

**Maple Plain City Council Meeting
Meeting Minutes
August 11, 2014
Maple Plain City Hall**

1. CALL TO ORDER

Acting Mayor Young called the meeting to order at 7 p.m.

Present: Councilmembers Dave Eisinger, Mike DeLuca, Justin McCoy and Jerry Young. Also present were City Administrator Tessia Melvin, City Attorney Jeff Carson, City Engineer Dan Boyum and Director of Public Safety Gary Kroells.

Absent: Mayor Hackbarth

2. PLEDGE OF ALLEGIANCE

3. ADOPT AGENDA

Councilmember DeLuca moved to adopt a revised agenda to include: Moving 10E: Resolution of Further Censure of Mayor after the Consent Agenda; seconded by Councilmember Eisinger. Motion passed 4-0.

4. PROCLAMATIONS

Paul Mendoza, North Memorial, presented the City of Maple Plain along with Carol Cheswick and Julie Maas-Kusske a certificate and two street signs designating Maple Plain as a HeartSafe Community. Maple Plain joins more than 25 cities to be designed for providing exceptional preparedness in sudden cardiac arrest. The Maple Plain City Council and the West Hennepin Chamber of Commerce presented Julie and Carol with a special recognition for all of their work and dedication to this project.

5. CONSENT AGENDA

Items to approve under the Consent Agenda:

- A. Approve July 11 Special City Council meeting minutes**
- B. Approve July 14 City Council meeting minutes**
- C. Accounts Payable**
- D. Acceptance of Gambling Permit**
- E. 2015 Truth-in-Taxation Hearing Date, Resolution 14-0811-02**

F. Westonka Lions Club Temporary Alcohol Application and License Fee Waiver

G. Main Street West and Rainbow Avenue- Utility Street Improvements- Payment Request No. 3

Councilmember Eisinger moved to adopt the consent agenda; seconded by Councilmember McCoy. Motion passed 4-0.

10. NEW BUSINESS

E. Resolution of Further Censure of Mayor

Jeff Carson, City Attorney, introduced the resolution and provided background on the further censure of the Mayor. Carson reported that on Monday, August 4, the Council met to discuss the Mayor's behavior. Mayor Hackbarth was absent. At this meeting, the Council concerns included:

- The Mayor continues to correspond with employees and others without sending a copy to the Acting Mayor as directed in the censure resolution.
- The Mayor continues to send e-mails regarding questions or City business to members of the City Council, outside of the public forum of a Council meeting, creating open meeting violations.
- The Mayor continues to behave unprofessionally with angry outbursts toward the City Councilmembers and staff, making a working relationship with either Council or staff extremely difficult.
- The Mayor shared private, employment medical information with persons not authorized to receive such information.
- The City has received complaints from citizens and business owners regarding the Mayor's abusive and negative behavior.

Carson concluded that the Council directed him to provide a resolution of further censure of the Mayor. Councilmember DeLuca read Resolution of Further Censure of Mayor: 14-0811-01.

WHEREAS, in March of 2014, based on an independent investigators report, The Maple Plain City Council passed Resolution No.14-0811-01 censuring the Mayor and significantly limiting his duties; and

WHEREAS, since the initial censure resolution, the Mayor has continued to violate the censure resolution and guidelines, to wit:

- The Mayor continues to correspond with employees and others without sending a copy to the Acting Mayor as directed in the censure resolution.

- The Mayor continues to send emails regarding questions of City business to members of the City Council, outside of the public forum of a Council meeting, creating open meeting violations.
- The Mayor continues to behave unprofessionally with angry outbursts toward City Council members and staff, making a working relationship with either Council or staff extremely difficult.

WHEREAS, the City received very positive support from the following governmental entities: The League of Minnesota Cities, Lake Minnetonka Communications Commission, Metropolitan Council and Metro Cities, upon being advised in March of this year that the Mayor's appointment to their organizations had been terminated; and

WHEREAS, more recently the Mayor shared private, employment medical information with persons not authorized to receive such information; and

WHEREAS, the City has received complaints from citizens and business owners regarding the Mayor's abusive and negative behavior; and

WHEREAS, the City Council finds that the entirety of the Mayor's behavior before and following censure has been demeaning and degrading to the City and its staff and that the Mayor's actions are not in the best interest of the City; that the Mayor has failed to serve the citizens of the City.

NOW, THEREFORE, The Maple Plain City Council **RESOLVES**, effective immediately, as follows:

- 1) The Mayor's pay shall be eliminated and the Administrator shall cease all income payments to the Mayor.
- 2) The Mayor is hereby removed from serving on the West Hennepin Public Safety Police Commission; that the Administrator shall notify the Commission of this decision and the City Council shall appoint a replacement commission member.
- 3) The Acting Mayor shall henceforth chair all regular and special meetings of The Maple Plain City Council.
- 4) The Mayor shall not be provided any data that is either non-public, private or confidential.
- 5) The Mayor shall not attend any closed sessions of the City Council where non-public, private or confidential information is discussed or reviewed.

FURTHER, The Maple Plain City Council hereby **RESOLVES**:

The Maple Plain City Council hereby requests that Mayor Roger Hackbarth resign from the office of Mayor.

With several spectators, two residents spoke. Judy Sutherland, asked if the resolution is asking that the Mayor to resign or demanding him resign. Carson responded that the Council can only ask the Mayor to resign. Julie Maas-Kusske, asked about further actions if the Mayor does not resign. Carson responded that the City cannot fire the Mayor and this censure allows them to conduct business.

Councilmember McCoy moved to approve the further censure of the Mayor; seconded by Councilmember Eisinger. Motion passed 4-0.

VISITORS TO BE HEARD

Note: This is a courtesy extended to persons wishing to address the Council who are not on the agenda. A completed public comment should be presented to the City Administrator prior to the meeting. Presentations will be limited to 3 minutes. The session will be limited to 15 minutes.

There were no visitors to be heard.

7. PUBLIC HEARING

There was no public hearing held.

8. ADMINISTRATIVE REPORTS

A. West Hennepin Public Safety Monthly Report.

Director Gary Kroells presented the West Hennepin Public Safety (WHPS) June Monthly Report to the Council. Kroells reported that in June, WHPS responded to a total of 3,835 total incident complaints. Of those, 1,561 occurred in Maple Plain. Kroells provided an in-depth report on the highlighted cases.

Councilmember DeLuca noted that he appreciated the in-depth report from Kroells and encouraged Melvin and Kroells to work with Lake Minnetonka Communications Commission to create a quarterly program for Kroells to educate residents on the crime activity and provide some crime prevention tips.

Councilmember McCoy moved to approve the WHPS June Monthly Report; seconded by Councilmember Eisinger. Motion passed 4-0.

B. City Engineer Monthly Report

Dan Boyum, City Engineer, provided the monthly report. Boyum reported that much of the work has been dedicated to the Main Street West and Rainbow Avenue Utility and Street Improvements. Staff has coordinated with utility companies on service relocations, lowering of lines and pole removals. Staff has also attending a public information meeting for residents and responded to various property owner questions regarding the project.

In addition, Boyum reported on the Budd Avenue Sanitary Sewer Improvement, which will begin Monday, August 18.

Councilmember DeLuca moved to approve the Engineer Monthly Report; seconded by Councilmember Eisinger. Motion passed 4-0.

C. City Planner Monthly Report

Melvin provided the monthly planning report. Current projects include Meadows of Maple Plain, potential dog grooming business, liquor store proposals, and church parking lot improvements, potential building improvements to property on Poplar Avenue, fence issues and permit development.

Councilmember McCoy moved to approve the Planning Monthly Report; seconded by Councilmember Young. Motion passed 4-0.

D. 2015 Pioneer Sarah Creek Watershed Budget- Final

Melvin presented the 2015 Pioneer-Sarah Creek Watershed Budget. The budget includes a 0.6% increase in assessment to cities. The administrative costs are budgeted to decrease by 3.9% to allow more dollars to be spent on water projects and services to cities.

Councilmember DeLuca added that he budget includes \$20,000 targeted towards Capital Improvement Projects to assist cities.

Councilmember DeLuca moved to approve the 2015 Pioneer Sarah Creek Watershed Budget; seconded by Councilmember McCoy. Motion passed 4-0.

9. OLD BUSINESS

A. Drake and Perkins Survey and Televising Costs

Melvin reported that residents on Perkins and Drake were concerned about water flooding after heavy rainfalls. Melvin and Boyum met with residents on Thursday, June 12, to discuss the problems. Swale located between the homes of Howard Avenue and Perkins Lane is not flowing properly, but nobody is able to explain. Melvin presented costs totally \$1,640 to include surveying and televising of the area to determine possible problems.

Councilmember Eisinger moved to approve the \$1,640 costs for televising and surveying of Drake and Perkins to assist with flooding; seconded by Councilmember McCoy. Motion passed 4-0.

10. NEW BUSINESS

A. Replacement or Restoration of New Holland Skidsteer

Councilmember Eisinger moved to table this item to provide more details and discussion; seconded by Councilmember McCoy. Motion passed 4-0.

B. Check Signing Device

Melvin reported that staff writes checks on a bi-weekly basis and is currently using a manual check signing machine that is time consuming and is no longer available for parts and maintenance. An initial cost of \$1,245 would be required, but staff would save a yearly contract fee from \$296 to \$150. In addition changing signatures would be reduced from \$290 to \$150.

Councilmember DeLuca asked Melvin, where this would come from the budget. Melvin responded Administration office equipment.

Councilmember Young moved to approve the changing of contract for check signing device; seconded by Councilmember Eisinger. Motion passed 4-0.

C. Postage Meter Device Contract

Melvin reported that he City’s five year contract with Pitney Bowes has expired. In looking to renew with Pitney Bowes, staff looked at Neopost, as similar vendor. Changing from Pitney Bowes to Neopost would save the City money:

	Pitney Bowes	Neopost
Monthly Lease Fee	\$82.62	\$34.95
Ink	\$13.49-\$53 for 3,00 prints	\$54 for 17,000 prints
Estimated Yearly Fees	\$991. 44 (lease) \$161.66 ink	\$419.40 (lease) \$54 ink

Councilmember Young moved to approve the changing the poster meter device contract; seconded by Councilmember Eisinger. Motion passed 4-0.

D. Folding and Stuffing Machine Device

Melvin reported that the City changed its utility bills from postcards to 8.5” x 11 “ paper, to allow for more privacy and additional information stuffers. The new format requires folding and stuffing. Due to lean staff, the City has contracted this service out for \$125 per utility cycle. Staff is looking for Council support to rent a folding and stuffing machine for \$150 per month.

Councilmember McCoy moved to the addition of a folding and stuffing machine; seconded by Councilmember DeLuca. Motion passed 4-0.

11. LEGISLATIVE/INTERGOVERNMENTAL AFFAIRS

12. COUNCIL REPORTS & OTHER BUSINESS

Councilmember McCoy moved to appoint Acting Mayor Jerry Young to the West Hennepin Police Commission in replacement of Mayor Hackbarth, per further censure; seconded by Councilmember DeLuca. Motion passed 4-0.

13. ADJOURNMENT

Councilmember McCoy moved to adjourn the meeting at 7:50 p.m.; seconded by Councilmember DeLuca. Motion passed 4-0.

Prepared by

Tessia Melvin, City Administrator