

## Hamburg City Council Meeting July 28, 2009

Acting Mayor Larry Mueller called the regular meeting of the Hamburg City Council to order at 7:00 p.m. Councilmember Brian Cummiskey, Councilmember Steve Trebesch, Councilmember John Barnes, City Clerk Jeremy Gruenhagen, Deputy Clerk Sue Block, Maintenance Worker Dennis Byerly and Fire Chief Brad Droege were present. Mayor Malz arrived at 8:47 p.m. Others present were Richard Odoms (150 Jacob Street) and Shawn Sprengeler (To The Home Wireless Internet).

### Agenda Review (Added Items) and Adoption

- Added – Email from Ann Perry (Planning Consultant) – To The Home Lease Agreement
- Added – Email from Bill Dunn (MPCA) – TMDL Grant Program Eligibility
- *Councilmember Barnes moved to approve the agenda with the two additions, seconded by Councilmember Trebesch and motion unanimously carried. All Council members were present.*

### Approve Minutes for May & June 2009

- *Councilmember Cummiskey moved to approve the May and June 2009 City Council Meeting Minutes, seconded by Councilmember Barnes and motion unanimously carried. All Council members were present.*

### Old City Business

- Number 2 – City Web Site
  - This is being worked on and the templates should be finished by the next City Council meeting on August 11, 2009.
- Number 4 – Discuss the discrepancy in the verbiage – Ordinance #95.6 – what constitutes a dog kennel, three or four dogs.
  - City Attorney Mac advised changing the wording in Ordinance #95.06 (B) to state four or more dogs matching the wording in Ordinance #95.06 (A) The keeping of four or more dogs on the same premises. City Clerk Gruenhagen will have this changed.
- Number 5 – Business Cards for Council, Mayor, and Maintenance Worker Byerly.
  - Council decided that after the meeting they will decide on what style of business cards they would like and the quantity to order.
  - City Clerk Gruenhagen will continue to work on who can print the cards at the lowest cost to the city.
- Number 6 – Purchase Shirts for Council, Mayor, City Clerk Gruenhagen, and Deputy Clerk Block.
  - The shirts were received but with the incorrect embroidered logo on them. They have been reordered.
- Number 8 – Set up a committee to review current evaluation forms.
  - City Clerk Gruenhagen set up a meeting with Councilmember Trebesch and Councilmember Cummiskey to go over the evaluation forms. The meeting will be held before the next City Council meeting on August 11, 2009 at 6:00 p.m.
- Number 9 – Consider charging organizations or individuals a fee to help cover the cost of what the Sheriff's Department charges for background checks.
  - Council will discuss this during the City Clerk/Treasurer Report.
- Number 12 – Fix crack in sidewalk by 430 Railroad Street.
  - City Clerk Gruenhagen has contacted Mr. Harms twice asking him to come back and repair the crack. Mr. Harms has replied that he will be out to fix it. No time line of when he would come out was given.

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## Fire Department Report – Chief Brad Droege

### 2008/2009 FEMA Grants

- Fire Chief Droege informed Council that he should receive information on the grants about the third week of August or at the end of August.

### Election vs. Selection

- Fire Chief Droege suggested waiting until this fall to further discuss this issue.
- City Clerk Gruenhagen had checked with other cities on how they handle Election vs. Selection. He discovered that some cities have by-laws for the Relief Association not the Fire Department, some follow what their employee handbook states, and others have separate guidelines for fire department members.
  - City Clerk Gruenhagen noted that it is up to Council, what they want to do.

### Pension Increase for Reporting Year 2010

- Fire Chief Droege informed Council that at last night's Fire Department meeting it was voted on to request a \$50 pay increase. Chief Droege stated that Hamburg is falling behind other cities in what they pay their Fire Department members.

### Deferred Member Retention

- Fire Chief Droege asked for Council's approval for their deferred members account. The Fire Department had previously set up accounts for deferred members (someone who retires from the Fire Department with 20 plus years but are under 50 years old) that the interest accrued on their retirement fund goes to the deferred member, up to 5%, anything over 5% stays with the Fire Department Relief Association.
  - *Councilmember Trebesch moved to approve the Hamburg Fire Department Deferred Member Account as it is currently set up. The interest accrued on a deferred members retirement account goes to the deferred member, up to 5%, any accrued money amount over 5% stays with the Hamburg Fire Department Relief fund, seconded by Councilmember Barnes and motion carried. Councilmember Cumiskey abstained.*

## To The Home Wireless Internet – Lease Agreement

City Clerk Gruenhagen apologized to Richard Odoms (150 Jacob Street) and Shawn Sprengeler (To The Home Wireless Internet) for the delay in getting the contract drafted and ready for Council approval. The Cities Attorney and Planning Consultant were on vacation.

City Clerk Gruenhagen and Council went over the Lease Agreement with Mr. Sprengeler. The lease agreement is based on To The Home's contract with the City of Cologne, MN. The following items were discussed concerning the wording of the contract between To The Home, LLC and the City of Hamburg:

### Recitals – Page 2

- Mr. Sprengeler will provide the city with a diagram of the antenna, construction and design diagram, and photos or diagrams of the antenna once attached to the water tower. A Site Plan needs to be submitted to the City.

### Rent – Page 3 – Number 4

- (a) – Base Rent
  - (ii) – Each month during the Lease Term when there are more than one hundred (100) Subscribers, Tenant shall pay to Landlord, as monthly base rent ("Base Rent"), an amount equal

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to ten percent (10%) of the gross revenues derived from all Subscribers (“Subscriber Revenues”) during such month derived from the following formula:

- Number of Subscribers Over 100 x \$24.95 x .10 = Total Monthly Rent
- Council requested to have the number of subscribers changed to fifty (50) Subscribers.
  - Mr. Sprengeler agreed to the change.

### Contingencies – Page 4 – Number 5

- (b) – Interference Study
  - City Clerk Gruenhagen asked Mr. Sprengeler if he had done a Interference Study (A radio frequency interference study carried out by an independent and qualified professional selected by Landlord showing that Tenant’s intended use will not interfere with any existing communications facilities)
    - Mr. Sprengeler replied that there is no need at this time to have a study done. The wireless internet service he is providing is public Wi-Fi signals. Unless Mr. Sprengeler gets into proprietary license frequencies he will then probably have the study done.
  - City Clerk Gruenhagen will have this section changed or taken out.

### Tenant’s Use – Page 4 – Number 6

- (d) - Payment of Utilities
  - Contract reads Tenant shall separately meter charges for the consumption of electricity and other utilities associated with its use of the Antenna Facilities and shall directly and promptly pay all costs associated therewith. Tenant shall, at its sole expense, install all meters required for such separate metering.
  - Council, Mr. Odoms, and Mr. Sprengeler discussed how many kilowatts of electricity the wireless network equipment would use and the amount to be paid to the city for the usage.
    - It was agreed that To The Home Wireless Internet (President Mr. Sprengeler) would pay the City of Hamburg a flat fee of \$10 per year for the cost of using the cities electricity.
  - Councilmember Cummiskey added that it should be put in the lease agreement that the city would have the option of increasing the \$10 fee if the electricity usage would increase. A separate meter could be hooked up to the wireless equipment to find out what the monthly usage is.
    - City Clerk Gruenhagen re-phrased; To The Home Wireless Internet will pay the City of Hamburg a \$10 fee per year for electricity use. City Council will monitor and make adjustments on a yearly basis if the usage exceeds the \$10 fee.
    - Mr. Sprengeler agreed to the \$10 yearly fee and agreed to have Council monitor the usage.

- Hazardous Materials - Page 5 – Segment 7 (b)

- In segment 7 (b) it states: Without limiting the scope of Subsection 9 (a) above. This should read: Without limiting the scope of Subsection 7 (a).
- Mr. Sprengeler and Council agreed that 9 (a) should be changed to 7 (a).
  - This will be changed in the contract.

- Insurance - Page 5 – Segment 8

- City Clerk Gruenhagen requested that Mr. Sprengeler provide copies of insurance listing the City of Hamburg as additionally insured. The City of Hamburg requires the following insurance be carried by To The Home Wireless:
  - 8 (a) – Workers’ Compensation
  - 8 (b) – General Liability
  - 8 (c) – Automobile Liability
  - 8 (d) – Tenant Property Insurance

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- 8 (e) – Adjustment to Insurance Coverage Limits
  - 8 (f) – Additional Insured – Certificate of Insurance
- Mr. Sprengeler informed Council that he does not carry Tenant Property Insurance. This insurance is for their radios and he does not cover them.
  - Councilmember Cummiskey asked Mr. Sprengeler if replacing the radios would be an out of pocket expense for To The Home LLC.
  - Mr. Sprengeler answered yes it would be at their expense to replace the radios. To The Home Wireless Internet would replace the radios if damaged, stolen, or vandalized.
- Page 7 - #10 (b) – Termination Without Cause
  - Currently the contract reads, upon 90 days written notice to Tenant. City Clerk Gruenhagen requested this be changed to 60 days written notice to Tenant.
  - Mr. Sprengeler and Council agreed to have this changed to 60 days written notice.
- Council asked if To The Home, LLC needs a FCC license.
  - Mr. Sprengeler replied that he does not. The wireless service is for public use and this does not require a permit.

City Clerk Gruenhagen commented on the email from Ann Perry dated (Tuesday, 07-28-09 at 3:18 p.m.)

- Ms. Perry suggested in the email “The lease should be conditioned upon obtaining a CUP/site plan before the Commencement Date as noted in the agreement (page 4, para, 5 Governmental Approvals) that indicates that the provider needs to comply with governmental approvals.
  - City Clerk Gruenhagen mentioned that in reviewing the lease agreement he did not see a definition of Commencement Date and he assumes that this means the date of construction.
- Ms. Perry continues to state in her email that the cities ordinance is so old that it really doesn’t anticipate antenna for wireless communication devices.
  - City Clerk Gruenhagen added that the City is upgrading its zoning ordinances which will address antenna’s for wireless devices.
- City Clerk Gruenhagen continued by adding that the zoning ordinance includes a definition of “essential utilities” as being telephone systems, etc. Ms. Perry applied a conservative interpretation of the ordinance using the last sentence of Section 8.1 pertaining to non-public easements – to apply to the antenna (although the language says “easement” instead of “lease”). Ms. Perry thinks the City has leeway to also determine the antenna is permitted, as a more liberal interpretation, using the preceding sentences in 8.1 of city code. Ms. Perry thinks as a minimum, the City should require the submittal of a site plan for formal City review and approval. This review can occur after approval of the lease.
  - City Clerk Gruenhagen suggested to keep this moving the Council would approve Resolution 2009-11 which would be approving the lease agreement between the City of Hamburg and To The Home. Subject to a site plan being submitted and approved by Ann Perry, the City Attorney, and the City Engineer. Copies of insurance and a copy of Mr. Sprengeler FCC License would also need to be submitted to the City.
    - Mr. Sprengeler noted that he is not required to have a FCC License. City Clerk Gruenhagen will inform Ms. Perry about this.
- Mr. Sprengeler requested a diagram of the water towers dimensions.
  - Council will try to obtain a copy of the water tower dimensions for Mr. Sprengeler.
  - City Clerk Gruenhagen added that the dimensions will also be needed for the building permit.
- City Clerk Gruenhagen informed Council that Ann Perry also suggested having To The Home reimburse the City for the cost of reviewing the plans.
  - Councilmember Mueller thought this was a good idea.

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- Mr. Sprengeler asked what the cost would be.
  - City Clerk Gruenhagen replied that Ms. Perry has a fee of \$60 to \$90 per hour and her cost should not be any higher than that. City Clerk Gruenhagen does not know what the Engineers fee would be. Ms. Perry just thought that an Engineer should look at the plans just to find out if the water tower is structurally sound.
    - Council discussed if the plans should be sent to the Engineer but decided not to send the plans. The device to be placed on the water tower only weights about 5 pounds. Council also decided that a CUP was not necessary.

*Councilmember Cummiskey moved to adopt Resolution Number 2009-11, approving Site Lease Agreement With ToTheHome.com, LLC, allowing ToTheHome to install an antenna on the City of Hamburg's water tower and submit a site plan before construction, Councilmember Trebesch seconded and motion unanimously carried. All Council members were present.*

### **National Night Out – Tuesday - August 4, 2009**

Fire Chief Brad Droege informed City Council that the Fire Department Relief Association donated \$400 for the purchase of hot dogs and chips. The Hamburg Lions Club will be doing root beer floats and Councilmember Cummiskey will get sweet corn. Fire Chief Droege suggested that some of the kids in town could go door to door handing out fliers informing residents about the events that will be held in the park during National Night Out. He continued to list the events that have been lined up: a member of the Carver County Posse (with her horse), fire trucks will be there and giving rides, the Carver County ambulance and members from the S.A.F.E.R. group.

Fire Chief Droege also commented that a few weeks ago an owl was found caught in a snap trap and was taken to the Rapture Center. They will bring the owl back to Hamburg in about a week to release it back into the wild.

City Clerk Gruenhagen requested that members of City Council attend National Night Out and help with the serving.

### **Dennis' Report (Public Works & Utilities)**

#### **2009 NPDES/SDS Permit Compliance Summary Report**

- Number 2 - Compliance Information Summary
  - This section summarizes the DMR reporting and monitoring requirements for the Hamburg WWTP permit and the information reported on the DMRs in 2008.
    - Total DMR Forms Required – 24
    - Timely DMRs – 22
    - Late under 10 days – 2
  - Hamburg received one black mark due to a late submittal of a form over the Thanksgiving Holiday.
- Number 10 - DMR Data Submitted
  - This section lists all DMR data submitted for 2008.

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- During May 2008 the Total Suspended Solids calendar month average was 54.75 which exceeded the MPCA limit requirements of 45. This was during a pre-discharge and the water should have been re-sampled.
- Councilmember Mueller asked if PCA has given notice of when they are coming out again.
  - Maintenance Worker Byerly replied that they do not give prior notice. The last inspection was conducted May, 8, 2008.

### **LMCIT Loss Control Survey on June 11, 2009**

- Maintain adequate clearance to electrical panels.
  - Maintenance Worker Byerly is clearing a 36 inch area from around the electrical boxes in the City Shop area. Once completed he will paint a yellow line as a notice not to obstruct access to the electrical boxes specially in an emergency situation.
- Install handrails for the concrete stairs on the east side of the Community Hall.
  - Council discussed the cost and placement of a handrail on the wall side of the stairs. Councilmember Trebesch will take a look at the stairs and build the handrail.
- Test the emergency eyewash stations.
  - Maintenance Worker Byerly will test and keep a log for the eye wash stations in the Water Treatment Plant.
  - The eye wash located in the Fire Department bay area will be tested and logged by the Fire Department.
- Do an annual inspection of the 2-ton hoist.
  - Maintenance Worker Byerly will do an inspection of all moving parts and keep a document listing the date of when the inspections were done.
- Provide a covered container for combustible shop cloths.
  - Maintenance Worker Byerly does have a container for combustible items.
  - Councilmember Mueller also suggested getting rid of any oil and oil filters right away; find a place to take them to.
- Remove/disconnect or provide automatic fire suppression systems for cooking devices in Hall.
  - Councilmember Trebesch had checked pricing for a fire suppression system and reported to Council that they are very expensive.
  - Council decided to have Fire Chief Droege check if he could locate an inexpensive suppression system.
- Repair the rear stairs leading to the basement of the Community Hall.
  - Maintenance Worker Byerly will repair the worn out steps.

### **Cooling Fans for Community Hall**

- Council discussed what type of fans to get for the Community Hall. They finally decided to leave it up to the discretion of City Clerk Gruenhagen and Maintenance Worker Byerly on what type of fans to get.
- ***Councilmember Mueller moved to have City Clerk Gruenhagen and Maintenance Worker Byerly purchase two fans for the Community Hall not exceeding \$500, seconded by Councilmember Cumiskey and motion unanimously carried. All Council members were present.***

### **Picnic Tables for Hall Park**

- Council had previously discussed placing two picnic tables in the park area east of the Community Hall. City Clerk Gruenhagen checked into the cost of two picnic tables and they are approximately \$400 to \$500 each to make.
- Council decided to put the purchase of two picnic tables on the council wish list.

### **Tree Stumps**

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- City Clerk Gruenhagen informed Council that there is money in the budget to have someone come out and grind the tree stumps down on the east side of the Community Center.
- Council discussed the cost and decided to have Maintenance Worker Byerly use a chainsaw to cut the stumps as close to the ground as possible.

### **Water Trees**

- Due to the dry weather conditions Councilmember Cummiskey asked Maintenance Worker Byerly to water the young birch trees in the city park.

### **Upstairs Cooler in Hall**

- To help save energy costs Council discussed turning the upstairs off when there are no rentals. After some discussion Council decided to have Maintenance Worker Byerly turn up the temperature of the upstairs cooler when it is not in use.

### **Hall Electrical Wiring for Light Switches**

- City Clerk Gruenhagen informed Council that when the light switches for the ceiling lights are turned on they sometimes short out. This situation should be corrected and there is \$3,500 in the budget for new Hall wiring.
- Council agreed to start having the wiring in the Hall replaced. Chuck from Robb's Electric will be contacted to give the City an estimated cost to replace the old fuse boxes.

### **Project List**

- Maintenance Worker Byerly mentioned that several items on his list are completed. City Clerk Gruenhagen instructed him to meet with Deputy Clerk Block to have the completed items removed from his list.

### **Sink for Park Building**

- Councilmember Cummiskey has been waiting since last council meeting for someone from the Lions Club to come and look at the sink he has offered to be installed in the park.
- Council suggested that Bruce Gruenhagen or Joel Franck should be the ones to make the decision if the Lions Club wants the sink or not. Until the Lions make a decision no further action from Council will be taken.

## **Deputy Clerk Block's Report**

### **Delinquent Utility Bills Report**

- Certified delinquent letters will be sent out and if the residents and/or owners of rentals do not pay by the date stated in the letters their water will be turned off.
  - City Clerk Gruenhagen added that City Attorney Willemsen had been contacted concerning delinquent accounts and he did agree that if the bills are not paid to turn their water off. However, he did mention that if the City certifies the amount due to their property taxes the account is then considered paid in full; their water may be turned off if they fall behind again.
- Councilmember Mueller asked other members of City Council if Sandy Nellen (440 Railroad Street) should receive a break in her water bill. Sandy allowed the City to use her metered water to water the sod the City placed along the sidewalk in front of her home and her neighbors.
  - City Clerk Gruenhagen suggested taking last years average for the months of May, June, and July for her reading this year, for the month of July.
  - The other members of Council agreed that Sandy's water bill should be adjusted by using last years May, June, and July average.

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- Jeff Muri (941 Park Avenue) closed on his home, however, the incorrect amount was paid to the city for the delinquent amount owed.
  - City Clerk Gruenhagen will ask Deputy Clerk Block to contact Title Mark, Closing Company, as to why the total amount due was not paid.
  - Deputy Clerk Block will report back the findings at the next Council meeting.

### **MCFOA Clerk's Conference (July 13-17)**

- Deputy Clerk Block thanked City Clerk Gruenhagen for suggesting and Council for approving paying her 40 hours for the week and allowing her to stay at the hotel during the Clerk's Conference.

### **City Council Minutes**

- City Clerk Gruenhagen informed Council that the City Council minutes are up to date.

## **City Clerk/Treasurer Report**

### **Property & Casualty Insurance Renewal**

- City Clerk Gruenhagen informed Council that the city has received a 60 day extension in renewing its Property & Casualty Insurance. Mr. Buckentin from the Hamburg Insurance Agency is the cities insurance agent. The following is a list of the current coverage amounts and the proposed recommended amounts the buildings/property should be insured at:
- Community Hall and CT. Garage Building – Current Coverage is \$621,262
  - Leave as is.
- Community Hall & City Garage Content – Current Coverage is \$15,001
  - Recommended – Increase to \$20,000
- Pump House (230 Railroad St) Building - Current Coverage is \$5,578
  - Recommended – Increase to \$8,300 (332 square feet)
- Park Restrooms (614 Park Ave) – Current Coverage is \$4,057
  - Recommended – Increase to \$7,956 (468 square feet)
- Fire Hall/City Hall Building – Current Coverage is \$424,739
  - Leave as is.
- Fire Hall/City Hall Contents – Current Coverage is \$13,739
  - Leave as is.
- Baseball Grandstand Building – Current Coverage is \$181,306
  - Leave as is.
- Baseball Field Scoreboard – Current Coverage is \$32,069
  - Leave as is.
- Ball Field Lights – Current Coverage is \$68,229
  - Recommended – Increase to \$100,000
- Open Shelter Building (614 Park Ave) – Current Coverage is \$9,129
  - Leave as is.
- Band Stand Building (614 Park Ave) – Current Coverage is \$11,411
  - Leave as is.
- Park Shelter – Lions Building (614 Park Ave) – Current Coverage is \$36,706
  - Recommended – Increase to \$57,600 (3,840 square feet)
- City Park Equipment – Current Coverage is \$69,363
  - Recommended – Increase to \$100,000
  - Council decided to add the park equipment, electrical sign, and bleachers to the coverage.



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- Water Treatment Plant Building – Current Coverage is \$1,169,260
  - Leave as is.
- Food Stand Building (614 Park Ave) – Current Coverage is \$32,995
  - Recommended – Reduce to \$21,600 (720 square feet)
- Baseball Park Open Shelter Building – Current Coverage is \$7,379
  - Recommended – Increase to \$15,000
  - Roof and Steel Siding is all new.
- Baseball Park Storage Shed Building – Current Coverage is \$8,854
  - Recommended – Increase to \$10,000
- Warning Siren on pole by pump house – Not currently insured
  - Recommended coverage - \$15,000
- Water Tower
  - Not currently covered.
  - Approximate cost to replace - \$300,000
  - Recommended Coverage - \$300,000 or \$500,000
  - Council discussed and decided not to insure at this time.
- Mobile Property under \$25,000
  - Recommended to increase to \$600,000, premium cost would not change. This is a flat fee charged regardless of actual dollar amount. The charges go by population of the city.
    - City Garage - \$30,000, Fire Equipment - \$550,000, Baseball Park & Lawn Equipment - \$15,000.
  - Fire Chief Droege would like to put full dollar amount coverage on the fire equipment. Council agreed and added full coverage on City equipment, the lawn mower, skid loader, etc.

### Liability Coverage

- Currently the city has \$500,000 per person, and \$1,500,000 per occurrence.
  - Recommendation is to increase each one by \$1,000,000.
    - \$1,500,000 per person
    - \$2,500,000 per occurrence
  - Council agreed to keep coverage as is.

City Clerk Gruenhagen informed Council that the extension is up on September 15, 2009 and a decision has to be made by then.

*Councilmember Cummiskey moved to table the discussion on the Cities Property & Casualty Insurance quotes and final approval until the next City Council meeting on August 11, 2009, seconded by Councilmember Trebesch and motion unanimously carried. All Council members were present.*

### Small Cities Development Program – DEED Grant

- The City of Norwood Young America has requested the Business and Community Development Division, Small Cities Development Program, of Minnesota to release federal funds for the Home Occupied Improvement project. The money requested will be for the cities of Cologne, Hamburg, and Norwood/YA.
  - The owner-occupied rehabilitation project will include 17 homes between the three communities to receive federal money in the amount of \$293,250 for minor repairs. Examples would be re-roof, windows, siding, etc.

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- Council requested that City Clerk Gruenhagen keep them informed of how many homes in Hamburg will receive the grants and the dollar amount received for each home.

### Temporary On-Sale Liquor Licenses

- The Hamburg Lions Club requested Council to approve three Temporary On-Sale Liquor Licenses for September 12, 2009, October 29, 2009, and November 20, 2009.
- *Councilmember Barnes moved to approve the Hamburg Lions Club request for three temporary on-sale liquor licenses for the dates of September 12, October 29, and November 20, 2009, Councilmember Mueller seconded and motion unanimously carried. All Council members were present.*
- Councilmember Cummiskey noted that the date organized on the Liquor License application should be changed. On the application it reads the year as 1082 this should be changed to 1982.
  - City Clerk Gruenhagen will contact Gene Siewert to have this corrected.

### Background Check Fees

- City Clerk Gruenhagen asked Council if the newly implemented Background Check Fee should be billed back to the organization or applications that require a background check.
- Councilmember Barnes commented that the fee should be paid by the organization or individual.
- Councilmember Mueller asked if a background check is required every time the Lions Club requested a Temporary 3.2 License.
  - City Clerk Gruenhagen answered that neither the State nor the City of Hamburg requests a background check for a Temporary 3.2 License.
- It was noted that City Clerk Gruenhagen can approve Peddler/Solicitor permits without Councils approval but background checks are required. City Clerk Gruenhagen can add the fee charge to the Peddler/Solicitor permit cost. He will add this to the permits for next year and adoption of the additional fee to be added to the permits at that time. This fee will be included in the City Fee Schedule.

### I & I Abatement Program – TMDL Grant

- City Clerk Gruenhagen had informed Council at the last council meeting that the cities position on the TMDL Grant had dropped. Points were taken away with no explanation as to why.
- City Clerk Gruenhagen did follow up on this issue by contacting Bill Dunn (Clean Water Revolving Fund Coordinator – MPCA) and Gene Erickson. Mr. Erickson was out of the office until August 3<sup>rd</sup>. Mr. Dunn did reply to City Clerk Gruenhagen request as to why there was a reduction in points. Mr. Dunn's response per email:
  - This e-mail is in response to Jeremy Gruenhagen request that I (Bill Dunn) explain in writing the recent determination by the Minnesota Pollution control Agency related to Total Maximum Daily Load points and TMDL grant eligibility. Both the 2010 Intended Use Plan and Project Priority List have recently been distributed to the municipalities and will be finalized after August 10, 2009. During the review of projects that had been awarded TMDL points under the PPL scoring system MPCA staff realized that the Hamburg project to rehab the collection system had been awarded the TMDL points in June 2008 without the required waste load allocation. State statute has established that requirement for eligibility to the TMDL Grant Program.
  - This was a mistake that should have been discovered when the application was submitted. I apologize for that error, but now that it has been discovered, the MPCA has no choice but to correct that mistake in the next publication of the 2010 PPL and subsequent years. I understand that this is a significant change from the information I presented in front of the City Council in October 2008. Unfortunately, I did not have all the file information with me that would have allowed me to identify that mistake.

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- City Clerk Gruenhagen again pointed out that back in June 2008 the city was at 78 points but now the city has dropped to 58 points.
- Councilmember Mueller commented that this email should be forwarded to Senator Ortman and Representative Kohls.
  - City Clerk Gruenhagen will forward the emails to Senator Ortman and Representative Kohls.

### **LGA Un-Allotment for 2009 & 2010**

- The LGA Un-Allotment will not affect the City of Hamburg.
- City Clerk Gruenhagen asked Council if they would like to consider doing something from the 2009 Budget, Items to Consider.
  - Councilmember Mueller suggested having Don Harms provide Council with an estimate to redo the sidewalk across the road from Parkside Tavern from Railroad Street to 480 Henrietta Avenue and have the project put on next year's budget.
  - Council came up with new tires for the Bobcat and if they should purchase a new lawnmower. They also discussed several other items but were not sure what was all on the Wish List.
    - City Clerk Gruenhagen will email the list to the council members for their review.

### **2010 City Budget**

- City Clerk Gruenhagen reminded Council that the proposed property tax levy must be submitted to Carver County Auditors Office by September 15, 2009.

### **Omnibus Liquor Bill**

- City Clerk Gruenhagen informed Council that Deputy Clerk Block brought back, from the MCFOA Conference, a copy of the Omnibus Liquor Bill that was passed.
  - This bill contains a provision that a license is not needed to serve liquor in a public facility when no commercial transaction is taking place other than possible rental of the facility. An example of this is when someone rents a municipally owned community center or park shelter for a family reunion, and intends to serve alcohol, but is not selling the alcohol. The only commercial transaction is the renting of the facility, and so a license is not needed. This has no effect on a city's ability to prohibit liquor consumption in any or all of its public facilities.
  - A Public facility is defined to include parks, community centers, or other accommodations or facilities owned or managed by or on behalf of a subdivision of the state, including any county, city, town, or township, or independent district of the state. It clarifies that rental of a public facility is not a commercial transaction, and a permit is not required. This was brought forward to clarify the situation where a family rents the Community Center/Hall/Park to host a family reunion, and may be serving alcohol but is not charging for the alcohol. A license is not needed, as long as the city allows alcohol in the building. Effective August 1, 2009.

### **National Night Out – August 4, 2009**

- Fire Chief Droege asked to have Maintenance Worker Byerly open the Park building up by noon.

### **City Zoning Ordinances**

- City Clerk Gruenhagen will keep this item on the agenda incase Council would like to add anything to their previous requests.

### **Resolution Number 2009-10**

- City Clerk Gruenhagen asked Council to approve Resolution 2009-10: Resolution supporting the Fiber Optic Funding request by Carver County through the American Recovery and Reinvestment Act of 2009.
  - The fiber optic loop would connect county facilities, libraries, school district facilities, city buildings and other important local government buildings through a public/private partnership to provide service to residents and businesses.

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- The City of Hamburg would benefit by reducing operating expenses, improve connectivity, and having an additional economic development asset in the community.
- The residents and business owners in the City of Hamburg will benefit through this public/private partnership by having an opportunity to obtain a broadband connection and increase competition amongst telecommunication companies.
- ***Councilmember Mueller moved to approve Resolution 2009-10 supporting the Fiber Optic funding request by Carver County through the American Recovery and Reinvestment Act of 2009, seconded by Councilmember Trebesch and motion unanimously carried. All Council members were present.***

### City Council Reports

**Councilmember Mueller (Sewer & Water)** had nothing further to report.

**Councilmember Cumiskey (Streets)** had nothing further to report.

**Councilmember Trebesch (Buildings)**

- Councilmember Trebesch mentioned that he has contacted K & K Services (Kip Trebesch) notifying him that Council did approve their additional \$350 bid to do flashing (trim) repair work on the North side of the Hall.

**Councilmember Barnes (Parks)** had nothing further to report.

**Mayor Malz**

- Mayor Malz asked if removing the street light from behind the North side of the Hall would save the city any money. Council discussed and decided that there would be no benefit to the city to remove the light.

### Approve Claims List for July 2009

City Clerk Gruenhagen added the following check numbers:

- 13955 - MVTL Laboratories, Inc – Sewer Fund – Discharge Sample - \$73.00
- 13956 – State Bank of Hamburg – Debt Service – Ambulance Certificate of Indebtedness - \$12,749.00
- 13957 – Dennis Byerly – Divided – Wagers 07-13-09 to 07-26-09 - \$1,101.43
- 13958 – Susan Block – Gen/Water/Sewer – Wages 07-13-09 to 07-26-09 - \$667.07

***Councilmember Mueller moved to approve the July 2009 claims list from Claim Number 13942 though 13958 including the ACH payments, seconded by Councilmember Barnes and motion unanimously carried. All Council members were present.***

City Clerk Gruenhagen reminded Council that he will be taking a vacation day Friday, July 31, 2009. Deputy Clerk Block will adjust her hours so she can be at the office until 3 or 3:30 p.m. on Friday.

***Councilmember Mueller moved to adjourn the Hamburg City Council meeting at 9:17 p.m., seconded by Councilmember Barnes and motion unanimously carried. All Council Members were present.***

Submitted by:

Sue Block  
Deputy Clerk