

**DRAFT**

**MINUTES OF THE  
REGULAR FRANKLIN CITY COUNCIL MEETING  
Monday, October 14, 2013**

A Regular Meeting of the Franklin City Council was held on Monday, October 14, 2013, at 7:00 p.m. at City Hall. Council members present were: Degner, R. Kokesch, Lyon, Scharfencamp, and Wiese. Staff Department Heads present were: Kokesch and Pederson. Guests present were: Peter Mikhail, Joel Harmoning, and Tim Sullivan.

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, Wiese motioned to approve the agenda as presented, second by R. Kokesch, RCV-5 Yes, 0 No.**

**Mayor Degner called for approval of the minutes of the September 9, 2013 Regular Meeting. Lyon motioned to approve the minutes as presented, second by Scharfencamp, RCV-5 Yes, 0 No.**

No citizens requested to be addressed.

Peter Mikhail, city attorney, presented the record of reasons for the council to go into closed session to discuss the possible settlement of the lawsuit of Schierioth vs. the City of Franklin. **R. Kokesch motioned to close the session, second by Wiese, RCV-5 Yes, 0 No. Following the legal discussion, Scharfencamp motioned to close the closed session, second by R. Kokesch, RCV-5 Yes, 0 No. Wiese motioned to ratify the settlement agreement that the Mayor put on the record at the settlement conference with the court, and to instruct Mikhail to construct a resolution to adopt at the next meeting memorializing that agreement, second by Scharfencamp, RCV-5 Yes, 0 No.**

**Scharfencamp motioned to close the session to discuss a police personnel complaint, second by R. Kokesch, RCV-5 Yes, 0 No. Following discussion, R. Kokesch motioned to close the closed session, second by Scharfencamp, RCV-5 Yes, 0 No.**

**R. Kokesch motioned to accept the resignation of Neil DeBlieck, the interim Chief of Police, second by Lyon, RCV-5 Yes, 0 No.**

The city of Morgan presented a proposed police contract offering to provide an average of 20 hours/week of policing for the city at a cost of \$35,004/year. The council would like a breakdown of how their cost figure was derived. There was also concern about the contract stating the city would provide an equipped squad car, pay for fuel, and the car would be kept in Morgan. It was thought that response time with Morgan providing coverage would be better than with the sheriff's office. It was decided that another meeting with Morgan is needed to resolve these issues. **Scharfencamp**

**motioned to table the Morgan police proposal until further discussion, second by R. Kokesch, RCV-5 Yes, 0 No.**

K. Kokesch gave an update on the status of the project, noting that rain is slowing things up a bit, construction on 3<sup>rd</sup> St. is underway, 5<sup>th</sup> St. is nearly complete. He feels Quam is doing very good work and is good with the citizens. KHC still has a few items to finish at the Water Treatment Plant.

Partial Pay Estimate No. 2 to Quam Construction in the amount of \$285,470.49 was presented for payment. Pederson noted that with the federal government shut-down, funding may be questionable; USDA received the unsigned PPE No. 2, but is furloughed an unable to formally approve it; MN Rural Water said they could draw the funds with the engineer's approval. **R. Kokesch motioned to approve Partial Pay Estimate No. 2 in the amount of \$285,470.49 to Quam Construction pending receipt of funding, second by Lyon, RCV-5 Yes, 0 No.**

**Pederson presented Pay Draw No. 17, in the amount of \$285,470.49 for the construction expenses, which was motioned for approval by Wiese, second by Scharfencamp, RCV-5 Yes, 0 No.**

Pederson and Commissioner Bob Fox have been researching options for the former Franklin Auto Exchange property, parcel 32-00316-00 up for forfeiture. Fox believes the county will work on removing the underground tanks and is researching the size of the lot with MN DOT setbacks and requested the city be responsible for capping the well. It was questioned what will be done with the lot, which is not yet known, however, if the state of Minnesota acquires it, it will sit barren and unattended. **As the well is a potential water supply hazard, Wiese motioned to approve capping the well and working with the county to clean up this parcel, second by R. Kokesch, RCV-5 Yes, 0 No.**

The city attorney's office has reviewed and revised the proposed ATV, Mini-Truck, UTV, Golf Cart ordinance. It was noted that a public hearing is required to adopt this ordinance and a permit is required to operate these vehicles on public roads. Renville County is working on an ordinance and permitting process as well, with their permits to be available on their web site. It was decided that the permits will be free and accessible via the web-site. Pederson will work on this to hopefully be completed by December.

J. Harmoning and T. Sullivan presented the Franklin Fire Relief financial statements and benefit worksheet, noting they have not increased their benefit for over 5 years, being conservative with the stock market issues and low interest rates. They noted that the fund potentially could fund a benefit level of \$2,100, they are at \$1,000 and requested an increase to \$1,100. **R. Kokesch motioned to increase the Franklin Fire Relief Annual Benefit to \$1,100, second by Scharfencamp, RCV-4 Yes, 0 No, Wiese abstained.**

**Lyon motioned to accept Matt Anderson's resignation from the Fire Department, second by Scharfencamp, RCV-5 Yes, 0 No.**

The financial status of the city was reviewed. September receipts totaled \$230,068.61; current bills were presented for payment in the amount of \$340,203.26. **Wiese motioned for approval of the bills and financial report as presented, second by Lyon, RCV-5 Yes, 0 No.**

Department Heads were addressed. K. Kokesch reported that the pellet building needs some major renovations; Class Act Furnace provider recommended to rotate one furnace, add an auger, remove the existing pellets, cut the roof and correct the chimney, and re-slope the storage area and will assist and provide materials for augers for \$1,359; the roof, sloping, and pellet removal would be an additional cost. **Wiese motioned to approve fixing the pellet building, second by Scharfencamp, RCV-5 Yes, 0 No.** K. Kokesch also noted that sweeping the streets this year will be difficult with the roads under construction and that he attended water training. Pederson reported for T. Birkemeyer that he needs to meet with public safety commissioners; that he supports the policing by Morgan as this will help with radio issues and improve the radio system; Blood Born Pathogen training will be held on November 21<sup>st</sup> at 7:00 at the Fire Hall for all city employees. Pederson questioned the fire hall door lock installation, a lock was ordered but needed to be returned; reported that Mid MN is offering access to a grant finder and will research grant options for removal of the tennis courts; health insurance exchange notices were distributed, reported that the police office needs a thorough cleaning, the web-site is in progress, Mediacom has been contacted regarding access channel issues; the potential water disconnect list was extensive this quarter.

No zoning permits were issued.

**Resolution 2013-5, Annual Ambulance Association Assessment in the amount of \$4,625.00 was motioned for approval by Wiese, second by R. Kokesch, RCV-5 Yes, 0 No.**

MJ Uhlenkamp, LLC audit engagement proposal for 2013 was presented, noting there will be no rate increase. **Scharfencamp moved to approve the audit engagement of MJ Uhlenkamp, LLC, second by Lyon, RCV-5 Yes, 0 No.**

**Wiese motioned to not waive the monetary limits on municipal tort liability with LMCIT, second by Scharfencamp, RCV-5 Yes, 0 No.**

There were no counselor requests.

**Mayor Degner called for adjournment with a motion to adjourn by Scharfencamp, second by R. Kokesch, RCV-5 Yes, 0 No.** At 9:48 p.m. the meeting adjourned, the next regular meeting will be held on November 12, 2013, at 7:00 p.m.

Respectfully Submitted by  
Wendy Pederson, City Clerk/Treasurer