

**MINUTES OF A REGULAR MEETING OF THE PRINCETON CITY COUNCIL HELD ON
DECEMBER 23, 2010, 7:00 P.M. IN THE CITY HALL COUNCIL CHAMBERS**

Mayor Jeremy Riddle called the meeting to order and led the Pledge of Allegiance to the Flag. Council members present were Paul Whitcomb, Victoria Hallin, Dick Dobson and Lee Steinbrecher. Staff present was Administrator Mark Karnowski, Finance Director Steve Jackson, Community Developer Jay Blake, Public Works Director Bob Gerold, Police Chief Brian Payne and City Clerk Katie Hunter. Also present: City Attorneys Damien Toven and Dick Schieffer.

AGENDA ADDITIONS/DELETIONS

The City Council agreed upon the following addition to the agenda under Ordinances and Resolutions:

Resolution 10-54 Calling for Public Hearing with the Small Cities Development Grant

CONSIDERATION OF MINUTES OF THE REGULAR MEETING OF DECEMBER 9, 2010

WHITCOMB MOVED TO APPROVE THE MINUTES OF THE REGULAR MEETING OF DECEMBER 9, 2010 AS WRITTEN. HALLIN SECONDED THE MOTION. CARRIED UNANIMOUSLY (5 AYES, 0 NAYS).

WHITCOMB MOVED TO RESCIND THE VOTE ON APPROVING THE REGULAR MEETING MINUTES OF DECEMBER 9, 2010 BECAUSE THEY WERE NOT COMPLETE AND THEY WERE NOT INCLUDED IN THE PACKET. HALLIN SECONDED THE MOTION. CARRIED UNANIMOUSLY (5 AYES, 0 NAYS).

CONSENT AGENDA

A. Permits and Licenses:

1. Moose Lodge On-Sale Non-Intoxicating Malt Liquor License Effective 1-1-11 through 12-31-11; pending background check.

B. Personnel

1. Liquor Store
 - a. Stephanie Hauger Step 1 Increase from \$9.83 to \$10.84 effective 12-15-10
2. Princeton Fire and Rescue Department
 - a. Appointment of new firefighter Michele Murray effective \$9.00/hour
 - b. Accept resignation of Darren Jordahl

C. Donations/Designations

1. Princeton Rotary Club gift of bus for Senior Dining Center – Res #10-53

HALLIN MOVED TO APPROVE THE CONSENT AGENDA. WHITCOMB SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY (5 AYES, 0 NAYS).

OPEN FORUM – No one was present for open forum.

PUBLIC HEARINGS – No public hearings were scheduled.

REPORTS OF OFFICERS, BOARDS, AND COMMITTEES

- A. PUC Special Meeting Minutes held October 15, 2010
- B. PUC Regular Meeting Minutes held October 27, 2010
- C. Visionary Committee Minutes of November 22, 2010

D. Airport Board Minutes of December 6, 2010

The above minutes were reviewed by City Council.

PETITIONS, REQUESTS, AND COMMUNICATIONS

A. Alcohol Compliance Checks Letter from Public Health

Karnowski reported that a letter was sent from Mar Lees, Community Health Coordinator with the Sherburne County Public Health Department to the Mayor and Council to inform them that Alcohol Compliance Checks were conducted on Monday, December 13, 2010. Three liquor establishments were tested and all three passed their check; Coborn's, Pamida and Super America.

ORDINANCES AND RESOLUTIONS

A. Resolution 10-54 Calling for Public Hearing – Small Cities Development Grant

Blake explained that a Public Hearing is being considered for Thursday, January 13, 2011 in regards to the Small Cities Development Agreement.

STEINBRECHER MOTIONED TO APPROVE RESOLUTION 10-54; SETTING A PUBLIC HEARING DATE. HALLIN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY (5 AYES, 0 NAYS).

UNFINISHED BUSINESS – There was no unfinished business.

NEW BUSINESS

A. Joseph Walsh Complaint

Karnowski explained that Mr. Joseph Walsh is present regarding a parking ticket that he apparently received on Wednesday, December 15th.

As is in the Council's packet, Mr. Walsh emailed the following information with two photos he attached to his email:

“Two photographs of where my car was parked from the day of the ticket showing that my car (parked outside of my home) did not interfere with snow removal in any way and that there are no “no parking” signs are posted.”

Karnowski said when checking with the Princeton Police Department, he was advised that Mr. Walsh was issued an Administrative Offense ticket on Wednesday, December 15th for a parking violation in Princeton for violating Princeton City Ordinance 720.02 (A) which states:

In order to facilitate snow removal from the public streets of the City of Princeton from November 1 through March 31 of each year, no vehicle shall be parked on any public street in the city between the

hours of 2:00 a.m. and 7:00 a.m.

Mr. Walsh contacted the Police Department and told them that he wanted to contest the issuance of the ticket. Walsh was advised that, in order to do that, the city would need to replace the city Administrative Offense citation and issue, instead, a regular ticket. With that re-issuance, Walsh would then be afforded the opportunity to contest your citation with a judge, which is an option not afforded via the City's Administrative Offense process Walsh told the Police Department representative that he wanted to pursue the option before the judge and, accordingly, the Administrative Offense citation was replaced with a regular citation.

The process is outlined in Section 285.05 of the Princeton City Ordinance dealing with Administrative Offenses and reads as follows:

285.05 *Contested Case.* Any person contesting an administrative offense shall have the administrative penalty vacated and criminal charges shall be filed in accordance with the law allowing them the opportunity to contest the violation in the court system.

Mr. Walsh responded with the following when asked to provide a brief explanation of the issues he has with the City Ordinance:

1. City Code section 720.01A was either (a) wrongfully enforced in these circumstances because the parking of my car was not inhibiting any snow removal or (b) it is a Draconian measure that has little or no connection to its stated purpose. If enforcement of this law has no connection to its purpose, it becomes nothing more than a parking tax—a revenue generating tool. I believe this is clearly inappropriate, and the law should be revised to reflect these concerns.
2. The harshness of this provision is made even more clear by my specific factual circumstances. I had no knowledge of this provision. I knew that the street in front of my home had already been plowed. This was the first time in many months (ever?) that I had parked my car on the street overnight for any reason. I would have parked my car in my garage, but my two year old's toys were still in the garage from Fall. I would have parked my car in my driveway, but: (1) I had not yet completely shoveled out from the largest snowstorm in 19 years three days earlier; (2) there was only one path into my garage, where my wife parks; (3) my wife was at a meeting and did not return until 11 p.m.; (4) I was asleep when my wife returned. At 5:00 a.m., I got in my car to go to morning basketball, finding a ticket left an hour and a half earlier, ten days before Christmas. The pictures submitted show there was no snow removal that needed to be facilitated at this time.
3. This law is not in keeping with the spirit of Princeton and its people. I have lived in cities and metropolitan areas from the Twin Cities to San Diego to Las Vegas. One of the significant reasons people move from larger cities to cities like Princeton is to avoid the harsh realities of living in densely populated areas. Parking, of course, is one of the important things made simpler by living outside of metropolitan areas. But even in metropolitan areas, there are signs, websites and other information alerting citizens of parking restrictions. Avoiding these harsh parking laws altogether is one of the big reasons why people move out of larger cities. This law is even more strict than the laws in metropolitan areas, but without the warnings that accompany those laws. It is, simply, not reasonable. If it is not reasonable or cost-effective to post every public street with no parking signs, then it is not reasonable to enforce a law with neither purpose, nor warning.

4. The ticket appears to deliberately mislead people into thinking they have no right to challenge the ticket and will be punished for taking the time to find out what their rights are. The handwritten warning at the bottom of the ticket states simply: "fine doubles if not paid in 14 days," without any citation. This is very misleading. It should say: "fine doubles if not paid in 14 days, but the fine will not double if you choose to contest this ticket," or something similar.
5. It is a basic tenet of our criminal law that people should be informed of their rights before pleading guilty. The only part of the ticket that talks about contesting the ticket has been scribbled out. I understand that this administrative hearing option is no longer available. However, it is completely inappropriate to cross out just the only portion of the ticket that talks about the rights of the alleged violator. If the officer has time to stop, write a ticket, tell me the fine will double in 14 days, and cross out the paragraph stating my rights that are now obsolete, then the officer should have the time to write how to contest or challenge the ticket. While I am an attorney and know that I have rights, most people would assume they have no choice but to pay the ticket or be punished further. The way the ticket is written encourages this mistake. I did not know about the specific provision for contested cases in section 285.05 until your e-mail. The information in section 285.05 should be provided on every administrative citation. How can a person waive their rights as the ticket requests in the signature portion when they do not know what their rights are? To be effective, waiver must be the voluntary relinquishment of a known right.
6. The City Police Department continued to discourage challenging the ticket when I contacted them. When I called and asked for information about how to challenge the ticket, the woman I spoke with attempted to convince me that challenging the ticket would be useless, essentially providing legal advice. It was only after I informed her that I was an attorney and would be asserting my rights that she directed me to ask for a court ticket from Officer Mullens, which I then did. This makes it even more likely that an ordinary citizen without legal training would be deliberately misled into waiving their rights without even knowing what rights they have.
7. This is a matter of public trust. Those who can be trusted in small matters may also be trusted in larger ones. In my profession, many people come to me and ask my opinion regarding city and county governance bodies for one reason or another. Typically, I give them all my general opinion that the government is generally concerned for our best interests, and their provisions are reasonably related to their purposes. As demonstrated by the recent elections, not everyone shares my general opinion of government. I believe this particular law (and especially the way the ticket misleads people about the fine doubling and being unable to challenge the ticket) violates the public trust that the City of Princeton has the best interests of its citizens in mind and damages the City's ability to govern its citizens.

Early Tuesday afternoon, Mr. Walsh sent another email with additional comments:

Upon further review, it appears that Princeton's administrative citation violates State law (Minn. Stat. section 169.999) in several different ways:

- The City does not provide a neutral third party to hear and rule on challenges to administrative citations—*subd. (1)(a)(2-3)*;
- The City does not have authority to issue administrative citations for parking on all city streets—*subd. (1)(c)*; *see also subd. (1)(b)(1-3) (specifically not including parking violations in 169.32-36) and subd. 9*;
- The city does not use a uniform citation—*subd. (3)*
- The citation does not include notification that the person has the right to contest the citation—*subd. (3)*

- The peace officer did not inform the vehicle operator that the person has the right to contest the citation—*subd. 4(a)*

Scheiffer said that the City Council is not here to argue the facts of the case and if the issue were to go to district court, then Attorney Damien Toven would prosecute it. The Council is not expected to make a decision; we are just receiving more information from Mr. Walsh.

Riddle asked Schieffer if Chapter 412. 221 provided information for administrative fines. Scheiffer said that it doesn't. The City has the authority to maintain the streets. This ordinance is facilitating streets, not traffic.

Mr. Walsh said he was given an administrative citation when parked in front of his own house at 3:30 in the morning. Even though the Ordinance states that there should be no parking from 2:00 am to 7:00 am on any public street for 6 months, this has no connection to snow removal. This ordinance should be used and targeted for cars that are actually stopping snowplows from doing their job. Mr. Walsh said that the morning he was parked on the street, it was not snowing and he was not in a snowplow's way. He was not keeping them from doing their job.

Walsh went on to add that this reason is why people move from large metropolitan areas to cities like Princeton because they can do as they please within a reasonable degree. This is only a \$30 ticket, but what is important to Walsh is what was handwritten on the back of the ticket. It seems a deliberate attempt to mislead people that they have no opportunity to disagree with the ticket. The original is scribbled out by law enforcement. Walsh said he believes that one thing you have to do is inform people about how to contest ticket.

Walsh added that when he called the Police Department, they gave out 'legal advice' by saying no one should contest this ticket. Instead, they should tell you right away how to contest it, and that only happened after they found out he was an attorney.

Hallin said she understands how Walsh feels about the appeal process needing to be clarified better on the back of the ticket. But, if the City does not have something in place, and not knowing what each winter season will be like in regards to snowstorms, things could get 'ugly' if we pick and choose who to give a ticket to. That is why an ordinance is in place. There would be no way to specify which night is 'snowy' enough for the ticket, or what cars are 'in the way' of a snowplow.

Riddle said he helps out with snowplowing even if it isn't snowing; it isn't decided by the Public Works Department until the night before whether they will use the grader or not. How would the resident predict if there is going to be enforcement or not? Riddle said he feels that if there wasn't an ordinance, or if a line was drawn within the ordinance, there would be a lot of residents that would come in and say, "It didn't even snow that night." The same complaint Mr. Walsh is making.

Dobson said before the Ordinance was in place, it used to be that city workers would have to tow vehicles which is more expensive and ties up an officer for longer period of time.

Chief Payne came forward to add that the Police Department cannot tow a vehicle until it has been tagged for a four hour period of time, which just did not work with the Public Works Department in plowing that was needed in the early morning hours.

Karnowski said when the city adopted first Administrative Fine Ordinance in 2003 or 2004, the ticket that we're still using today worked fine. When the legislator changed the statute last year, then the back page of the ticket wasn't valid anymore. Rather than spending another \$500.00 to buy more tickets, the consensus was to scratch off the back for administrative fines. It may be a good idea to have Clerk Hunter put together some stickers that explain better if a person wants to appeal, what the steps would be. Karnowski thanked Mr. Walsh for bringing that to the City's attention and said we should have done that right away. But, we can surely adjust.

B. Board Appointments

As was included in the City Council packet, the following individuals have applied for and are up for appointments on the Princeton Boards:

Planning Commission - 2 positions, 3-year terms (2013)

Dick Dobson
Ben Hanson

EDA - 1 position open, 6-year terms (2016)

NOTE: No one has applied for the EDA position that was advertised in November. (Jeff Holm's position.)

Paul Whitcomb (Council Representative)

Park Board - 3 positions, 3 year terms (2013)

Todd Frederick
Carla Vita
Bob Beattie

Airport Advisory Board - 2 positions, 3 year terms (2013)

Joe Glenn
Eugene Stoeckel

Public Utilities Commission - 1 position, 3 year term (2013)

Ed Juntilla

Housing and Redevelopment Authority - 1 position, 5 year term (2015)

Ernie Sanborn

Cable Commission - 1 position, no term

Victoria Hallin is currently appointed.

It was noted that Ben Hanson was excused from being present at the meeting.

Dick Dobson said he has been attending Planning Meetings over the past month.

Juntilla was present to say he still enjoys working on Public Utility Commission and thanks everyone for having appointed him in the past.

RIDDLE MOVED TO APPROVE ALL OF THE INDIVIDUALS LISTED ABOVE THAT APPLIED FOR BOARD APPOINTMENT. STEINBRECHER SECONDED THE MOTION. CARRIED UNANIMOUSLY (5 AYES, 0 NAYS).

Blake added that with the election of Thom Walker to the City Council, the EDA Board will have three council members which it cannot because it would be a 'forum'. Blake suggested delaying the EDA appointment until January.

RIDDLE AMENDED THE MOTION BY DELAYING THE EDA APPOINTMENTS UNTIL JANUARY OF 2011. STEINBRECHER SECONDED THE MOTION. CARRIED UNANIMOUSLY (5 AYES, 0 NAYS).

C. Consideration of Land Donation from Danny and Connie Wiktor (Resolution 10-55)

Blake explained that Resolution 10-55 is an acceptance of Donation of land from Danny and Connie Wiktor. This is a three acre plot on the east side of the Rum River. The city would write letter thanking them for the donation, and they would take a value for potential tax deduction. This area is surrounded by Reibe Park. This last donation will complete everything the City has on that East side.

HALLIN MOTIONED TO ACCEPT THE THREE ACRE DONATION AND RESOLUTION 10-55. WHITCOMB SECONDED THE MOTION. CARRIED UNANIMOUSLY (5 AYES, 0 NAYS).

Steinbrecher confirmed that this was the land directly across the river from Library.

D. Update on Sale of Lots 4-6, Block 2, Murray's Addition

Blake reminded the Council that they had previously authorized the sale of Lots 4-6, Block 2, Murrays Addition. During the review process, staff became aware of a significant surveying problem that affects not only the City owned property, but also an adjacent land owner. The two plats (Cater's Second Addition and Murrays Addition) have a significant overlap along the quarter section line. We contracted with Rum River Land Surveying to assist us in rectifying the situation.

The City property adjoins Lot 8, Block 1 of Caters Second Addition on which a home was constructed in 1996. The structure meets the required setbacks for their property, but it appears that due to a surveying problem, there is an overlap where the house sits approximately sixteen (16) feet onto Lot 4, Block 2, Murrays Addition.

Staff met with the adjoining property owner (Sumser) and they are now aware of the potential problems. They are not interested in acquiring the City owned property at this time.

To determine a fair market value, staff looked at Mille Lacs County tax records for several vacant lots within the traditional residential neighborhood. The average value for a comparable vacant parcel is approximately \$16,650 or \$1.70 per square foot.

Blake went on to explain two options that the Council has in rectifying the problem. The City Council can either authorize staff to offer for sale two standard residential lots with a minimum bid of \$16,650 per lot and retain ownership in the remnant lot and develop a resolution with the adjoining property owner. Or, the Council can table the item for further deliberation. Staff recommends the first option.

DOBSON MOTIONED TO OFFER FOR SALE TWO STANDARD RESIDENTIAL LOTS WITH A MINIMUM BID OF \$16,650 PER LOT AND RETAIN OWNERSHIP IN THE REMNANT LOT. HALLIN SECONDED THE MOTION. CARRIED UNANIMOUSLY (5 AYES, 0 NAYS).

E. West Branch Redevelopment Project EDA Recommendation on Development Team

Blake illustrated that the EDA recommendation for the old Arcadian Home site was Central Minnesota Housing. The choice was between them, Trident Development who is completing the Sterling Pointe, and Rum River Health Services. All three choices had positive and unique aspects about them. Interviews were conducted in October and November. The Board also compared other buildings that these companies had done that were ten years old or older to give an idea what the Princeton building may look like after ten years. After a lot of discussion on tax implications, financial concerns, etc, the EDA chose Central Minnesota Housing.

DOBSON MOTIONED TO ACCEPT THE BID FROM CENTRAL MINNESOTA HOUSING. WHITCOMB SECONDED THE MOTION. CARRIED UNANIMOUSLY (5 AYES, 0 NAYS).

Blake wanted to commend the EDA for the phenomenal job at pushing through the issues. Hallin added that it got very intense at times.

F. Fire Department Leadership

Karnowski stated that at the Princeton Fire and Rescue Department's (PFRD) annual meeting on December 7th, the membership voted to elect the following firefighters to the leadership positions indicated:

Fire Chief:	Jim Roxbury
Asst. Fire Chief:	Doug Larson
Captain:	Randy Cook
Captain:	Troy Thompson

Every year the Princeton Fire and Rescue holds elections some of the six (6) leadership positions. Those elected by the membership and appointed by the City Council serve a two year term.

On the even years, the elections are for Fire Chief, Assistant Chief, and two of the four Captains. On the odd years, elections for the other two Captains are held.

With the exception of Troy Thompson, all of the above members previously held the positions indicated. Troy Thompson was elected by the membership to replace Captain Tim Jensen who did not run for re-election this year.

Troy is an excellent candidate and is currently the president of the PFRD's Relief Association.

HALLIN MOTIONED TO ACCEPT THE FIRE DEPARTMENT LEADERSHIPS AS MENTIONED. WHITCOMB SECONDED THE MOTION. CARRIED UNANIMOUSLY (5 AYES, 0 NAYS).

G. Fire Department Emergency Generator

Karnowski explained that Chief Roxbury has been attempting to get a new emergency generator for use at the PFRD Fire Station.

He has secured two quotes as follows:

Logic Electric, 11108 16 th Street N., Princeton:	\$ 9,912.00
Princeton Electric, 30525 119 th Street, Princeton:	\$18,312.50

Chief Roxbury advises that the quotes received are for the same specifications. Further, he recommends that the Council adopt a motion awarding the bid to Logic Electric.

The funding for the generator set is in the city's current Capital Improvement Plan and is funded totally from relocation funds and not taxpayer dollars.

Steinbrecher asked why the big difference in price quote. Roxbury answered that the generator that Princeton Electric had put in for was a bit larger in capacity. After speaking with the Public Utilities office, Roxbury found that the smaller generator would all that would be needed.

HALLIN MOTIONED TO ACCEPT THE BID AND PURCHASE THE GENERATOR WITH LOGIC ELECTRIC OF PRINCETON. DOBSON SECONDED THE MOTION. CARRIED UNANIMOUSLY (5 AYES, 0 NAYS).

H. Coborn's Project Acceptance

Karnowski stated that Engineer Nielson advised that all the punch list items for the Coborn's store project have been completed and he recommends that the City Council accept the project with a 2-year warranty period which shall expire July 1, 2012.

Further, Nielson recommends that the city finance staff initiates a final bill against the escrowed funds for the project and return any unused escrow to Coborn's along with the requisite letter of credit.

HALLIN MOTIONED TO APPROVE THE COBORN'S STORE PROJECT WITH A TWO YEAR WARRANTY PERIOD EXPIRING ON JULY 1, 2012. DOBSON SECONDED THE MOTION. CARRIED UNANIMOUSLY (5 AYES, 0 NAYS).

MISCELLANEOUS

A. Presentation to Lee Steinbrecher – (his last council meeting)

Riddle presented a plaque to Lee Steinbrecher for his serving on the City Council for eight years.

Steinbrecher said everyone on this Council would have to agree that this job is very easy when you have staff members like everyone here. It makes it a positive Council meeting to come to when you have outstanding staff and we're very fortunate. Steinbrecher said it

has been a pleasure being on the Princeton City Council.

BILL LIST – \$

HALLIN MOVED TO APPROVE THE BILL LIST WHICH INCLUDES THE MANUAL CHECKS AS LISTED ON THE MANUAL VOUCHER BILL LIST FOR A TOTAL OF \$92,557.41 AND THE ITEMS LISTED ON THE LIQUOR BILL LIST AND GENERAL CITY BILL LIST WHICH WILL BE CHECKS 63474 TO 63558 FOR A TOTAL OF \$211,713.24. WHITCOMB SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY (5 AYES, 0 NAYS).

ADJOURNMENT

There being no further business:

STEINBRECHER MOVED TO ADJOURN THE MEETING AT 8:50 PM. DOBSON SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY (5 AYES, 0 NAYS).

Respectfully Submitted,

Katie Hunter
City Clerk

ATTEST:

Jeremy Riddle, Mayor