MINUTES OF A REGULAR MEETING OF THE PRINCETON CITY COUNCIL HELD ON JULY 13, 2017 7:00 P.M. IN THE CITY HALL COUNCIL CHAMBERS

Mayor Paul Whitcomb called the meeting to order and led the Pledge of Allegiance to the Flag. Council members present were, Thom Walker, Jack Edmonds, Jules Zimmer, and Jeff Reynolds. Others present: Administrator Mark Karnowski, Finance Director Steve Jackson, Police Chief Todd Frederick, Public Works Director Bob Gerold, Development Director Jolene Foss, Clerk Shawna Jenkins, Fire Chief Ron Lawrence, Engineer Andrew Plowman, and Attorney’s Damien Toven and Kelli Bourgeois.

AGENDA ADDITIONS/DELETIONS

CONSIDERATION OF MINUTES

A. Regular Meeting Minutes of June 22, 2017
B. Study Session Meeting Minutes of July 6, 2017

EDMONDS MOVED TO APPROVE THE REGULAR MEETING MINUTES OF JUNE 22, 2017 AND STUDY SESSION MEETING MINUTES OF JULY 6, 2017. ZIMMER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

CONSENT AGENDA

A. Permits and Licenses
   1. Peddling permit Lauma Rikmane with Southwestern Advantage
B. Personnel
   1. Jim Roxbury Resignation as Emergency Mngr. effective 6-30-17
C. Donations/Designations

WALKER MOVED TO APPROVE THE CONSENT AGENDA. EDMONDS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

OPEN FORUM

Chuck Young stated he is very concerned about the Mille Lacs County Historical Society. His father wrote the letter to Washington DC to get the Depot on the Historical Registry. He feels the assessments should be waived. They have limited funds to work with, and requests the city waive those fees.

Connie Wangen from Princeton Public Utilities is asking the Council to consider approval to provide water and sewer to a new business just outside city limits. It is a property that is very close to wells 7 and 8. The property would have to put in a well and septic, which could be dangerous to the City’s wells. They are looking to protect the city’s water supply.

Wangen stated that the issue is that the property is are very close and ready to install the private well and septic, so they would like to address this very soon.

Karnowski replied that he was able to contact the property owner about annexation. The property is adjacent to the city, so it is able to be annexed. He understands where the PUC is coming from and does not want to take a chance at affecting the city’s water supply.

Wangen added that another item that the PUC wanted to inform the Council of, is the reduced WAC fees. Sherburne Trailer Park has been interested in hooking up to water, so this may be a good time for them to do that. Karnowski said it has been added to the August Study Session.
PRESENTATIONS

PUBLIC HEARINGS

REPORTS OF OFFICERS, BOARDS, AND COMMITTEES

A. EDA Board Minutes of June 15, 2017
B. Planning Commission Minutes of June 19, 2017

PETITIONS, REQUESTS, AND COMMUNICATIONS

A. Mama Gracie’s Street Closure Request for Sept 4, 2017

Foss advised that Faith Goenner is requesting a small portion of the street in front of her store be closed for their 2nd birthday celebration on September 4. It is Labor Day, so it is likely that most other businesses would be closed. Goenner has talked to most of the business owners than would be affected and they gave their approval.

EDMONDS MOVED TO APPROVE FAITH GOENNER’S REQUEST TO CLOSE A SECTION OF THE STREET IN FRONT OF MAMA GRACIE’S STORE ON SEPTEMBER 4TH FOR THEIR 2ND BIRTHDAY EVENT. REYNOLDS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

ORDINANCES AND RESOLUTIONS

UNFINISHED BUSINESS

A. In God We Trust Update

Karnowski reported that on Wednesday, May 31, he received a phone call from Cindy Pohlkamp who asked how she could appear before the City Council and request that the city re-establish the city moto ‘In God We Trust’ and also get that ‘motto’ painted on the walls of the City Council chambers.

He said he advised her that she need not be on the agenda but that she could appear at the next City Council meeting (on June 6) and just use the public forum portion of the agenda to make her presentation. As you know, the SOP for any question posed during the public forum portion of a Council meeting is that the city will take the request under advisement for future consideration.

As request by the Council at the June 6th meeting, staff has researched the request.

Internet sources advise that "In God We Trust" was adopted as the nation’s motto in 1956 as an alternative or replacement to the nation’s unofficial motto of E pluribus unum, which was adopted when the Great Seal of the United States was created and adopted in 1782.

"In God We Trust" first appeared on U.S. coins in 1864 and has appeared on paper currency since 1957. A law passed in a Joint Resolution by the 84th Congress and approved by Presi-
dent Dwight Eisenhower on July 30, 1956 declared "In God We Trust" must appear on American currency.

This phrase was first used on paper money in 1957, when it appeared on the one-dollar silver certificate. The first paper currency bearing the phrase entered circulation on October 1, 1957. The 84th Congress later passed legislation, also signed by President Eisenhower on July 30, 1956, declaring the phrase to be the national motto.

Karnowski stated he contacted the lead research attorney at the League of Cities to see if they were aware of any other city that received a similar request and to get some suggestions on how to counsel the Mayor and Council regarding the request.

In response, he received a response from the head of the League’s Research Department (Jeanette Bach) who advised that the request appears to be coming from one or more national groups that are pushing the idea. This website: http://www.ingodwetrust-america.org suggests that over 600 counties and cities across the US have agreed to adopt and post the motto.

The LMC attorney went on to advise that yes, the council may comply with the request but it is of course, something to consider carefully. Based on U.S. Supreme Court cases, the typical caution about government endorsing a particular religion does not apply to this national motto. It is now considered tradition and historically entrenched. Apparently there have been numerous unsuccessful lawsuits objecting to the phrase.

The attorney added, “For the opposite view, some feel painting this motto on walls in city buildings is divisive to those who may have different belief systems, or no belief system.”

Additional info: The oft used phrase, “Separation of church and state” is a phrase used by Thomas Jefferson in 1802 expressing his understanding of the intent and function of the “Establishment Clause” and “Free Exercise Clause” of the U.S. Constitution’s First Amendment when he wrote: “I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should ‘make no law respecting an establishment of religion, or prohibiting the free exercise thereof,’ thus building a wall of separation between Church & State.”

The “establishment clause” of the First Amendment to the U.S. Constitution reads:

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof..."

Jefferson’s metaphor of a wall of separation has been cited repeatedly by the U.S. Supreme Court. In 1879 the Court wrote that Jefferson’s comments “may be accepted almost as an authoritative declaration of the scope and effect of the [First] Amendment.” In 1947, Justice Hugo Black wrote: “In the words of Thomas Jefferson, the clause against establishment of religion by law was intended to erect a wall of separation between church and state.”

However, the Court has not always interpreted the constitutional principle as absolute, and the proper extent of separation between government and religion in the U.S. remains an ongoing subject of impassioned debate.

The final word from the LMC attorney was that it is up to each city council and no law or rule requires that they comply with the request.
Ms. Pohlkamp requested the Council adopt a Resolution.

The Council has several options including but not limited to:

1. Adopt the proposed resolution as presented;
2. Amend the proposed resolution as deemed appropriate;
3. Ask staff to revise the proposed resolution as directed by Council and bring it back at your July 27th meeting;
4. Adopt a motion to not adopt any resolution on the topic;
5. Table consideration to some specified (or unspecified) future date.

Karnowski asked how the Council wished to proceed.

Zimmer stated he is not opposed to this, as long as it is done without promoting any religion or denomination. According to the research, it is in the Senate, and on congressional podium.

Walker reminded everyone that the school also uses the council chambers for their meetings. In the handout that Pohlkamp provided, it stated they were a conservative legal group. Also, one group listed has been deemed a hate group against the LGBT community and that can be a sensitive issue.

Zimmer said he does not feel this is calling out any particular religion, he sees it as the National motto, regardless of who is requesting it.

Reynolds commented that it is a good motto, but is it the motto of all the city residents. He does not want to alienate anyone that would want to attend a meeting in the Chambers.

Edmonds responded if that writing on the wall bothered someone that is that person’s problem. The School district is only renting the building, the city still owns it. The organization pushing it is political, but he doesn’t feel the statement is political itself. He questioned if the size and location should be included if the resolution approving it is passed.

Whitcomb added that in this position, there have been more times than not, that he has prayed about various things that the Council is considering. So, he has complete trust in his god, whomever it may be. If it offends someone, they can turn away. In his opinion, it is showing the people that we are a council trying to do the right thing by everyone.

Edmonds says he is sure some would oppose it, but it is in the hall of congress and on our coins. He has no issue with it being stated on the wall of the Council Chambers.

ZIMMER MOVED TO APPROVE THE RESOLUTION 17-34, WITH THE SIZE AND LOCATION TO BE DETERMINED AT A LATER DATE. EDMONDS SECONDED THE MOTION. VOTE: 3:2, WALKER AND REYNOLDS OPPOSED, THE MOTION CARRIED.

B. Airport Crack Sealing Agreement and Resolution 17-33

Karnowski stated that this is the grant approval request for the 2017 airport crack sealing project.

EDMONDS MOVED TO APPROVE RESOLUTION 17-33 AUTHORIZING THE EXECUTION
C. Airport 2016 Taxilane Construction Pay application #2 / Final

Karnowski advised that this is the final pay application for the 2016 taxilane project.

Walker asked if the work was satisfactory. Karnowski said it was the new taxilane that were done, not the old taxiway that the Airport Board is not happy with.

WALKER MOVED TO APPROVE PAY APPLICATION #2 (FINAL) OF $3,113.94 FOR THE 2016 TAXILANE PROJECT. EDMONDS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

D. Roundabout Update

Karnowski reported that the city has been researching funding options for the proposed Highway 95 and Mille Lacs County Road 157 (21st Avenue) roundabout. Mayor Whitcomb, Engineer Brotzler, Mille Lacs County Engineer Cochran, Mille Lacs County Administrator Oman and I met on Tuesday, April 18.

Both Oman and Cochran had been asked by the County Board to meet with the city and gather more information on the project. The issues discussed at the April 18 meeting included:

1. Mille Lacs County Road 157 (aka 21st Avenue) is the only non-state aid County Road in the city and, therefore, qualifies for use of the sales tax dollars to improve. We noted that CR157 was completely improved without the county contributing any construction funding.

2. While a traffic control (stoplight or roundabout) at the 21st Ave./TH95 intersection has been on the radar for several years it wasn’t considered as one of the seven (7) projects approved for funding because the county’s selected projects were all off the County Highway Engineer’s prioritized list of roads with ‘needs’.

3. The city agreed that the enabling statute for the local option sales tax (MS 297A.993) required the County to designate a projects to be funding by the sales tax proceeds. But we noted that 297A.993 does not prohibit additional projects from being added to the list nor does it limit the timeframe the tax can be collected.

4. The city also noted that the only remaining project in Princeton that qualifies for the use of local option sales tax revenue is the proposed roundabout.

5. The city feels the potential benefits resulting from the completion of the Roundabout are not exclusive to the City of Princeton and would benefit the entire County by encouraging more development which would increase the property tax base for the city, school district and county in addition to resulting in more retail sales which would increase the county’s revenues from local option sales taxes.
6. The city also pointed out that substantial portion of the local option sales tax dollars that fund the county’s program will come from the retail businesses located in Princeton.

The County noted that the local option sales tax proceeds can only be used on County roads and cannot be used on MnDOT right-of-way. Cochran acknowledged that the cost to modify the north end of 21st Avenue to mesh with the roundabout is about $153,000± and could be eligible for funding with the County’s local option sales tax money. The tone of the April 18th meeting was very positive but, of course, it was understood that the final decision would be up to the County Board who would have to hold a new public hearing to modify their list of projects to be funding with the sales tax dollars.

County Administrator Oman told the city that he would be putting together the info for the Board and give them an update based on that meeting. Further, Oman told the city that we could review Oman’s memo prior to it being presented. For whatever reason, Oman never made good on that promise.

The next information we got from the County was the afternoon after the County Board’s Tuesday, May 2nd Study Session. Oman advised that the County Board decided not to assist Princeton with the sales tax money. Apparently the only Commissioner supporting the concept was Commissioner Wilhelm. Apparently the Commissioner who represents the City of Princeton didn’t support the taxpayers of the city of Princeton.

Oman further suggested the Board felt that the city should have asked for the funding when the hearings were held on the sales tax issue but understood that, when that was happening, the city didn’t think the assistance was going to be needed.

During that conversation, Oman advised that he’d send the city an email outlining the County Board’s discussion and he suggested that the Board may support increasing the County’s wheelage tax from $10/registration to $20/registration (which they were just notified they have the option to do). But, again, Oman failed to make good on his promise.

Then, on June 6th, Engineer Cochran emailed the city a copy of the proposed Cooperative Agreement between the County and City (which is required by the state). I noted that the proposed language included the phrase, “The County will make no financial contribution to the project”. I immediately called Cochran and advised that the city had not officially asked the County for roundabout funding assistance so I was sure the Council would not pass the agreement with that language in it. Cochran, reluctantly, said he’d delete the language and send the revised version (which he never did).

On May 19th, Mayor Whitcomb sent an email to County Commissioner Genny Reynolds requesting that she convince the balance of the County Board to delete the ‘no financial contribution’ phrase from the proposed agreement and give the city the opportunity to present its case to the full County Board for funding assistance.

Then, on June 20th, the County Board approved the agreement as originally drafted. The document was on their ‘consent agenda’ so, apparently, there was no effort by any Commissioner to discuss the city’s request prior to adoption.

On June 28th the city received the attached document which appears to be the same as the June 6th version and still has the ‘no financial contribution’ language in it (see last sentence of first paragraph on page 5).
Options: Staff suggests that the City Council has several options:

1. Adopt a motion to have the Mayor and Administrator sign the cooperative agreement as drafted by the County and return the signed copy to the County, or

2. A. Adopt a motion to delete the language agreeing that the County will make no financial contribution to the roundabout and authorize the Mayor and Administrator to sign the revised agreement

   b. Consider adoption of the attached resolution outlining the city’s rationale for requesting County participation in the improvements to CR157

   c. Contact the County and request time before the County Board to present the revised agreement and resolution and explain why the amendment was made and why the city feels the County should financially participate in the proposed roundabout project.

He asked how the council wished to proceed.

The intersection was originally planned for a stop light intersection. If that was done, a bridge expansion and more lanes would need to be added, so doing a roundabout would save the county and state a lot of money.

Walker said he is in favor of striking that phrase, signing and sending it on. We know where the County stands, but we can fight it. Edmonds and Zimmer both like option 2C, to present the revised agreement and resolution and explain why the amendment was made. Regardless of who meets with the County, it needs to be done.

Whitcomb stated he feels the Council should adopt the resolution requesting funding assistance and forward that to the County, as well as meeting with them.

ZIMMER MOVED TO APPROVE RESOLUTION 17-32 REQUESTING FUNDING ASSISTANCE FROM MILLE LACS COUNTY. EDMONDS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

WALKER MOVED TO APPROVE THE AGREEMENT WITH THE CITY, COUNTY AND PUC, REMOVING THE STATEMENT “THE COUNTY WILL MAKE NO FINANCIAL CONTRIBUTION TO THE PROJECT”. EDMONDS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

ZIMMER MOVED TO REQUEST THE COUNTY TO HAVE THE ITEM ADDED TO THEIR MEETING AGENDA. EDMONDS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

NEW BUSINESS

A. Emergency Management Update

Karnowski advised that staff is suggesting that the Council appoint Fire Chief Ron Lawrence as the city’s Emergency Management Director.
Chief Lawrence has been meeting with both Police Chief Fredericks and Public Works Director Gerold to come up with a new organizational strategy whereby Chief Lawrence would be the point person during emergency management situations but would be working closely with both the Police Chief and the Public Works Director.

A proposed organizational chart outlining the proposed organizational chart (chain of command) has been drafted. The three of them are also working on revising the Emergency Management Plan, which hasn't been thoroughly updated in about a dozen years.

The Council will be presented with the entire Emergency Management Plan in the near future.

WHITCOMB MOVED TO APPOINT FIRE CHIEF RON LAWRENCE AS THE EMERGENCY MANAGEMENT COORDINATOR. ZIMMER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

B. PFRD Handbook Update

Karnowski advised that the PFRD, its executive board, city staff and the city attorney has been working on an update of the PFRD Handbook for over a year.

If the Council is comfortable with the revised policy, a motion to adopt it would be in order.

ZIMMER MOVED TO APPROVE THE UPDATED PFRD HANDBOOK. REYNOLDS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

MISCELLANEOUS

BILL LIST
ZIMMER MOVED TO APPROVE THE BILL LIST WHICH INCLUDES THE MANUAL CHECKS AS LISTED ON THE MANUAL BILL LIST FOR A TOTAL OF $113,248.82 AND THE ITEMS LISTED ON THE LIQUOR BILL LIST AND GENERAL CITY BILL LIST WHICH WILL BE CHECKS 75812 TO 75898 FOR A TOTAL OF $646,719.20. REYNOLDS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

ADJOURNMENT
There being no further business:

WALKER MOVED TO ADJOURN THE MEETING AT 7:44PM. ZIMMER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

Respectfully Submitted, ATTEST:

Shawna Jenkins Paul Whitcomb, Mayor
City Clerk