

MAYER CITY COUNCIL MEETING MINUTES – SEPTEMBER 24, 2018

Call Regular meeting to order at 6:30 p.m. by Mayor Dodge

PRESENT: Mayor Dodge, Council Members Boder, Butterfield, and Stieve-McPadden

ABSENT: Council Member McNeilly

STAFF: City Administrator McCallum, City Attorney Sullivan, Fire Chief Maetzold, Public Works Kuntz, and Deputy Clerk Gildemeister

ALSO PRESENT: Kristine Anderson, Allen Roth, Ivan Raconteur, Chad Heldt, Don Wachholz, Mike Wegner, Jason Hilgers, Kiya Aurich, Julia Stanley, Grant Cohrs, Mary Cohrs, Kaye Timmers, John Butterfield

The meeting was opened with the Pledge of Allegiance.

APPROVE AGENDA

A MOTION was made by Council Member Boder with a second by Council Member Butterfield to approve the agenda as presented. Motion Carried 4/0

PUBLIC COMMENT

None

APPROVE CONSENT AGENDA

A MOTION was made by Council Member Stieve-McPadden with a second by Council Member Butterfield to approve the Consent Agenda with the exclusion of 220 4th Street Extension Request which was moved to Regular Agenda discussion. Motion Carried 4/0.

1. Approve the Minutes of the September 10, 2018 Regular Council Meeting.
2. Approve the Minutes of the September 10, 2018 Council Workshop Meeting.
3. Approve Claims for the Month of September 2018. Check numbers 21763 to 21807.
4. Acknowledge City Administrators Report for the Month of September 2018.
5. Acknowledge City Engineer Summary Report of Projects for the month of August 2018.
6. Acknowledge Fire Department Report for the Month of August 2018.
7. Acknowledge Sheriff's Department Report for the Month of August 2018.
8. Approve Resolution 9-24-18-28 Mayer Baseball Club Donation.

CITY ADMINISTRATOR

1. **Accept Extension Request for 220 4th Street NE** – Mayor Dodge opened discussions on the code violation compliance extension request from property owner, Chad Heldt. Mayor Dodge was concerned that the property owner requested using the out of compliance gravel parking pad till June 30, 2019. City Attorney Sullivan reminded Mr. Heldt that the parking pad is in violation of three City Codes and suggested to Council that they could accept the request with the addition of language “contingent that the parking pad not be used.” Mr. Heldt requested leniency while the Council discusses whether they want to move forward with future language changes to the Parking Pad Ordinance to include gravel as an acceptable parking surface.

A MOTION to accept extension request through June 30, 2019 with language that the parking pad will not be used was made by Mayor Dodge. The motion was not seconded. Motion failed.

Council Members Boder and Stieve-McPadden discussed their willingness to allow Mr. Heldt to park his camper on the parking pad and didn't see it as an issue. Mayor Dodge and Council Member Butterfield felt the parking pad should not be used due to the parking pad violating three City Codes, not just the issue of parking on gravel.

A MOTION to accept extension request and allow the use of the parking pad through June 30, 2019 was made by Council Member Boder and seconded by Council Member Stieve-McPadden. Motion failed. 2/2 Mayor Dodge and Council Member Butterfield a nay.

After further discussion, a MOTION to accept extension and allow the use of the parking pad through December 31, 2018 was made by Council Member Butterfield and seconded by Mayor Dodge.

Mr. Heldt stated that it would be difficult to move the camper in December. Council Member Stieve-McPadden did not see the logic in having Mr. Heldt move his camper in December and re-stated that she did not see an issue with having the camper parked on the parking pad through June 30, 2019.

A MOTION to retract her prior motion was made by Council Member Butterfield and seconded by Mayor Dodge.

City Attorney Sullivan offered some clarification and stated that Council could grant an extension request through an agreed time period, allowing Mr. Heldt opportunity to correct violations while the City discusses code language on all three performance standards.

A MOTION to accept extension request and allow the use of the parking pad through June 30, 2019 was made by Mayor Dodge and seconded by Council Member Boder. Motion carried 4/0.

PUBLIC HEARING – Utility Franchise Proposal Jaguar Communications

A MOTION to open Public Hearing at 6:54 p.m. was made by Council Member Butterfield and seconded by Council Member Stieve-McPadden. Motion carried 4/0.

Kristine Anderson, In-house Attorney for Jaguar Communications, introduced herself to Council and public. Attorney Anderson approached the podium and presented a summary of the application submitted to the City and detailed its cable plans. Attorney Anderson left the podium and the floor opened for public comment.

Question 1: Kaye Timmers asked why she was quoted a cost of \$79.99 for basic internet service at the Open House August 30, 2018, when Jonathan Todd, Sales Representative of Jaguar, stated to the Council in April of 2018 that the basic cost would be \$49.95. Council Member Butterfield questioned the discrepancy and asked for an explanation.

Response: Attorney Anderson stated that she reviewed the April 2018 minutes and in anticipation of this question, corresponded with Jonathan Todd who at that time used a generalized cost of \$49.95 for an individual service as an example. She stated their services range from \$29.95 for a basic phone package to \$209.95 for a high end full service package. Attorney Anderson stated that Jaguar Communications was looking into offering an even lower level internet option, but after doing some market research, found that there wasn't sufficient market demand for that type of service. She stated that most people want a fiber optic option because it offers a considerable superior service.

Question 2: Mary Cohrs asked if Jaguar Communications financials are available for review. Ms. Cohrs stated she is concerned Jaguar Communications will increase rates and fees next year if they do not meet their target numbers.

Response: Attorney Anderson stated Jaguar Communications is not a publicly traded company, therefore, its financials are not available for public review. Attorney Anderson gave a brief history of the company and stated there is no indication that rates will increase and that Jaguar Communications is in good financial standing.

Mayor Dodge asked for further comments from the public. City Administrator McCallum stated there were no comments submitted by email.

A MOTION to close Public Hearing and resume Regular Council Meeting at 7:11 p.m. was made by Council Member Butterfield and seconded by Council Member Boder. Motion carried 4/0.

Approve Jaguar Communications Utility Franchise Proposal - A MOTION to accept Jaguar Communications application and to direct Staff to enter into negotiations for the purposes of developing a franchise agreement for consideration by the City Council was made by Mayor Dodge and seconded by Council Member Stieve-McPadden. Motion carried 4/0.

FIRE DEPARTMENT

1. **Approve Resolution 9-24-18-31 Authorization to Increase Volunteer Firefighter PERA Benefits** – A MOTION to approve Resolution 9-24-18-31 authorizing an increase in PERA benefits to \$2500 for Mayer Volunteer Firefighters was made by Council Members Butterfield and seconded by Council Member Stieve-McPadden. Motion carried 3/0. *Council Member Boder abstained.*

2019 BUDGET

1. **Approve Resolution 9-24-18-29 Preliminary Budget for 2019** – A MOTION to approve the Preliminary Total Expenditures Budget for 2019 in the amount of \$1,686,657.85 was made by Council Member Stieve-McPadden and seconded by Council Member Butterfield. Motion carried 4/0.
2. **Approve Resolution 9-24-18-30 Adopting 2018 Preliminary Tax Levy for 2019** – A MOTION to approve Resolution 9-24-18-30 Adopting 2018 Preliminary Tax Levy for 2019 in the amount of \$1,131,996.00 was made by Council Member Stieve-McPadden and seconded by Council Member Boder. Motion carried 4/0.

FOR YOUR INFORMATIO

- Acknowledge September 11, 2018 Park Board Meeting Minutes.

Before close, Mayor Dodge directs City Administrator to reach out to Jaguar Communications and confirm the Special Meeting date.

ADJOURN

There being no further business, a MOTION was made by Council Member Butterfield and seconded by Council Member Stieve-McPadden to adjourn the meeting at 7:31 p.m. Motion Carried 4/0

Mike Dodge, Mayor

Attest: _____
Janell Gildemeister, Deputy City Clerk