

The Pledge of Allegiance was recited by those in attendance.

The regular council meeting of the City of Browns Valley, MN was held at the Public Library. Council members present were Richard Johnson, Jeanne Dusing and Tony Miller. The meeting was called to order at 5:34pm by Mayor Bartz. Also in attendance were Tom Schmitz, Tony Serocki, Ken Warren, Larry VanHout, Harold Hansen, Nancy Peterson, Candy Duffield, Bernice Piechowski, Brad Bartz, and Matt Franzese.

Minutes Dusing made a motion to approve the minutes of the February 22, 2013 regular meeting. The motion was seconded by Miller and the motion passed 4-0.

Bills Following presentation and discussion of the bills it was moved by Dusing and seconded by Johnson that the following resolution be adopted.

BE IT AND IT IS HEREBY RESOLVED by the Council of the City of Browns Valley that the payment of the following city and library bills be and is approved as presented.

Motion passed 4-0.

Building Permits None

Visitors Larry Van Hout presented an engineering progress report of the upcoming wastewater project.

Ken Warren had several questions of the city council regarding state statute and legal issues.

Communications A letter was presented from Mike Kremer, the new publisher of the Valley News.

An informational letter was presented before the city council from the Minnesota Department of Health's Source Water Protection Program. This is the time of year that MDH opens up competitive grants with a 50/50 match. Schmitz wanted the council to be aware of the grant opportunity. He provided information of a similar grant currently awarded the City through the Rural Water Association without the cost match. Schmitz mentioned that once the present project items of the current grant has been completed, the City can again apply for more funding through this same program.

Unfinished Business Schmitz provided the city council with an update of the progress of the city audit and remodeling being done at the liquor store.

New Business A bloodborne pathogen has been scheduled for March 4<sup>th</sup> at the fire hall. The city employees will be required to attend as this is an OSHA mandatory training.

Schmitz presented data concerning a class action lawsuit that was mailed to the liquor store. The lawsuit pertains to businesses that have accepted Visa and Master Card from January 2004 to November 2012. The suit claims that MasterCard, Visa and approximately 40 member banks violated federal antitrust laws by conspiring together to set interchange fees (fees typically paid by merchants for accepting Visa and MasterCards) and imposed and enforced rules that limited merchants' ability to steer customers into other payment methods. If the lawsuit is accepted the terms of calculating awards will be using 1/10 of one percent of future credit card transactions for eight months starting June 2013. The city council agreed to not participate in the lawsuit.

Mayor Bartz presented a mailing from radio station 99.5 Jack FM. The radio station is advertising a program they call Community Spotlight where a business or entity may

purchase radio time to advertise. This topic of conversation was tabled until the next council meeting.

Mayor Bartz presented a letter from Linda Schwagel resigning her position on the city council. A motion was made by Dusing to accept Schwagel's resignation seconded by Johnson. Motion carried 4-0.

Resolution  
13-02

**CITY OF BROWNS VALLEY  
RESOLUTION NO. 13-02**

**RESOLUTION ACCEPTING RESIGNATION OF COUNCIL MEMBER AND  
DECLARING A VACANCY**

**WHEREAS**, the Browns Valley City Council has received the written resignation of Councilwoman Linda Schwagel, effective immediately; and

**WHEREAS**, M.S.A. §351.02 provides that a vacancy in office occurs when an incumbent submits a letter of resignation before the expiration of the term of their office.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of Browns Valley, Minnesota, as follows:

1. The council accepts Councilwoman Linda Schwagel's resignation.
2. The council declares that a vacancy exists on the Browns Valley City Council.

Adopted by the City Council of the City of Browns Valley on February 25, 2013.

BROWNS VALLEY CITY COUNCIL

\_\_\_\_\_  
Brenda Bartz, Mayor

ATTEST:

\_\_\_\_\_  
Thomas A. Schmitz, City Administrator

Motion:  
Seconded:  
Vote:

A motion was made by Bartz, seconded by Miller accepting Resolution 13-02. Motion carried 4-0.

**A RESOLUTION BY THE BROWNS VALLEY CITY COUNCIL REQUESTING THE  
AUDITOR OF TRAVERSE COUNTY TO IMPOSE A SPECIAL ASSESSMENT**

**RESOLUTION No. 13-03**

**WHEREAS**, the City of Browns Valley, Minnesota, (the "City"), has constructed or acquired various infrastructure improvements and provides certain services in accordance with the State of Minnesota's Statutes Chapter 216B. Public Utilities; and

**WHEREAS**, has enterprises to assist in the operation of the community; and

**WHEREAS**, the City utilizes utility billing as an enterprise funding stream for the City;  
and

**WHEREAS**, the City relies on this enterprise funding stream to provide for the daily operation of the City; and

**WHEREAS**, non-payment of monthly utility bills would cause a hardship for the City;  
and

**WHEREAS**, the utility payment for the property located at MP 20-0351000 is three months past due in the amount of \$178.08; and

**WHEREAS**, the City has no other way to recover this funding; and

**WHEREAS**, the City requests the Traverse County Auditor, pursuant to M.S.A. 444.075 Subdivision 2A, Para B, to place a special assessment to the property located at MP 20-0351000.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE  
CITY OF BROWNS VALLEY, MINNESOTA.**

The City makes a formal request to the auditor / treasurer of Traverse County to place a special assessment to the property located at MP 20-0351000 for the amount of \$178.08.

Passed and adopted this 25<sup>th</sup> day of February, 2013.

Attest:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Administrator

A motion was made by Dusing, seconded by Johnson to accept resolution 13-03. Motion carried 4-0.

Schmitz will send a letter to the county auditor requesting the amount listed above be placed against the parcel's property taxes.

Department  
Reports

Public Works

Serocki stated that the department is near being finished installing the transmitters on residential water meters.

Fire Department Bartz stated that the fire department's current fire grant ends in July. The fire department purchased a digital camera to provide picture documentation for reports and also to be used for training.

Attorney Franzese shared draft amendments to ordinances 92.03 and 92.18. The council will review them to provide input at the next meeting. Franzese will also be writing residential property easements for utility crossings for the upcoming wastewater replacement project.

Administration  
Adjournment Schmitz discussed purchasing a plaque to commemorate Schwagel's dedication to the city of clerk, EMT, and council member. He asked if the City would consider the purchase of a plaque and clock for a cost of less than \$100. A motion was made by Miller, seconded by Johnson to purchase the commemorative plaque. Motion carried 4-0.

Schmitz reported that Tracy Deal has decided not to board stray dogs that the City has impounded. Schmitz will contact Lake Traverse Animal Rezcue to see if they will board for the City.

Franzese presented a quick claim deed for property to access the city's wells. Motion to accept the quick claim deed was made by Dusing, seconded by Miller. Motion to approve 4-0.

Motion to adjourn at 6:05pm by Dusing, seconded by Miller. Motion carried 4-0

Minutes submitted by:

Thomas Schmitz, Administrator/Clerk

Approved by:

Brenda Bartz, Mayor