monthly Financial

Report, Multi-Purpose Center minutes for November 9, 1998 and Municipal Accounts Payable. Motion by Fraser, seconded by Stobb to approve the above listed items. All voted in favor of the motion.

The 1999 Budget was again submitted to the Council for their review. No action was taken.

The City Administrator reported that the City was reimbursed by Ger Xiong in the amount of \$1,425.16 for legal fees incurred in District Court action taken on his nuisance violation.

The City Administrator also reported that the County agreed to reimburse the City 40% of the cost to place the overlay on 8th Street.

The City Administrator announced that the City is looking for someone who would be interested in operating the camera to film Council meetings.

There being no further business, Rialson moved and Nelson seconded to adjourn. All voted in favor of the motion at 7:54 p.m.

ATTEST:

City Administrator

December 8, 1998

A special meeting of the Tracy City Council was called to order at 7:30 p.m., Monday, December 8, 1998 in the Council Chambers of the Municipal Building. The following Council members were present: J. Almlie, B. Nelson, M. Fraser, D. Berndt, J. Otto, M. Rialson and R. Stobb. Also present: A. Koopman.

The City Administrator briefly reviewed the proposed 1999 budget and levy. She stated that the Council can consider reducing the levy to 16.1% or leaving it at the amount certified in the preliminary levy which equaled 16.8%. Various graphs were used to help illustrate the levy comparison, revenues sources, expenditure by category and levy distribution. Paul Knoblauch expressed concern on the sizeable increase in the levy. He questioned the amount being spent on public safety and compared that to the amount for public works then suggested that maybe the Council should explore the possibility of contracting with the Sheriff's Department for police protection. He also questioned a number of other areas including but not limited to the Armory, Eastview Addition and the Airport. There being no further testimony, the hearing was declared closed and referred to the Council for their consideration. Discussion included whether the remaining amount equaling the 16.8% should be levied for park improvements. It was the consensus to levy 16.8%. The City Administrator reported that the Council will consider the final adoption of the 1999 budget and levy at their regular meeting scheduled on Monday, December 14, 1998. No further action was taken.

There being no further business, Rialson moved and Nelson seconded to adjourn. All voted in favor of the motion at 8:08 p.m.

ATTEST:

City Administrator

Mayor

December 14, 1998

The regular meeting of the Tracy City Council was called to order at 6:30 p.m., Monday, December 14, 1998 in the Council Chambers of the Municipal Building. The following Council members were present: J. Almlie, M. Fraser, D. Berndt, M. Rialson and R. Stobb. Members absent: J. Otto-Arvizu and B. Nelson. Also present were staff members: A. Koopman, D. Polzine and J. Kerr.

The Mayor asked for any additions or corrections to the minutes for November 23 and December 8, 1998. Motion by Fraser, seconded by Rialson to approve said minutes as written. All voted in favor of the motion.

The Mayor asked for any additions or deletions to the agenda. The following additions were made: (7B) Southwest Regional Development agreement, and (9B) Planning Commission report. Motion by Berndt, seconded by Fraser to approve the agenda as now written. All voted in favor of the motion.

A resolution approving the 1998 tax levy for the City of Tracy, Minnesota collectable in 1999 was introduced. The City Administrator informed the Council that the overall tax levy increased 16.8%. Motion by Rialson, seconded by Fraser to adopt said resolution approving the 1999 tax levy for the City of Tracy as follows:

\$234,734	Bonded Indebtedness
\$ 10,000	Permanent Improvement
<u>\$139,389</u>	General Fund levy
\$384,123	TOTAL LEVY

All voted in favor of the motion. (Res. No. 1998-90)

Motion by Fraser, seconded by Berndt to adopt a resolution adopting the 1999 budget for the City of Tracy, Minnesota with budgeted expenditures as follows:

GENERAL FUND	\$1,258,304
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General Government	\$344,859	
Public Safety	\$345,922	
Public Works	\$403,407	
Recreation	\$ 16,481	
Other	\$147,635	
PUBLIC ENTERPRISE		\$2,094,241
Liquor	\$506,895	
Utility	\$375,846	
Utility Surcharge	\$121,000	
Refuse Collection	\$148,400	
Licensing	\$942,100	
DEBT SERVICE AND BOND FUNDS		\$ 589,370
OTHER		\$ 513,950
TOTAL ALL FUNDS		\$4,455,865

All voted in favor of the motion. (Res. No 1998-91)

A lengthy discussion followed on the proposed Lyon County Feedlot Ordinance. Mr. Kerr reported that a task force was established consisting of twenty representatives from Lyon County Townships. This task force did not consider the issue of air pollution. It was suggested that a two mile buffer zone be established surrounding the City that would restrict the construction of any new confinement facilities within said zone. The City's of Marshall and Minneota have contacted the Administrator and have indicated that they would like to see a minimum of two (2) miles, with Marshall requesting three (3) miles allowing one (1) mile for future development and still benefit from a two (2) mile buffer zone. Mr. Kerr pointed out that the Attorney General's opinion provides for the creation of a joint planning board consisting of members from both the City and County. He also briefly discussed the waiver provision that has been proposed. In his opinion this provision would not be legal and is not permitted by statute. He informed the Council that it requires 2.5 pigs to equal one animal unit. He acknowledged that the staff needs some direction because the County Planning and Zoning Board will receive input from Cities on January 11th. Mr. Rialson indicated that he contacted Todd Hammer, Lyon County Zoning Administrator who assured him that they are not rushing into adopting this ordinance. He shared information he gather from Yellow Medicine County which provides for a one (1) mile buffer zone surrounding the Cities. Murray County established the following criteria:

- 1/2 mile for 10 - 50 animal units
- 3/4 mile for 51 - 500 animal units
- 1 mile for 500 - 2000 animal units
- 1-1/2 miles for 2001 - 5000 animal units
- Any number in excess of 5000 requires 3 miles

Mr. Rialson contended that the primary time there is a problem with odor is when they are applying the manure, otherwise there normally is no problem. Mr. Rialson recommended adopting the standards set by Murray County. A lengthy discussion followed on odor. Mrs. Otto-Arvizu contended that these facilities cost a lot a money and she would not like to create a lot of hard feelings with the community if the odor becomes a problem. A discussion also was held on the method of disposing of the manure. Mr. Kerr suggested that standards require that it be injected into the ground. It was noted that the City could not control where the manure was being disposed of. After further discussion, Stobb moved and Fraser seconded to establish a two (2) mile setback and require an injection method to be used for disposal of manure.

Mr. Nelson arrived at 7:09 p.m.

Mr. Rialson suggested that we consider compromising if the 2 mile limit is too restrictive and

incorporate the Murray County standards. Upon roll call, the following vote was recorded: voting aye: Berndt, Fraser, Otto-Arvizu, Stobb and Almlie; voting nay: Nelson and Rialson. The motion carried.

Mr. Rialson agreed to attend the Planning and Zoning Commission meeting scheduled on January 11, 1999 at 1:30 p.m.

Chief Hillger reported on the nuisance complaint at 875 N. Center Street. He noted the deadline for compliance was December 2, 1998. There has been some improvement, however in his opinion the nuisance still remains and recommended proceeding with the Order of Abatement. Motion by Rialson, seconded by Nelson to declare a nuisance exists at 875 N. Center Street and issue an Order of Abatement allowing 20 days to abate said nuisance. All voted in favor of the motion.

The following applicants submitted a request to renew their cigarette license:

Caron's Fuel
 Tracy Jack & Jill
 Eagles Club
 Food N Fuel
 Sander's Eastside
 The Mediterranean Club
 Amoco
 Tracy Liquor Store

Motion by Stobb, seconded by Fraser to grant said licenses. All voted in favor of the motion.

The following applicants submitted a request to renew their plumbing license.

G&H Plumbing & Heating
 Heartland Mechanical
 Jenniges Plumbing & Heating
 Olson Hardware
 Ray's Plumbing & Heating

The Administrator noted that the required payment has not been received from Jenniges Plumbing and Heating and Ray's Plumbing & Heating, however, she recommended granting said licenses contingent on receiving the required fee. Motion by Berndt, seconded by Rialson to approve the above listed licenses. All voted in favor of the motion.

The Mediterranean Club submitted a request to renew their dance license. Motion by Stobb, seconded by Fraser to grant said license. All voted in favor of the motion.

The Mediterranean Club submitted a request to renew their split liquor license. Motion by Fraser, seconded by Berndt to grant said license. All voted in favor of the motion.

The Mediterranean Club requested renewal of their Sunday Liquor License. Motion by Berndt, seconded by Fraser to grant said license. All voted in favor of the motion.

The Administrator reminded the Council that the City entered into an agreement with the Southwest Regional Development Commission (RDC) to update the Land Use Plan. The RDC has received grant funds from the land Use Planning Grant which can be used to update the City's Land Use Plan. Grant funds will be used to pay for a total of 17 of the 52 hours at a rate of \$40 per hour. Motion by Stobb, seconded by Berndt to enter into an agreement with RDC to use grant funds to update the City's Land Use Plan. All voted in favor of the motion.

The Consent Calendar included the following: Cemetery Commission minutes for November 18, 1998, Economic Development Authority minutes for November 20, 1998, Firemen's Relief Association minutes for December 7, 1998 and Municipal Accounts Payable. Mrs. Otto-Arvizu reported that the EDA is reviewing the delinquent payments from the Revolving Loan Fund and that

they are pushing to have a more “hands on” approach so they don’t allow the accounts to go so far in arrears before action to collect is initiated. Motion by Rialson, seconded by Berndt to approve the above listed items. All voted in favor of the motion.

Chief Hillger reported on the tobacco sting that was conducted by the Police Department. He stated that the following businesses holders sold cigarettes to a minor.

- Sander’s Eastside
- Eagles Club
- Jack & Jill
- Caron’s Fuel
- The Mediterranean Club

He noted that each license holder was notified in writing that this sting would be conducted within the next 30 days. The ordinance requires a \$75.00 administrative fee for first time violators. After a brief discussion, Otto-Arvizu moved and Fraser seconded to impose a \$75.00 fine to each of the above listed businesses for violating the ordinance. Upon roll call, the following vote was recorded: voting aye: Berndt, Fraser, Otto-Arvizu, Rialson, Stobb and Almlie; voting nay: Nelson. The motion carried.

Mrs. Otto-Arvizu reported that Con Rettmer submitted a promotional package to the Planning Commission to help to promote the sale of lots within the City. It is the intent that the promotional package be complete so it is available in early January. The Planning Commission also recommended that the lots be sold for \$9000. Motion by Stobb, seconded by Fraser to set the sale price for the Eastview lots at \$9000. All voted in favor of the motion.

Motion by Otto-Arvizu, seconded by Fraser to offer a \$1,000 rebate for any Eastview lots sold prior to June 1st with a residential structure being completed in 1999. All voted in favor of the motion.

Chief Hillger submitted the following quotes for a new squad car:

State Bid, Crown Victoria Ford	\$20,509
Salmon Motors, Crown Victoria	\$21,294
Marshall Ford, Crown Victoria	\$20,600
Salmon Motors, Ford Explorer XLT Package	\$26,398
Salmon Motors, Ford Explorer XL Package W/XLS Power Group	\$24,764
Marshall Ford, Ford Explorer XLT Package	\$25,500

The Administrator pointed out that the Police Department has only budgeted a total of \$20,000 during the past two years for the purchase of a squad car.. If a vehicle is purchased in excess of that amount something else is going to have to be delayed.

Mike Fraser and Russ Stobb left the meeting at approximately 7:50 p.m..

The Council directed the Chief to secure a price for a Chevy Tahoe and postpone action until a future date.

The Senior Nutrition Agreement was briefly reviewed by the Council. Motion by Rialson, seconded by Berndt to approve said agreement.

There being no further business, Rialson moved and Berndt seconded to adjourn. All voted in favor of the motion at 7:56 p.m.

ATTEST:

City Administrator

Mayor

