

Tyler City Council Agenda

Monday, January 5, 2015

7 p.m. – Tyler Fire Hall

1. Call to Order
2. Council Oaths of Office
3. Approve Agenda
4. Approve Minutes from Dec. 1 and Dec. 17
5. City Council Comments
6. Correspondence
7. Public Express
8. Police Chief Report
9. Vacated Council appointment
10. Mayor Report
 - a. Comments
 - b. Committee appointments
11. Resolution Designating Official Depositories & Newspaper
12. Signatures
13. Budget follow-up
14. City Administration/Utility Report
 - a. County Sheriff Service
 - b. Sirens update
 - c. Snow Plow Engine
 - d. Golf Course Gambling License
15. Attorney's Report
16. Approve Bills
17. Adjourn

To: Mayor and City Council
From: City Administrator
Date: January 5, 2015
Subject: Council Oaths of Office

Memorandum

Mayor Merv Peterson, Council members Erick Harper and Tim Sanderson will take their oaths of office during the January 5, 2015 council meeting.

Tyler City Council

December 1, 2014

Mayor Thomsen called the Public Meeting to order at 7:00 pm. Present was Erick Harper, Ivan Petersen, Merv Petersen, Darrell Denney, City Administrator Wolfington, City Attorney Petersen, City Clerk Powell, Chief of Police Spindler, Arnold Dam, Rick and Julie Geinhardt, Taisha Dass, Kari Dass, Tim Sanderson, Trent Hess, Craig Hess, Brad Wilmes, Peggy Wilmes, Amy Reese, Greg Reese, Tom Thomas, John Thomsen, Joan Jagt, Shaun Thomas, Mic VanDeVere, Don Evers, Eric Bloch, Travis Borresen, Monica Lutterman, Daren Lutterman, Scott Johansen, Chad Meester, Steven Hurd, Dan Broin, Wayne Brandt, Charis Stuefen, Dale Krueger, Jim Jensen, Robert Johnson, Gary Manson and Patti Torkelson

The Tyler City Council called for a public hearing to take public input on potential changes in police service. The committee was formed including Councilmen Erick Harper and Ivan Petersen to review all options for police service.

Mayor Thomsen stated the main reason for investigating the idea of combining with the Lincoln County Sheriff's department for service is mostly financial. The City had met with the County a couple years ago and Mayor Thomsen believes this should be something that the City considers.

Craig Hess asked if this is financial does the City know how much it will save by going with the County. The reply from the committee was \$50,000 to \$60,000 but they cannot say what the amount would be as the committee has to go before the County Commissioners at their meeting December 2, 2014. It was asked what the preliminary number is and the committee stated there would be a coverage contract, the county would hire 1.5 officers, the contract would be for 2800 hours. It was asked what the estimated response time would be for an emergency call in Tyler and Sheriff Meester said he cannot guarantee what the response time would be. Travis Borresen stated that he is on the Tyler Fire Department when the fire department arrives at a call the Tyler police are already there and have the situation under control he thinks that would be something bad to lose for the City of Tyler.

Robert Johnson stated that he feels the Police department is part of the City Infrastructure and he feels it would be detrimental to the city infrastructure to lose the Police force.

Comments were also made from the Tyler Hospital that having the police available for them at a moments notice is something they do not want to lose. The representatives from the hospital state that if they have a call they can call Chief Spindler on his personal phone and he will be there for them.

Councilman Harper stated that the Council is requesting in the contract the Lincoln County Sheriff's Department have a representative come to the Tyler City Council meetings monthly so if there is any issues they can be dealt with at the council meetings.

There will be another public meeting on December 17, 2014 at 5:00 PM before a decision is made and the committee will have more data before the next meeting so they can make an informed decision.

Mayor Thomsen called the regular December 1, 2014 city council meeting to order at 8:05 pm. Present was Mayor Thomsen, Erick Harper, Ivan Petersen, Merv Peterson, Darrell Denney, City Administrator Wolfington, City Attorney Petersen, Chief of Police Spindler, City Clerk Powell, Steven Hurd, Gary Manson, Tim Sanderson, Sheriff Chad Meester and Patti Torkelson.

Motion by M Peterson, Seconded by D Denney and passed unanimously to approve the agenda for the December 1, 2014 Tyler City Council Meeting.

Motion was made by I Petersen, seconded by D Denney and passed unanimously to approve the minutes of the November 10, 2014 minutes.

City Council Comments: Mayor Thomsen stated that he appreciated working with the council and he wanted to thank the council for the time they worked together. Mayor Thomsen wanted to suggest to the new council that if the City would be purchasing anything over an amount of \$500 it would be approved by the council before it is purchased.

Public Express: No one present

Police Chief Report: Chief John Spindler reported 28 calls of service for the month of November. Chief Spindler stated one of his calls was a civil matter between the family dollar and one of its neighbors and he wanted to make the council aware.

Proposed 2015 Annual Budget: City Administrator Wolfington presented the 2015 Proposed budget. The street department has put into the budget some crack filling and seal coating that has been pushed back the last few years. The town will be divided into five sections and each section will be done per year. The Fire Department has had \$5,000 in its capital outlay and the 2015 budget proposes putting \$7,500. The Electric Department has included into its budget funds for a backup transformer for an unforeseen outage of the present substation. All Bond payments are up to date and budgeted into the 2015 budget. Harper asked about a deficit in the gas department and Clerk Powell will make sure the numbers are right and get back to the council. Harper also would like to see an amended budget that reflects the Electric department funding some of the General Fund. Clerk Powell will make the changes and get back to the council with the change. Motion by Harper seconded by M Peterson and passed unanimously to approve the budget after the changes are made with the electric department and the general fund.

Truth in Taxation Hearing- Proposed Annual Levy : The Levy for 2015 would be an increase of 4% for a total of \$266,373. Wayne Brandt was present to ask about his 19.9 acres of land that he has within the city and was interested in what his options are. There are a few options, the city could deannex, Wayne could request to be deannexed or there could be a rural service district formed. The council will consider some options after the new council takes effect. Motion made by Petersen, seconded by Denney and passed unanimously to accept the levy of \$266,373

Council Appointment for Two Year Term: Administrator Wolfington informed the council that Merv Peterson has been elected Mayor starting in 2015. Petersen currently has two years remaining on his

council position. The council will need to appoint someone to fill the remaining two years of the council seat. Administrator Wolfington recommended to the council that they generate a list of candidates and the council could appoint someone at the January 2015 meeting.

City/Utility Administrator Report: Administrator Wolfington informed the council that last fall when the electric utilities was working on the substation they were not all the way done and the contracted company will be in own for the next couple of days to finish. There will be no power outages.

Airport snow removal: Wayne Pearson is the contracted person that does the snow removal for the airport until January of 2014. Wayne submitted a snow removal bid for the 2015 year at a rate of \$135/hr. for himself and his equipment. Motion by M Peterson seconded by Denney and passed unanimously to accept Wayne Pearson's bid for airport snow removal for the 2015 year.

Sidewalk snow removal: In 2013 the council made the decision that if residents in the City of Tyler do not remove snow from their sidewalks within 24 hours of the snowfall of two inches or more the city will contract to have someone remove the snow at the property owner's expense. Administrator informed the council that we do not have any one in place to do the snow removal. The council would like Administrator Wolfington to solicit bids from some of the local contractors and bring the bids back to the council for approval.

City Attorney Report: City Attorney Petersen reported the owner of Tae Kwon Do building would like to initiate a loan through the cities rehab dollars. Petersen informed the council that rehab loans need to be used for certain building and rebuilding loans and this qualifies as what rehab dollars should be used for. The owner is requesting \$10,000 for updating the bathrooms and new electrical. Motion made by Harper seconded by Peterson and passed unanimously to allow the Tae Kwon Do building the use of \$10,000 rehab dollars with a five year loan.

Attorney Petersen informed the council that TRED owns the chat n'chew building and have offered incentives to get rid of it. The roof is falling in, the back wall is falling, there is no electricity, the floor is weak. TRED would like to use City Rehab Dollars to tear down the building. The TRED has gotten a preliminary estimate from a local contractor to tear down the building at a cost of \$10,000. Rehab dollars may be used for clean up blighted property. Motion by I Petersen seconded by M Peterson and passed unanimously to allow TRED to use \$10,000 in rehab dollars to clean up the chat n chew.

Attorney Petersen informed the council that they need to schedule another meeting for the purpose of discussing the police contract. The council will meet December 17, 2015 at 5:00 pm at the Tyler Fire Hall.

Approve Bills: Motion was made by Denney seconded by Peterson and passed unanimously to approve the bills

Meeting adjourned.

Barb Powell- City Clerk

Kurt Thomsen- Mayor

Tyler City Council
Tyler Fire Hall
December 15, 2014
7:00 pm
Minutes (Pending)

The Special City council meeting was called to order by Mayor Kurt Thomsen at 7:08 p.m.

Present: Mayor Kurt Thomsen, Council Members, Denney, Petersen, Harper and Peterson. Others present included City Administrator Wolfington, Chief of Police John Spindler and Clerk Powell. Guests present Tim Sanderson, Dean Beck, Ryan Rutgers, Dan Broin, Jim Jensen, Gary Manson, Larry Wyttenback, Mr. and Mrs. Cal Nielsen, Mark Wilmes, Eric Bloch, Darren Lutterman, Monica Lutterman, Kari Dass, Tasha Dass, Cindy Koenig, Sherm Dezeeuw, Mic Vandever, Rick Geinhardt, Julie Geinhardt, Steve Hess, Joe Drietz, Barry Christensen, Brad Wilmes, David Haroldson, Wayne Pearson, Larry DeBoer, Robert Zeug, Kelly Dybdahl, Chad Meester, Craig Hess, Nathan Althoff, Lyle Hanson and John Thomson

Mayor Thomsen told the audience that Councilman Harper would read the proposed agreement and he would like it if Harper read the whole agreement before any one made any comments. Mayor Thomsen then asked the council if they would like to say anything before the agreement was read. Councilman Peterson stated that he was glad to see so many citizens at the meeting and they are welcome to come anytime.

The proposed agreement addressed services that would be provided by the County. The city drafted a proposed agreement based on an agreement in service for the City of Bird Island.

The contract would have provided for: The assignment of 1.5 fulltime equivalent deputies to service the city based upon a rate of 2,080 hours per F.T.E. for a total of 3,120 hours of annual law enforcement; the county would furnish and supply all necessary labor, supervision, equipment, communication facilities and dispatching, transcription services and supplies necessary to carry out the agreement; the city would not be liable for compensation to any county employee for injury or sickness arising out of this contract; the agreement would be for 2 years, after which the contract could be renewed for successive three year periods; compensation from the city would be paid quarterly with payments of \$27,436.50 per quarter for 2015, \$29,73.50 per quarter for 2016 and \$32,116.00 per quarter for 2017; the city would retain ownership of all law enforcement equipment and would be allowed to dispose of it at their discretion; an attorney designated by the city would prosecute all criminal code violations that occur within the city; the city would agree to a garage for storage of a vehicle and provide office space and office supplies and equipment as well as furnish heat, electricity, telephone service and internet services within that office space; the county would submit monthly activity reports detailing the activities within the city, including citations and arrests.

Mayor Thomsen stated the council would like to hear what the public had to say.

Several citizens gave many comments on why they opposed the agreement. Police Union Representative David Camper questioned whether the county could provide the proper services if there were a major emergency in another area of the county. He stated "this is not a great contract for the City of Tyler, it doesn't guarantee you anything."

Mayor Thomsen stated that the city council has put a lot of time and research into the proposed agreement. The new council will make the decision if we keep the police department.

Motion made by Harper seconded by Thomsen to rescind the previous motion to lay off Chief Spindler from the October 6, 2014 meeting motion passed unanimously.

The personnel committee will negotiate Chief Spindler's union contract and bring it before the council.

Administrator Wolfington presented the amended budget to the council. Motion made by Denney, seconded by Peterson and passed unanimously to approve the amended budget.

Meeting adjourned at 6:56 pm

Approved:
Kurt Thomsen, Mayor

Attested:
Robert Wolfington, City Administrator

To: Mayor and City Council
From: City Administrator
Date: January 5, 2015
Subject: Vacated Council appointment

Memorandum

There is a vacant position on the Tyler City Council with Mayor Merv Peterson vacating his council member seat when he was elected Mayor. It is within the rights of the council to appoint a person to fill the remaining two years of Peterson's council seat. It is recommended the council appoints someone to fill this role.

To: Mayor and City Council
From: City Administrator
Date: January 5, 2015
Subject: Resolution for Depositories &
Newspapers

Memorandum

Attached is a proposed resolution to designate official depositories & newspapers.

This action is taken annually. I recommend approval.

RESOLUTION 15-__

**A RESOLUTION ESTABLISHING OFFICIAL DEPOSITORIES AND
NEWSPAPER**

Be it resolved by the Council of the City of Tyler, County of Lincoln, Minnesota, that the Council hereby designates First Independent Bank and Citizen's State Bank as official depositories. The Council hereby designates the Tyler Tribute as its official newspaper.

Adopted by the City Council on January 5, 2015.

ATTEST:

Merv Peterson
Mayor

Robert Wolfington
City Administrator

To: Mayor and City Council
From: City Administrator
Date: January 5, 2015
Subject: City Administrator/Utility Report

Memorandum

County Sheriff Service – At the special meeting held on Dec. 17, 2014 the council reviewed a proposed contract for the Sheriff's Department to act as the police service for the City of Tyler. At that meeting the council indicated an interest in continuing to explore this as an option. It is my recommendation that the City of Tyler send the contract to the County for review so the County Board can look at the contract.

Sirens Update – In December the emergency sirens sounded without prompting. I have spoken with the Lincoln County Sheriff's Office and they indicated they were looking into the reason they sounded, but weren't sure if an answer would be found. It was a malfunction and they are aware of the issue. The incident was isolated to the Tyler area.

Snow Blower – The engine in the snow blower died on us in late December. After exploring a number of options including purchasing a new engine and repairing the engine. I will update the council on the fix during the Monday, Jan. 5 meeting.

Golf Course Gambling License – Prairie Highlands QDMA has applied for a gambling license. See the attached documentation. They have made this application in the past.

LG220 Application for Exempt Permit

An exempt permit may be issued to a nonprofit organization that: <ul style="list-style-type: none"> • conducts lawful gambling on five or fewer days, and • awards less than \$50,000 in prizes during a calendar year. If total prize value for the year will be \$1,500 or less, contact the Licensing Specialist assigned to your county.	Application fee (nonrefundable) If the application is postmarked or received 30 days or more before the event, the application fee is \$50 ; otherwise the fee is \$100 .
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Organization Information

Organization Name: PRAIRIE HIGHLANDS QDMA	Previous Gambling Permit Number:
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Minnesota Tax ID Number, if any:	Federal Employer ID Number (FEIN), if any: 90-0730383
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Type of Nonprofit Organization (check one):

Fraternal
 Religious
 Veterans
 Other Nonprofit Organization

Mailing Address: Po Box 194	City: BALATON	State and Zip: MN 56115	County: LYON
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Name of Chief Executive Officer (CEO): BRIAN KNOCHENMUS	Daytime Phone: 605-261-7769	Email: brian.knochenmus@ralcontribution.com
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Nonprofit Status

Attach a copy of ONE of the following for proof of nonprofit status:

- Nonprofit Articles of Incorporation OR a current Certificate of Good Standing.**
 Don't have a copy? This certificate must be obtained each year from:
 Minnesota Secretary of State
 Business Services Division
 60 Empire Drive, Suite 100
 St. Paul, MN 55103
 Phone: 651-296-2803
- IRS income tax exemption (501(c)) letter in your organization's name.**
 Don't have a copy? To obtain a copy of your federal income tax exempt letter, have an organization officer contact the IRS at 877-829-5500.
- IRS - Affiliate of national, statewide, or international parent nonprofit organization (charter).**
 If your organization falls under a parent organization, attach copies of **both** of the following:
 - a. an IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling, and
 - b. the charter or letter from your parent organization recognizing your organization as a subordinate.

Gambling Premises Information

Name of premises where the gambling event will be conducted (for raffles, list the site where the drawing will take place):
TYLER GOLF CLUB

Address (do not use PO box): 420 COUNTY RD 7	City or Township: TYLER	Zip Code: 56178	County: LINCOLN
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Date(s) of activity (for raffles, indicate the date of the drawing):
1-24-15

Check each type of gambling activity that your organization will conduct:

Bingo*
 Paddlewheels*
 Pull-Tabs*
 Tipboards*

Raffle (total value of raffle prizes awarded for the year: \$ 7000)

***Gambling equipment** for bingo paper, paddlewheels, pull-tabs, and tipboards must be obtained from a distributor licensed by the Minnesota Gambling Control Board. EXCEPTION: Bingo hard cards and bingo number selection devices may be borrowed from another organization authorized to conduct bingo.

To find a licensed distributor, go to www.mn.gov/gcb and click on **Distributors** under the **LIST OF LICENSEES**, or call 651-539-1900.

Local Unit of Government Acknowledgment

<p style="text-align: center;">CITY APPROVAL for a gambling premises located within city limits</p> <p><input checked="" type="checkbox"/> The application is acknowledged with no waiting period.</p> <p><input type="checkbox"/> The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days (60 days for a 1st class city).</p> <p><input type="checkbox"/> The application is denied.</p> <p>Print City Name: <u>TYLER, MN</u></p> <p>Signature of City Personnel: _____</p> <p>Title: _____ Date: _____</p> <div style="border: 1px solid black; padding: 5px; margin-top: 20px; text-align: center;"> <p>Local unit of government must sign.</p> </div>	<p style="text-align: center;">COUNTY APPROVAL for a gambling premises located in a township</p> <p><input type="checkbox"/> The application is acknowledged with no waiting period.</p> <p><input type="checkbox"/> The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days.</p> <p><input type="checkbox"/> The application is denied.</p> <p>Print County Name: _____</p> <p>Signature of County Personnel: _____</p> <p>Title: _____ Date: _____</p> <p>TOWNSHIP (if required by the county). On behalf of the township, I acknowledge that the organization is applying for exempted gambling activity within the township limits. (A township has no statutory authority to approve or deny an application, per Minn. Statutes, section 349.166.)</p> <p>Print Township Name: _____</p> <p>Signature of Township Officer: _____</p> <p>Title: _____ Date: _____</p>
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Chief Executive Officer's Signature

The information provided in this application is complete and accurate to the best of my knowledge. I acknowledge that the financial report will be completed and returned to the Board within 30 days of the event date.

Chief Executive Officer's Signature: [Signature] Date: 12-18-14

Print Name: _____

Requirements

<p>Complete a separate application for:</p> <ul style="list-style-type: none"> • all gambling conducted on two or more consecutive days, or • all gambling conducted on one day. <p>Only one application is required if one or more raffle drawings are conducted on the same day.</p> <p>Send application with:</p> <p>_____ a copy of your proof of nonprofit status, and</p> <p>_____ application fee (nonrefundable). If the application is postmarked or received 30 days or more before the event, the application fee is \$50; otherwise the fee is \$100. Make check payable to State of Minnesota.</p> <p>To: Gambling Control Board 1711 West County Road B, Suite 300 South Roseville, MN 55113</p>	<p>Financial report and recordkeeping required.</p> <p>A financial report form and instructions will be sent with your permit, or use the online fill-in form available at www.mn.gov/gcb.</p> <p>Within 30 days of the event date, complete and return the financial report form to the Gambling Control Board. Your organization must keep all exempt raffle records and reports for 3-1/2 years (Minn. Statutes, section 349.166, subd. 2(f)).</p> <p>Questions?</p> <p>Call the Licensing Section of the Gambling Control Board at 651-539-1900.</p> <p>This form will be made available in alternative format (i.e. large print, Braille) upon request.</p>
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Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process the application. Your organization's name and address will be public information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public. Private data about your organization are available to Board members, Board staff whose work requires access to the information; Minnesota's Department of Public Safety; Attorney General; Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.



INTERNAL REVENUE SERVICE

Ogden, IRS Center

Department of the Treasury

P.O. Box 9941, Ogden, Utah 84409

MS 6273

Refer Reply To: 0423291515
Date: September 06, 2012 3910C

QUALITY DEER MANAGEMENT ASSOCIATION
PRAIRIE HIGHLANDS BRANCH
% BRIAN KNOCHENMAS
2196 190TH AVE
LYND MN 56157

Taxpayer Identification Number: 90-0730383

Dear Taxpayer:

We received your request dated September 06, 2012, asking us to verify your Employer Identification Number [EIN] and name.

This letter confirms the parent and subordinate organization are exempt under Section 501(c)3 of the Internal Revenue Code.

Parent Organization

Name: Quality Deer Management Association

Subordinate Organization

EIN: 90-0730383

Name: Prairie Highlands Branch

The EIN and Name on our records is 90-0730383 and Prairie Highlands Branch as a subordinate unit of Quality Deer Management Association.

Please provide a copy of this letter to your subordinate. A separate letter will not be mailed to the subordinate organization.

If you have any questions, please call us toll free at 1-877-829-5500. or you can write to us at the address shown at the top of this letter. If you write, please include:

1. A copy of this letter ,
2. Your telephone number and
3. The best hours you can be reached in the spaces below.

You should keep a copy of this letter for your records.

Telephone Number _____ Hours _____

Sincerely Yours,
Ogden Entity Department