

**MINUTES OF A REGULAR MEETING OF THE PRINCETON CITY COUNCIL HELD ON  
MARCH 14, 2013 7:00 P.M. IN THE CITY HALL COUNCIL CHAMBERS**

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Mayor Paul Whitcomb called the meeting to order and led the Pledge of Allegiance to the Flag. Council members present were Victoria Hallin, Dick Dobson, Thom Walker and Jules Zimmer. Staff present was Administrator Mark Karnowski, Finance Director Steve Jackson, Community Development Director Carie Fuhrman, Police Chief Brian Payne, Liquor Store Manager Nancy Campbell, Public Works Director Bob Gerold, City Clerk Shawna Jenkins and Attorney's Richard Schieffer and Damien Toven. Absent was Engineer Mike Nielson

**AGENDA ADDITIONS/DELETIONS**

None

**CONSIDERATION OF MINUTES**

- A. Regular Meeting Minutes of February 28, 2013
- B. Study Session Meeting Minutes of March 7, 2013

HALLIN MOVED TO APPROVE THE REGULAR CITY COUNCIL MINUTES OF FEBRUARY 28, 2013 AND STUDY SESSION MINUTES OF MARCH 7, 2013. WALKER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

**CONSENT AGENDA**

- A. **Permits and Licenses**
- B. **Personnel**
  - 1. **Police** – Nicole Josephes unpaid time off for Maternity Leave
  - 2. **Public Works** – acknowledge Kathy McLaughlin as a temporary intern at the WWTP
- C. **Donations / Designations**

DOBSON MOVED TO APPROVE THE CONSENT AGENDA. HALLIN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

**OPEN FORUM**

None

**PUBLIC HEARINGS**

None

**REPORTS OF OFFICERS, BOARDS, AND COMMITTEES**

- A. EDA Board Minutes of January 21, 2013
- B. PAVC Minutes of February 25, 2013
- C. Airport Board Minutes of March 4, 2013
- D. Fire Advisory Board Minutes of March 5, 2013

## **PETITIONS, REQUESTS, AND COMMUNICATIONS**

### **A. PYSBA Request**

Karnowski reported that the Princeton Youth Softball/Baseball Association (PYSBA) is considering the purchase of a Utility Vehicle (UTV) that they can use to pull a field drag and maintain the ball fields at Mark Park.

Because they plan on also using the vehicle for the ball fields at North Elementary School, they would need to drive the UTV from Mark Park to North Elementary. Therein lies this issue that needs City Council consideration.

The current City Ordinances (Chapter 750) limits the use of city streets by Recreational Motor Vehicles. The city attorney has suggested that, instead of using Chapter 750, that the Council modify Chapter 760 (Golf Carts) to include the permitting of UTVs used for certain functions.

It appears a couple of sections of Chapter 760 would need to be amended. The first amendment would be a change in the title of the Chapter. The language could look something like this:

#### **Chapter 760 - Motorized Golf Carts and Utility Vehicles (UTVs)**

Karnowski stated a provision allowing the street use of certain UTVs would be necessary as well:

##### **760.01 Use of City Streets.**

(A) Motorized golf carts shall only be operated on city streets which the Council shall by resolution designate as cart routes. UTVs shall only be operated on city streets as designated by the specific permit issued by the city.

Also, certain parts of Chapter 760 would have to have the language "and UTVs" added after the words "Motorized golf carts".

The idea would be to then issue a permit for the UTV that would restrict the UTV to using a prescribed route between Mark Park and North Elementary.

Karnowski said if the Council agrees with the concept, staff will draft the appropriate ordinance amendment and bring it back to the Council for your consideration.

Whitcomb questioned if the vehicle should include some signage to identify where it is from.

Zimmer asked if it would be the same person driving it all the time. Radmacher from PYSBA said the number of people that will have access to it will be limited.

Zimmer said this will be a nice addition to the association and the parks and he is in favor of it. Dobson agreed with the suggestion that it include some signage and also suggested a prescribed route to and from the fields be used.

Payne asked that it also be limited in speed and include a slow moving sign to aid in law enforcement.

Radmacher said PYSBA have approved the purchase pending approval by the city council.

Staff was directed to write up the amendment and have the attorney review.

## **ORDINANCES AND RESOLUTIONS**

### **A. Rural Development Bonds – Resolutions 13-11 and 13-12**

Jackson stated the City of Princeton had issued temporary bonds to finance the costs of construction on the Wastewater Treatment Facility expansion project. We have come to the point in the construction process that the project is considered substantially complete and therefore eligible for the permanent financing that had been pre-arranged with the United States Department of Agriculture (USDA). The resolutions in your packet authorize the issuance of and required signatures to execute these bonds at the interest rate of 1.875% with annual maturities over the next 40 years.

Jackson added that the resolutions also provide for the call of the interim bonds and the payment of those bonds with the proceeds from the new bonds. The total bond issue is split into two amounts and therefore two separate resolutions to accommodate the dollar amount restrictions of being under \$10,000,000 by the USDA system. The total amount of the two bond issues is \$15,118,000 which is what the original amount of the loan agreement was with the USDA.

Jackson reported that the pre-closing is scheduled for March 22 and the final closing is the end of the month.

HALLIN MOVED TO APPROVE RESOLUTION 13-11 ACCEPTING THE OFFER OF THE UNITED STATES OF AMERICA TO PURCHASE A \$7,618,000 GENERAL OBLIGATION SEWER REVENUE BOND OF 2013A AND PROVIDING FOR ITS ISSUANCE. DOBSON SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

HALLIN MOVED TO APPROVE RESOLUTION 13-12 ACCEPTING THE OFFER OF THE UNITED STATES OF AMERICA TO PURCHASE A \$7,500,000 GENERAL OBLIGATION SEWER REVENUE BOND OF 2013B AND PROVIDING FOR ITS ISSUANCE. ZIMMER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

## **UNFINISHED BUSINESS**

### **A. Public Safety Building**

Karnowski said as the Council discussed last week at the study session, the city opened the first set of bids for the proposed Public Safety Building last week. The bids opened included quotes for:

#### **STRUCTURAL STEEL/MISCELLANEOUS METALS:** (3 bidders)

	<u>Base Bid</u>	<u>Alternate #1</u>
Ben's Structural Fabrication	\$108,000	\$ 7,500
Mid County Fabrication	\$109,250	\$ 6,400
Thurnbeck Steel Fabrication	\$114,600	\$ 6,500

(Alternate #1: adding the extra bay to the fire station side)

**PRECAST CONCRETE WALL PANELS:** (2 bidders)

	<u>Base Bid</u>	<u>Alt. #3</u>	<u>Alt. #7</u>	<u>Unit Price #1</u>	
Fabcon	\$253,090	\$10,143	\$ 542	\$ 176	
Wells Concrete	\$320,440	\$18,900	\$ 300	\$ 50	

(Alt. #3: extra bay on the fire station; Alt. #7: police windows; Unit Price #1: No. Side Windows)

The total of the two bids came in about \$10,000 under the engineer's estimate for the work.

**Bid Awards:** The construction management has reviewed the bid documents and found that there were no errors in the computations. So the first recommendation is to award the structural steel/miscellaneous metals bid to Ben's Structural Fabrication for the base bid of \$108,000 with Alternate #1 (Alternate #1: adding the extra bay to the fire station side) at \$7500. If the Council concurs, a motion to that effect would be in order.

the second recommendation is to award the precast concrete wall panel bid to Fabcon for the base bid of \$253,090 with Alternate #3 (extra bay on the fire station); at \$10,143; Alternate #7 (police windows) at \$542 and the Unit Price for #1 (North Side Windows) at \$176. If the Council concurs, a motion to that effect would be in order.

**Extra Bay Decision:** The Council should also consider whether to add the extra bay to the fire station (north) side of the building.

**Contracts:** The Council also needs to approve the final contracts with Greystone and the architect.

Karnowski stated that Hensel from Greystone has begun reviewing other estimates they have received and several items are coming in under the original estimate. For instance for the cabinetry was estimated at \$50,000 is appearing to come in at about \$46,000. He is confident that the building will be finished with the money that is set aside. In talking to Hensel if the second bay is going to be added it should be done at this point instead of later in the process.

Hallin asked if the extra bay was awash with what the City is saving in these first two bids that were received. Karnowski replied that it is not, and that the estimated cost for the additional bay is about \$100,000.

Dobson asked if the addition bay would be cold storage. Karnowski replied that it would be heated and would be used to house the relocation trailers, response trailers, etc. Roxbury said originally they talked about doing a separate stand alone building off site, but as they looked into it, it made more sense to have it all encompassed in one building. The extra bay is doing away with another stand alone building that would need to be built.

Zimmer asked where the relocation and response trailers were currently stored. Karnowski and Roxbury responded that they currently are all in a hanger, with some of the water rescue geared stored at the fire station to keep it warm enough to use it needed.

Dobson asked about police department storage for the extensive bicycles that the police get. Karnowski said the site is pretty much maxed out with the current design. The neighboring site does have a retention pond that could be moved if needed to expand in the future. The committee and members have reviewed the plans and have determined that the department's needs will be met by the current building plans.

Dobson asked what would happen with all the stuff that is stored in the hanger and police department if those spaces were used in another way. Karnowski replied that the police would likely have to find a different place the bicycle storage. Dobson questioned if a stand-alone building would be better suited for additional storage. Walker added that he understands and said he was sure they could find a place for a building, but he is hesitant to approve an extra bay when he only sees part of the cost.

Zimmer stated he expects the original building cost estimate was much larger than it is now, and has continued to be cut back down to where it is now. Whether the extra bay is considered an afterthought or not, it will be a minimum of \$100,000. Karnowski said one source for the additional cost that has been looked at, is the \$130,000 that is in the fire department's building fund.

Dobson commented that he thought the original agreement was that \$130,000 was going to be thrown into the pot for the building. Karnowski responded that the task of the committee was to get a building to meet the needs of both departments and stay under the 2 million. It does take some of those funds that are already available. It is the council's decision if they want to leave the bay off and take that \$130,000 and put that towards the cost of the building.

Dobson questioned where those funds came from. Roxbury responded that over the years, dollars were added from the City and the Township. When Baldwin and Spencer Brook left, those funds were no longer put into the building fund. His hope was to use those funds down the road if there were any unknown costs came up. He has been working with the relocation program to see if we can move it from the high school to the new safety building if we have the room. He is more comfortable to put possibly contaminated people in the fire station, verses the high school. He added that there is a possibility the City can also gain some financial assistance from the relocation program.

Hallin said she sees the size of Princeton only getting larger so that extra bay may be even more of a necessity in the future. Roxbury initially they looked at putting a hose tower in, but they would not use it near as much as an additional bay.

Walker said the bay is on the plans because it is a good idea, not because there are funds available. However, he would still like to know the total cost.

Hallin said she likes the idea of having all the equipment in one place, and would rather the public safety building be used instead of the High School in case of an emergency. Roxbury added that the relocation trailers need to be plugged in to stay warm where they are now, and they would not need to be if they were stored in the additional bay.

Rob from Greystone said the estimate for the extra bay is \$90,000. Whitcomb said one thing the council needs to remember is that some of the bids that have come in so far are a bit lower than estimated. However, there are also some odds and ends that are not included.

Zimmer questioned if a relocation emergency would happen, would having the extra bay and trailers on site allow the relocation to be there verses the high school. Roxbury said it would be up to the homeland security, but there would be room to have it at the new safety building. He added that for spill containment or a water rescue, having it onsite would make much faster response times.

Whitcomb asked Roxbury if he has asked if the Relocation Program would assist in this additional bay. Roxbury responded said he has started some discussion with them.

Payne said it was questioned what the police department would do with all the bicycles that they get in. He said he has discussed the idea of keeping the Crime Scene trailers and bicycles at the public garage once the new Public Safety Building is done and Public Works moves over there.

Walker asked why the cabling and other technology is not figured in and built into the plans for the building.

Rob with Greystone stated they do not include technology or security systems in their buildings because they are so specialized; complex and they become outdated so quickly.

Karnowski said there is a sub-committee that is looking at what is needed. As fast as things are changed, it would be outdated by the time the building was built. There are some options they need to look at it.

Dobson said the public that has talked to him and they do understand the need for the public safety building. The figure has been out in the public of 2.1 million for the cost, and now we are going to add more costs to that, so he questioned when that would end. He said he gets nervous as a council member and a tax payer. He said if the extra bay was put on, then wiring and technology, so there are a lot of unanswered questions and costs.

Zimmer asked what the committee's recommendation was on this 5<sup>th</sup> bay. Whitcomb said the extra bay is simply an alternative. Walker added that he wants to go ahead with the building but doesn't feel there is enough information to decide on the alternatives at this point. He suggested to move ahead on the building itself, but wait on the alternatives. Dobson agreed that he is hesitant right now because he is not sure about the costs.

Hallin wanted to confirm that the funds used to build the building will come from the liquor store. Karnowski replied that it is correct. He added that there would still be some profits available for other things as well. The Committee worked hard to design that would meet the needs of the departments and fall in the 2 million dollar range. He said there are still some unanswered questions. There is the sub-committee that is looking at the technology side of it. Depending on how the council uses the funding. The 2.1 million will be from liquor store proceeds, and then the \$130,000 is there to take care of any odds and ends. His concern is listening to tonight's discussion is the timing being an issue as we wanted to go in the ground this spring.

Walker said he is committed to doing the building, but until he has the costs on the alternatives he wants to wait on those at this time. It will be cheaper if we know those answers before we start. For the technology side of it, it should be decided what's going in now instead of when the building is done. He questioned when the council can get some of those questions answered.

Hallin said she supports the building and also supports the extra bay due to the safety of the citizens in terms of the relocation program and the future development of the city.

Walker said he is just concerned about approving it with an open ended number at the end of the project.

Zimmer said whether its liquor store money or tax payer money, he believes we need to stay in the 2.1 million dollar cost range. He questioned if the building itself costs that, how will it be furnished.

Roxbury stated that the estimated cost for the bay is \$90,000 and if that additional bay is not added, he will need to be back to ask for property, building, electrical, etc for a stand-alone building.

Riddle asked if the trailers would fit in the police garage. Roxbury responded that he does not believe so, but can check.

Troy Thompson from the Fire Department stated that when they get a call they need that equipment immediately and don't have time to be chasing all over the city for it. The 5<sup>th</sup> bay will help them get out to a call quickly and they will really try to keep the costs down as much as possible while getting the best utility they can.

Karnowski said he was hoping this discussion would have happened during the study session, so he would have had time to get the numbers and information together for this meeting.

**WALKER MOVED TO APPROVE THE PROJECT AND PROCEED WITH THE ADDITIONAL BAY. HALLIN SECONDED THE MOTION. VOTE 4:1 WITH ZIMMER OPPOSED, THE MOTION CARRIED.**

Rob from Greystone said there is about a \$90,000 contingency built into the plan. In a perfect world it would be great to have all the exact numbers, but it takes time to do the engineering and work. We could wait and do all the bids at once, but that would put the plan out further that could push it out into winter, which would increase the costs.

Dobson said he agrees that the building is needed and agrees that all the equipment should be in one place.

Dobson asked if the cost of blacktop is included. Karnowski said it includes the front and side, but in the future there would be more that would likely be done. Rob from Greystone said they are working on estimates at this time. On the second set of bids some of the bids are coming in lower than was estimated, so he feels it will all work out.

Hallin said she is optimistic that Roxbury will be able to get some assistance from the relocation program.

Dobson said he understands the liquor store profits will be handling the 2.1 million, but questioned what would happen if the legislature decided to do away with all forms of municipal liquor. Karnowski responded that the committee did discuss that and it is a concern of his as well. In worst case, with what that building would be worth as a business next to the new Walmart, the City would likely be fine.

Frederick stated in regards to technology question, there have been calls made to companies about running fiber optics and such. The companies they contacted said they need to see the final blue prints to quote. So, those discussions are taking place, but we could not move forward until the blueprints were finalized.

Walker said he is still not totally satisfied.

Whitcomb asked if the Council would like to throw in the \$130,000 now or wait. Walker responded he would like to throw it in the pot now.

HALLIN MOVED TO APPROVE THE CONTRACTS WITH GREYSTONE. DOBSON SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

**B. K-9 Update – Jason Cedarberg**

Karnowski said at Budget time, the Council wanted to see if donations could be raised towards some of the costs of a K-9 unit.

Payne stated if they are going to proceed, there are deadlines coming up. There are 2 trainings, one in the summer and one in the fall. He wanted to get him into the summer session, since the school officer would be on patrol at the time. He added that they are looking at using forfeiture funds to use for the K-9 unit squad.

Cedarberg reported that as of now, he has raised \$8,200 in donations from various businesses and residents. He has also been writing some grants, one of which is for \$5000 and one for \$2000. He is also starting one with Bremer for \$10,500. He is also working with Princeton Auto Center who said they will help with locating a squad care. They found a Tahoe with only 3000 miles for \$23,000 and offered to help with future maintenance.

The spring training class is full, but they have made room for him. The trainer is also going out to purchase dogs next week and would like to know if the City will be going forward with the program so they can pick up a dog.

Cedarberg added that he has also spoken with several vets. Kvisto clinic has donated all the care of the dog and is looking into purchasing insurance for the dog as well.

He said he is asking for the Council's approval to start the K-9 unit and to go to the spring training class.

Hallin said the Council did set aside \$55,000 in the CIP in addition to the funds that have been donated. Cedarberg said the funds he has collected and the grants should pay for the all the training and the dog.

Zimmer asked how much is in the drug forfeiture fund. Cedarberg responded that as of last fall it is over \$100,000. Zimmer asked how long has it taken to build it up that much. Payne responded on one stop, he believes it was in the \$70,000 - \$80,000 range, but most are a few hundred at a time. The biggest cost is to start up, but their hope is to sustain the program with the drug forfeiture

HALLIN MOVED TO APPROVE THE K-9 UNIT AND FOR CEDARBERG TO ATTEND THE SPRING CLASS. DOBSON SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

Walker asked for clarification on the total cost. Cedarberg replied that most of the cost is the vehicle. Payne added another benefit is with Cedarberg having his own squad, it should lessen the use and allow them to rotate thru them less. Walker asked if the Tahoe that was found was speed rated. Payne replied that it is.

Dobson asked what would happen if the dog doesn't work out with Cedarberg. Cedarberg stated the trainer guarantees his dogs, so if one doesn't work he will get another one.

Whitcomb clarified that if on duty, he could assist in areas within 30 miles. Cedarberg said that was correct.

MOTION CARRIED UNANIMOUSLY

### **NEW BUSINESS**

#### **A. Incident Response Training Opportunity**

Karnowski reported that there is an incident response training opportunity program for public safety workers. It appears that, if awarded, the Department of Homeland Security would reimburse the city for all expenses related to the training.

The Princeton Fire and Rescue Department is looking to send two firefighters (Jamin Wood and Ron Lawrence) to the training. The PFRD is requesting the City Council's approval to apply for the grant and send the two individuals if, indeed, our understanding is correct that there would be no cost to the city.

DOBSON MOTION MADE TO APPLY FOR A GRANT. HALLIN SECONDED MOTION. THE MOTION CARRIED UNANIMOUSLY.

### **MISCELLANEOUS**

Walked asked for clarification of Zimmer why he voted against the public safety building. Zimmer clarified he is in favor of the building, just not the afterthought of the additional bay.

### **BILL LIST – \$121,695.97**

HALLIN MOVED TO APPROVE THE BILL LIST WHICH INCLUDES THE MANUAL CHECKS AS LISTED ON THE MANUAL BILL LIST FOR A TOTAL OF \$125,597.89, AND THE ITEMS LISTED ON THE LIQUOR BILL LIST AND GENERAL CITY BILL LIST WHICH WILL BE CHECKS 67678 TO 67741 FOR A TOTAL OF \$121,695.97. ZIMMER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

### **SPECIAL ORDER OF BUSINESS – CLOSED MEETING TO CONFER WITH THE CITY ATTORNEY**

Whitcomb reported that the agenda item for this meeting is to discuss threatened litigation in the Matter of the City of Princeton and Rice Lake Construction.

This portion of the properly noticed regular meeting of the City Council of the City of Princeton will be closed pursuant to Minnesota Statutes, section 13D.05, subdivision 3 (b) under the attorney/client privilege exception to the Minnesota Open Meeting Law to discuss threatened litigation related to the matter of The City of Princeton and Rice Lake Construction.

The city's need for absolute confidentiality outweighs the purposes served by the open-meeting law in this case based on the following:

Absolute confidentiality is necessary so that the City Council and legal counsel can have a candid and open discussion to determine the available legal options to handle the threatened litigation, including strategy and possible areas of resolution.

The purpose of the closed meeting is not to make a decision behind closed-doors, but instead is to determine the legal options for handling the referenced threatened litigation.

- The only business to be discussed in this portion of the meeting is the threatened litigation.
- An open session would be detrimental because it may take place in the presence of individuals involved in the litigation.
- A closed session would benefit the public because the ultimate outcome of the litigation may impact the finances of the City.

I will now entertain a motion to close this portion of the meeting.

DOBSON MOVED TO CLOSE THE MEETING AT 8:19 PM. WALKER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

The City Council will now go into a closed session. The time is 8:19pm.

Only the officials and consultants of the City who reasonably require access to this data may be in attendance at any portion of the meeting for this agenda item.

The meeting should not be tape or otherwise electronically recorded since it has been closed under the attorney-client privilege.

DOBSON MOVED TO OPEN THE CLOSED MEETING AT 8:40 PM. ZIMMER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

During the closed Session, the Council discussed a settlement proposal

## **ADJOURNMENT**

There being no further business:

DOBSON MOVED TO ADJOURN THE MEETING AT 8:41 PM. ZIMMER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

Respectfully Submitted,

Shawna Jenkins  
City Clerk

ATTEST:

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Paul Whitcomb, Mayor