

**MINUTES OF THE
REGULAR FRANKLIN CITY COUNCIL MEETING
Tuesday, November 13, 2012**

A Regular Meeting of the Franklin City Council was held on Tuesday, November 13, 2012, at 7:00 p.m. at City Hall. Council members present were: Degner, Gruendemann, Lyon, Schacher, and Wiese. Staff Department Heads present were: Degner Kokesch, and Pederson. Guests present were: Aaron Walton, Alice Wood, Curt Scharfencamp, Myron Gehrke, Megan Panitzke, and Robin Kokesch.

At 7:00 p.m., Mayor Degner called the meeting to order with roll call showing all council present.

Mayor Degner called for approval of the agenda. It was requested to amend the agenda to include Pay Draw No. 6. Schacher motioned to approve the amended agenda to include Pay Draw No. 6, second by Lyon, RCV-5 Yes, 0 No.

Mayor Degner called for approval of the minutes of the October 17, 2012 Regular Meeting and the October 30, 2012 Special Meeting. Wiese motioned to approve both sets of minutes as presented, second by Gruendemann, RCV-5 Yes, 0 No.

No citizens requested to be addressed.

Resolution 2012-11, Annual Ambulance Association Assessment in the amount of \$4,700.00, was motioned for approval by Wiese, second by Schacher, RCV-5 Yes, 0 No.

The Planning Commission held a public hearing and recommended approval of the Conditional Use Permit Application of Envirotech Services for the installation of liquid storage tanks at 330 State Hwy. 19. As noted in Resolution 2012-12, there was no dissent from the public, the use is allowable, would make use of the rail, and this area is zone manufacturing. **Schacher motioned to approve Resolution 2012-12, Conditional Use Permit of Envirotech Services, second by Wiese, RCV-5 Yes, 0 No.**

Aaron Walton presented the data of an incident resulting in deeming Megan Panitzke's dog a "potentially dangerous dog" and noted that Panitzke is allowed a hearing before the city council to review this determination. Panitzke felt her dog is not potentially dangerous and questioned the validity of Alice Wood's testimony. Wood argued that her dog was restrained and was attacked and that Panitzke's dog showed no fear. Lyon questioned why Panitzke's dogs were running loose. It was noted that this is strictly a warning and considered the "first strike", if the dog has no future incidents there is no issue. Schacher questioned "unprovoked" and noted the exception to the dog owner's property in the statute. **Lyon**

motioned to leave the determination as stated, second by Schacher, RCV-Lyon, Degner-Yes; Wiese, Schacher-No; Gruendemann abstained.

A canvass of the Nov. 6, 2012 Municipal election was presented for approval: 224 persons voting; Mayor-Degner 118, Joehneck 96, write-ins 5; Council-Wiese 185, write-ins 82; Council-Scharfencamp 143, Gruendemann 71, write-ins 3. Pederson noted that Robin Kokesch received 61 write-in votes for council. **Schacher motioned to approve the Canvass of the November 6, 2012 Election, second by Wiese, RCV-5 Yes, 0 No.**

Schacher motioned to approve Partial Pay Estimate No. 3 to Kuechle Underground, Inc. in the amount of \$103,783.23, second by Wiese, RCV-5 Yes, 0 No. It was noted that the county's portion is \$79,204.64, which will be reimbursed. **Wiese motioned to approve Interim Finance Draw No. 6 in the amount of \$25,157.89, second by Gruendemann, RCV-5 Yes, 0 No.**

The city attorney and USDA Rural Development approved the new bid documents for the Water/Wastewater Treatment Facilities Improvements; Bolton and Menk will pay for the bid advertising. The bid opening is scheduled for December 5, 2012 at 2:00 p.m. at City Hall.

The city received a copy of the Settlement Agreement and Release for the 2004 Gaub Warranty Litigation which is to be signed and returned to Kennedy and Graven.

The council discussed "No Parking" and "15 Minute Parking" signs that were removed during the CSAH 29 construction. Kokesch noted that these are actually county signs and if they will be put back in place they should be upgraded; he doesn't feel they are necessary and recommended getting rid of any signs that are not needed. Lyon felt the signs are needed as people aren't all aware of what the parking ordinances state. It was suggested to advertise the parking regulations in the newsletter and cable channel. **Wiese motioned to remove these signs, second by Gruendemann, RCV-Wiese, Gruendemann, Schacher, Degner-Yes; Lyon-No.**

The financial status of the city was reviewed. October receipts totaled \$308,025.74; current bills were presented for payment in the amount of \$134,414.37. **Wiese motioned for approval of the bills and financial report as presented, second by Schacher, RCV-5 Yes, 0 No.**

Department Heads were addressed. Kokesch reported that he and Pederson met with the Dept. of Health regarding the Wellhead Protection Program and that the Dept. of Health will complete Phase 1 and may assist with Phase 2 depending on the city's population; presented the sidewalk inspection report to the council; reported that Jeff Mumm requested a yard hydrant on his vacant lot; and reported there is a large amount of Class 5 gravel remaining from the project that will be distributed on the gravel roads next spring. Chief Degner reported that the squad car needs to have the new radio installed, it will cost around \$150.00. Pederson reported the MN Pollution Control stated phosphorous levels are under control; Captain Clean will be cleaning carpets at city hall and the fire hall; presented costs for Bank Draft software \$395 plus

\$120 annual maintenance and Franklin State Bank fees of \$25 per transaction (once per month) for automatic withdrawals for utility customers, the council wanted time to consider this and questioned if it would help with receipts.

Zoning permits were issued to: Donald Wolling to install a 14' x 34' garage at 143 2nd St. S. and to Ashley Heibel to install a 10' x 12' storage shed at 481 2nd St. S.

North Ambulance did not provide an updated contract in time for this meeting.

The LMCIT Tort Liability Limit remains at \$1,500,000.00. **Wiese motioned not to waive the LMCIT Tort Liability Limits, second by Gruendemann, RCV-5 Yes, 0 No.**

Councilor Requests included: Degner met with the Civic Club and they requested the Christmas lights be installed only where power is available; requested the stone marker that was removed be installed by the city entrance; and they thanked the city for cleaning up the former Franklin Auto lot.

At 8:06 p.m., Mayor Degner called for adjournment, with Gruendemann motioning for adjournment, second by Wiese, RCV-5 Yes, 0 No. The next regular city council meeting will be held Monday, December 10, 2012 at 7:00 p.m. at City Hall.

Respectfully Submitted by
Wendy Pederson, City Clerk/Treasurer