

City of Becker
City Council Regular Meeting of April 2nd, 2019

The Becker City Council met in regular session at 6:00 pm on Tuesday, April 2nd, 2019 at 12060 Sherburne Avenue, Becker. Present: Mayor Tracy Bertram, Council Members Rick Hendrickson, Troy Cox, Mike Doering and Todd Hanrahan. Guests were in attendance.

1. Mayor Tracy Bertram called the April 2nd, 2019 Council Meeting to order at 6:00 pm.
2. The Pledge of Allegiance was recited.
3. Minutes from the March 19th, 2019 City Council and Executive Session Meetings were reviewed. Doering / Hanrahan motioned to approve the minutes. All Council Members present voted in favor of the motion. The motion carried.
4. Hendrickson / Doering made a motion to add 9B. Assignment Chance of Springsted to Baker Tilly Municipal Advisors LLC, 9C. Change of Investments to UBS Financial, and 9D. Farm Lease with RD Offutt Farms to the agenda. All Council Members present voted in favor of the motion. The motion carried. Hendrickson / Doering motioned to approve the revised agenda. All Council Members present voted in favor of the motion. The motion carried.
5. During guests and open forum, Chief of Police, Brent Baloun, presented the annual Police Report to Council. The department added an Investigator position, handling 38 felony level cases and generating over 100 additional investigative reports. Kristen Gagnon was hired to replace June Hubbard who retired last June. The department came in approximately \$40,000 under budget. Revenues were approximately \$7,000 above projected. Participation in Toward Zero Deaths (TZD) (formerly Safe and Sober) decreased due to available funds and staffing.

Calls were the busiest right after school and the evening hours following dinner; busiest days were Wednesday through Saturday. Part I offenses, considered serious crimes, were down (significant decrease noted in Larceny category). Part II offenses, considered less serious crimes, were slightly up, partially due to increase in social service reports and related criminal activity crimes coming from those. There were 2,350 traffic stops conducted with 1,923 warnings issued. This generated an 82 percent warning rate, which is relatively high. Becker Police Department currently has (per 2017 Uniform Crime Report) a 75 percent clearance rate on all cases compared to about the 49 percent to 60 percent, which was the state average.

Mayor Bertram then invited anyone else to speak during the Guests and Open Forum. Wilbur Lemmon asked to be heard. Mr. Lemmon believed the placement of the public trail and light pole on his property devalued it. He

stated when the trail was put in it caused drainage problems on the property. In addition, due to the placement of the pole, he could not place a driveway where he wanted, limiting the ability to build on the property. As this has been an ongoing issue, the Mayor proposed the City and County work together with Mr. Lemmon to try to come to a resolution.

6. Council reviewed committee meetings.
 - Budget and Finance met on March 21st. Adventure Zone expenses were a little high, due to the snow storms. The cash at the beginning of the month for Golf was expected to be negative \$88,000, but was actually negative \$46,175.17, much less than thought. Snow plowing expenses were higher than expected. Accounts receivables looked good. Audit review would be on April 18th, 2019.
 - Planning Commission had a public hearing for an easement vacation on a property in the Industrial Park, which was on the Consent Agenda.

7. Community Development Director, Marie Pflipsen, presented Resolution 19-06 regarding the Jet Stream LLC tax abatement request. The request was for a 20-year tax abatement for a new data center facility. The proposed project would be for the construction of a 375,000 square foot data center facility on 300 acres between U.S. Highway 10 and the Mississippi River. The project would have a capital investment of \$600 million and create a minimum of 50 jobs when fully operational. In addition to the permanent jobs that would be created, the project would also create an estimated 2,300 construction jobs during the construction phase. The City held a public hearing on this matter during the March 19th, 2019 City Council meeting and the Council voted to continue to the April 2nd, 2019 meeting. Since the last meeting, the County Board had approved the County version of this abatement on March 26th, 2019. The Mayor noted that this evening's approval or denial of the abatement was not a done deal for Jet Stream, there was still the wait for the Legislature, the Public Utilities Commission, and Jet Stream's decision. This Resolution was just another box to be checked in order to keep moving on the final goal. It was also noted that this was not the first time this has been talked about, it had been an ongoing process. Hendrickson / Hanrahan motioned to approve Resolution 19-06, a Resolution Granting the Approval of a Tax Abatement for the Jet Stream LLC data center and authorizing the Mayor and City Administrator to execute the tax abatement agreement. All Council Members present voted in favor of the motion. The motion carried.

8. Chief of Police, Brent Baloun, presented a request for council action for approval to have an audit conducted of the use of body cameras. He stated that when they were authorized for the use of body cameras in October 2017, part of the understanding under Minnesota State Statute was that we were to complete an audit of the system every two years. The State of Minnesota and the Minnesota Bureau of Criminal Apprehension had not offered an economical solution to complete this process as identified under Statute. Other private and unknown vendors were now offering their services for a considerable expense. To ensure compliance, Chief Baloun

contacted the Office of the State Auditor after learning that they have provided audit services to other police departments. He spoke with an auditor who indicated that they could provide the same service for the City of Becker as they have for other departments, one of which was Burnsville, who was considered one of the first departments in the nation to utilize body cameras.

The Chief had received an engagement letter from the State Auditor's Office outlining the process. Of note was they only compare what we have with what was required under state statute. They would highlight this and advise the Becker Police Department assuming appropriate corrections to the process would be made. The estimated cost for the audit was \$80/hour and was expected to be in the range of \$3,000-\$4,000 depending on the amount of time it took to examine the data. The cost of this would be paid out of the Becker Police Department budget for contracted services.

It was clarified that it was mandatory even though there was no set process for having this done. Hendrickson / Doering motioned to approve Greg Pruszinske and Brent Baloun to sign agreement with the State Auditor for a Body Camera Audit. All Council Members present voted in favor of the motion. The motion carried.

9. Chief of Police, Brent Baloun, presented Resolution 19-17 regarding MN Court Data Services access. Currently, the Becker Police Department had access to public information that can be searched through the MN Judicial Systems public website. This agreement would allow the Police Department to access data specific to particular cases or court records for that purpose that are under a legitimate government access need. Those needs may include investigative information, disposition information, conditions of sentencing, etc. The Becker Police Department currently had access to many other databases but did not have this kind of access to these records. The access would also help to clear cases quicker. Chief Baloun stated that they decided only he (Chief of Police), Kristin Gagnon, and the investigator would have access to this information. Doering / Cox motioned to approve Resolution 19-17 a Resolution Authorizing the Police Department to Enter into an Agreement for Government Agencies for Minnesota Court Data Services. All Council Members present voted in favor of the motion. The motion carried.
10. Finance Director, Connie Robinson, presented a request for Council action for the assignment change of Springsted to Baker Tilly Municipal Advisors, LLC. On January 10, 2019, Springsted announced its intention to combine with Baker Tilly Virchow Krause, LLP, a financial services and accounting firm. The combination was expected to be final in April, at which time the Springsted Group companies would be providing advisory service under the name Baker Tilly Municipal Advisors, LLC. This change affected the City's debt obligations. Service would remain the same without interruption. It was clarified that this was just a merger of the companies and a name change. Hendrickson / Cox motioned to approve the assignment change of Springsted to Baker Tilly Municipal Advisors, LLC. All Council Members present voted in favor of the motion. The motion carried.

11. Finance Director, Connie Robinson, presented a request for Council action for a change of investments to UBS Financial. In late 2018, Morgan Stanley notified the City that they would be changing their requirements for the holding of municipal investments to a minimum of \$10 million. This change would require the City of Becker to move its funds to another financial institution. This would also allow for the City to consolidate its funds to a custodial account with UBS. UBS specializes in municipal securities allowing for the City to maximize returns on the portfolio and reduce costs on transactions. This change would not affect the City's ability to utilize other service providers but would allow for the City to better track the activity and stay in compliance with state statutes and audit requirements. The previous minimum was not known, but the City did not qualify for the new minimum. Hendrickson / Cox motioned to approve the change to UBS Financial. All Council Members present voted in favor of the motion. The motion carried.
12. Finance Director, Connie Robinson, presented a request for Council action to enter into a lease agreement with RD Offutt Farms for the crop year 2019. RD Offutt was interested in farming the land near the Industrial Park that was previously leased to Imholte Farms. Hendrickson / Hanrahan motioned to approve the lease with RD Offutt Farms. All Council Members present voted in favor of the motion. The motion carried.
13. Assistant City Attorney, David Schaps, presented a request for Council action to approve Ordinance 212, 2nd Series regarding a cable franchise agreement with Midcontinent Communications. Mr. Schaps stated the term would be 15 years, the last one was also for 15 years. Installation for a resident less than 300 feet from a node would be free. There was a public, educational, and governmental uses (PEG) access fee included that the City currently did not utilize. The City could have Midcontinent collect the fee and use it for upgrades to cable equipment if they opted to. One change noted by Mr. Schaps was in the prior franchise agreement, Midcontinent had a \$20,000 security bond that they kept with the City at all times. They had moved away from that and now would escrow money with the City to investigate violations. Midcontinent had a process by which they could come to City Council and challenge it. Overall, Mr. Schaps felt it was a fair and reasonable agreement that the City had negotiated.

Mr. Schaps acknowledged that the document was large, and the City Council may want to take more time to review it, so he provided another option to pass Resolution 19-20 providing for an extension of the existing agreement for two months.

There was a question about the bond and if that was normal for them to go away from it; and Mr. Schaps stated that it was, and it was one of their big sticking points. They didn't want to have bonds out in different amounts at different cities to keep track of.

Hendrickson / Cox motioned to approve Resolution 19-20 a Resolution Providing for an Extension of the Existing Cable Franchise Agreement. All Council Members present voted in favor of the motion. The motion carried.

14. City Administrator, Greg Pruszinske, presented Resolution 19-16 asking for support of House File (HF) 2031. HF 2031 modified the existing Local Government Aid (LGA) formula and set aside two percent of the entire appropriation for cities not currently on the LGA formula. Two items of interest were 1) the bill would get Becker on the LGA formula, which we currently do not qualify for; and 2) once the City was on the formula, there would always be a minimum appropriation for Becker. After discussing whether supporting this House File was in the best interest of the City; and the Council being somewhat divided on the subject, but not having a strong opinion one way or the other, it was decided to take no action. No action was taken on Resolution 19-16.
15. City Administrator, Greg Pruszinske, presented the Consent Agenda consisting of the following:
 - Hiring and Termination Report for Becker Community Center.
 - Request for Council action to authorize Susan Nache, Deputy Clerk, and Tony Nahrgang, Administrative Support Specialist to have signing authority for the City of Becker safety deposit boxes at Sherburne State Bank; and a request that Adam Huesman, former Deputy Clerk, be removed from signing authority.
 - Options Inc. Contract Renewal for cleaning services.
 - Resolution 19-15 to approve an easement vacation for 13900 Industry Avenue SE.
 - Resolution 19-18 to issue a premise permit application with Pebble Creek Golf Course for the Becker Lions.
 - Hiring and Termination Report for Pebble Creek Golf Club.
 - Pebble Creek Bunker Rake Replacement with a total cost of approximately \$8,800.
 - Pebble Creek Golf Club Audio Improvement Purchase with a total cost of \$5,304.88.
 - Resolution 19-19 for a Conditional Use Permit (CUP) Extension on Lee Street for Matt Westin.

A question was asked about the easement vacation for 13900 Industry Avenue SE as to how that building got built with the easement under it. Community Development Director, Marie Pflipsen, responded to the best of the City's knowledge that because they owned both properties, no survey was required, which would have shown the easement.

Hanrahan / Hendrickson motioned to approve the Consent Agenda as presented. All Council Members present voted in favor of the motion. The motion carried.

16. Hanrahan / Hendrickson motioned to pay the bills including checks 89538 through 89683 and checks 97082 through 97153. All Council Members present voted in favor of the motion. The motion carried.
17. Mayor Bertram announced the anniversaries for the month of April.

- Connie Robinson, Finance Director, 5 years
- Cindy Kazeck, Administrative Assistant at the Community Center, 25 years
- Paul Hickerson, Police Officer, 4 years
- All Foss, Public Works, 23 years

18. Mayor Bertram asked if there was anything else for the betterment of Becker with no response.
19. Doering / Hanrahan motioned to adjourn the April 2nd, 2019 Regular City Council Meeting at 6:59 pm. All Council Members present voted in favor of the motion. The motion carried.



Susan Nache, Deputy Clerk