

DRAFT

MINUTES OF THE REGULAR MONTHLY MEETING
OF THE MANHATTAN BEACH CITY COUNCIL
May 1st, 2018

The regular monthly meeting of Manhattan Beach City Council was held on Tuesday May 1st, 2018 in the City Hall at 7pm. The following officers were present: Paul Allen-Mayor; Janis Allen, Marlene Yurek & Barb Hanson-Wannebo-Council Members; Amy Wannebo-Clerk-Treasurer; approximately three residents and one member of the press.

The Pledge of Allegiance was recited.

Agenda Amendments: Mayor Allen asked if there were any amendments to the agenda, there were none. **A motion was made by Council Member Yurek and seconded by Council Member Allen to approve the agenda as printed. Motion carried.**

Approval of February Minutes: **A motion was made by Council Member Allen and seconded by Council Member Yurek to approve the minutes as printed. Motion carried.**

Clerk-Treasurer's Report: Supporting documents attached. Clerk-Treasurer Wannebo asked that the approval of claims include the invoice from Office Shop because it was received shortly before the meeting. **A motion was made by Council Member Yurek and seconded by Council Member Allen to approve the claims as printed including Crow Wing Power and Office Shop. Motion carried.** Clerk-Treasurer Wannebo shared the Office of the State Auditor's opinion on credit cards. Council Member Allen drafted a proposal for a credit card policy. Mayor Allen read the proposed policy to the council, he stated that the duplicate card should be placed in the safe deposit box and that the policy should be sent to the City attorney for review. **A motion was made by Council Member Allen and seconded by Council Member Hanson-Wannebo to send the proposed credit card policy to City Attorney Andy Kalis for review. Motion carried.**

Check numbers 3142 through 3151 have been paid for a total amount of \$1,809.28.

Communications: None.

Planning & Zoning Report: None.

OPEN FORUM:

Unfinished Business:

LMCIT Workers Comp.: Premium attached. **A motion was made by Council Member Allen and seconded by Council Member Yurek to choose the policy with no deductible. Motion carried.**

Northern States Power Proposed Ord.: Proposed Ordinance attached. Mayor Allen asked if there would be a surcharge in the new franchise agreement. Mark Osendorf the representative from Xcel Energy DBA Northern States Power, explained that there was a surcharge up until July 2007 but there was no longer one and there wouldn't be one in the future regarding this franchise agreement. He also

stated that the term of the agreement is twenty years. Mayor Allen stated that the City should have Andy Kalis review the proposed ordinance and hold a public hearing. **A motion was made by Council Member Hanson-Wannebo and seconded by Council Member Allen to send the Northern States Power Ordinance off to City Attorney Andy Kalis for review. Motion carried.**

Closet Contents: The council went through the list of closet contents and decided what to keep and what to dispose of. It was decided to keep the space heater, fire safe file cabinet, old road signs, projector and Christmas lights. The council decided to throw away the old trash cans, key board, recording system, boom box, motion light, sharp music, amp, check book holder and old router. Mayor Allen would take his assortment of tools home. Council Member Hanson-Wannebo would take home the fake foliage.

Ditch Clean Up: Council Member Yurek stated that the Crosslake Lutheran Youth Group will clean up the ditches in the City. In return the City will donate three hundred dollars to the youth group and provide pizza and pop to them. **A motion was made by Council Member Allen and seconded by Council Member Hanson-Wannebo for the City to purchase pizza and pop for the youth group and to make a donation of \$300 to the Crosslake Lutheran Youth Group for the ditch clean up. Motion carried.**

Office Space: Mayor Allen explained that the new copier takes up a lot of the space in the small office. Darrin Welle has completed the impervious surface calculation for the City and came to the conclusion that the City does have space for an addition to the building. Mayor Allen stated that the City would probably need to seek a variance. Clerk-Treasurer Wannebo explained that since the Council has gone ahead and cleaned out the closet, there is now quite a bit of room for storage. She went on to say that there was now room for six to eight more bankers boxes and that those boxes will hold at least four years of the paper generated by the City but that she did think a smaller desk would free up space in the office. Mayor Allen stated that he was thinking of a fire proof room for the storage of records and also look into that large well that had been previously discussed for the fire department. **A motion was made by Council Member Allen and seconded by Council Member Yurek for Clerk-Treasurer Wannebo to gather quotes on a new desk and bring them to the Council. Motion carried. A motion was made by Council Member Allen and seconded by Council Member Hanson-Wannebo to have Darrin Welle come and look at property lines and see what and where the City could add onto the building. Motion carried.**

OPEN FORUM:

New Business:

Framing of Puzzles: Mayor Allen explained that two puzzles were donated to the City, the puzzles were from an old puzzle factory that was located in the City and that he believed they should be framed as part of the City's history. Council Member Yurek stated that the framing could include a little write up about the factory. Council Member Allen stated that she would look into the history of the factory so that some back story could be included in the framing.

Rain Garden Weeding: Mayor Allen stated that Clerk-Treasurer Wannebo should contact Beth at Soil & Water to get the City's rain garden on their maintenance list to have it weeded. **A motion was made**

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by Council Member Allen and seconded by Council Member Yurek for Clerk-Treasurer Wannebo to contact Beth at Soil & Water to get the rain garden weeded. Motion carried.

Lawn & Flower Bed Maintenance: Clerk-Treasurer Wannebo said that the flower bed could use a cleaning, and that she'd wait for it to green up to see what could be done about it. Mayor Allen stated that the lawn was looking in need of some TLC and the tree in front of the City Hall. He asked that Clerk-Treasurer Wannebo get in touch with the lawn care contractor to see if they could provide those services.

A motion was made by Council Member Yurek and seconded by Council Member Allen to adjourn the meeting. Motion carried.

The meeting was adjourned at 8:05pm.

Clerk-Treasurer Amy Wannebo

Mayor/Council Member

For the Period: 4/1/2018 To 5/1/2018

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>	<u>Less Deposits In Transit</u>	<u>Plus Outstanding Checks</u>	<u>Total Per Bank Statement</u>
General Fund	\$300,884.47	\$0.00	\$12,381.46	\$288,503.01	\$0.00	\$898.94	\$289,401.95
Road and Bridge	\$499.62	\$0.00	\$756.00	(\$256.38)	\$0.00	\$216.00	(\$40.38)
Tax Increment Financing Projects	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Building Fund	\$8,004.46	\$0.00	\$0.00	\$8,004.46	\$0.00	\$0.00	\$8,004.46
Total	\$309,388.55	\$0.00	\$13,137.46	\$296,251.09	\$0.00	\$1,114.94	\$297,366.03

Date Range: 4/1/2018 To 5/1/2018

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
04/06/2018	Office Depot	UBS Extender	0406 Debit	\$4.28	100-41420-206-	Recording and Reporting	\$4.28
04/09/2018	Office Depot	toilet paper, paper towels & trash bags	0409 Debit	\$40.77	100-41001-211-	General Government	\$40.77
04/30/2018	Department of the Treasury	941 1st Quarter taxes	0430 Debit	\$286.88	100-41425-171-	Clerk	\$286.88
05/01/2018	Red River Flags	3'x5' polyextra flag	3143	\$33.00	100-41001-206-	General Government	\$33.00
05/01/2018	Ryan, Brucker & Kallis, Ltd.	legal services from 3/21/18-4/2/18	3144	\$97.50	100-41610-304-	City/Town Attorney	\$97.50
05/01/2018	Hanson Property Services LLC	snow plowing 3/26/18 3/31/18	3145	\$216.00	201-43125-106-	Ice and Snow Removal	\$216.00
05/01/2018	Adam's Pest Control, INC. -Nisswa	4/23/18 semi-annual service for pest control spider & general inscet	3146	\$106.30	100-41940-401-	General Government Buildings and Plant	\$106.30
05/01/2018	National Joint Powers Alliance	P&Z services for March 2018	3147	\$25.00	100-41910-106-	Planning and Zoning	\$25.00
05/01/2018	Birchdale Fire & Security	5# fire extinguisher	3148	\$59.95	100-41001-216-	General Government	\$59.95
Total For Selected Claims							\$869.68

Date Range : 4/1/2018 To 5/1/2018

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
	Barbara A Hanson-Wannebo		City Council/Town Board				
	<i>Janis A. Allen</i>		City Council/Town Board				
	Janis A Allen		City Council/Town Board				5-1-18
	<i>Marlene Yurek</i>		City Council/Town Board				
	Marlene Yurek		City Council/Town Board				5/1/18

Date Range : 3/5/2018 To 4/5/2018

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
04/05/2018	Crow Wing Power	March 2018 service	3142	\$171.00	100-41940-381-	General Government Buildings and Plant	\$171.00

Total For Selected Claims

\$171.00

\$171.00

Barbara A Hanson-Wannebo

City Council/Town Board

Date

Janis Allen

Janis A Allen

City Council/Town Board

Date

5-1-18

Marlene Yurek

Marlene Yurek

City Council/Town Board

Date

5/1/18

For the payroll period ending: 05/01/2018

<u>Account #</u>	<u>Employee #</u>	<u>Employee Name</u>	<u>Amount</u>
0-41425-101		Wannebo, Amy	577.19
		Account Total	577.19
		Unallocated due to rounding	\$0.00
		Total For Period	\$577.19

 Barbara A Hanson-Wannebo City Council/Town Board

 Date

Janis A. Allen

5-1-18

 Janis A Allen City Council/Town Board

 Date

Marlene Yurek

5-1-18

 Marlene Yurek City Council/Town Board

 Date

Credit Card policy for the City of Manhattan Beach, MN

State law requires that claims presented to the city for payment must be in writing and itemized. Bills from credit-card companies may not contain the detail necessary to satisfy these itemization requirements. Therefore, The City of Manhattan Beach must retain invoices and receipts for all items charged to a credit card bill. Minn. Stat. Ch. 475. Additionally, the city credit card use must comply with state laws governing municipal borrowing. These laws do not authorize the city to use their credit card to carry debt. Therefore, the city of Manhattan Beach is adopting a policy of paying the entire credit card balance each month. The power to use the credit card for purchasing carries with it the potential for misappropriation therefore, all receipts and invoices must be presented to the City of Manhattan Beach Council each month before authorization is given to pay the credit card bill.

- 1) The Mayor and City Clerk/Treasurer are authorized to use the city credit card.
- 2) All purchases made on the credit card must be reviewed monthly with an invoice or receipt before the credit card bill can be paid. The credit card bill does not give a good accounting of the purchase.
- 3) Personal use of the credit card is prohibited.
- 4) The total amount that can be purchased on the credit card must not exceed \$1,500.00.

Any purchases made on the credit card that is not approved by the city council will have to be paid by the officer who purchased them.

Items approved for purchase with the credit card are;

- 1) Office supplies
- 2) Cleaning supplies including garbage bags.
- 3) Paper products such as paper plates, napkins, paper towels, toilet paper, coffee filters, etc.
- 4) Serving supplies such as plastic utensils, plastic glasses, etc.
- 5) Supplies for the ditch cleaning crew or other social events such as pizza, pop, coffee, breakfast rolls, etc.

This Credit Card Policy is hereby adopted on: _____

Mayor

Clerk/Treasurer



REBECCA OTTO
STATE AUDITOR

STATE OF MINNESOTA OFFICE OF THE STATE AUDITOR

SUITE 500
525 PARK STREET
SAINT PAUL, MN 55103-2139

(651) 296-2551 (Voice)
(651) 296-4755 (Fax)
state.auditor@osa.state.mn.us (E-mail)
1-800-627-3529 (Relay Service)

Statement of Position Credit Card Use and Policies

Counties, cities, towns, school districts, watershed districts, and soil and water conservation districts have authority to make purchases using credit cards issued to the public entity.¹ The statutes authorizing credit card use by public entities restrict the use of credit cards to purchases for the public entity. No personal use of the credit card is permitted.²

According to Minnesota law, credit cards should only be used by those employees and officers otherwise authorized to make purchases. If the public entity does not authorize a credit card purchase, the officer or employee who made the purchase becomes personally liable for the amount of purchase.

Purchases made with the credit card must be consistent with other state law. For example, under Minnesota law, claims presented for payment must be in writing and itemized.³ Monthly statements received from a credit card company lack sufficient detail to comply with these statutory requirements. As a result, public entities using credit cards must retain the invoices and receipts needed to support the items charged in the bill from the credit card company.⁴ Similarly, listing only the credit card company on a claims list would merely identify the method of payment. It does not identify the vendors providing the goods and services, as required by law.

The authority to use credit cards does not authorize the creation of a new form of debt for the public entity. The statutes governing the issuance of debt by a public entity add a number of restrictions to the issuance of any obligation. The credit card statutes simply authorize another method of payment. Therefore, the public entity's governing board must adopt a policy of paying off the credit card charges on a monthly basis.

¹Minn. Stat. §§ 471.382 (cities and towns); 375.171 (counties); 123B.02, subd. 23 (school districts); 103D.325, subd. 4 (watershed districts); 103C.321, subd. 6 (soil and water conservation districts).

² See, e.g., *State v. Norman*, No. A11-1721 (Minn. Ct. App. Sept. 17, 2012) (unpublished) (reimbursement of personal charges on city credit card does not negate false claim or theft by swindle charges).

³ See Minn. Stat. § 471.38, subd. 1.

⁴ If the original supporting documentation is missing, an attestation or affidavit identifying how, where, and when the money was spent, signed by the individual seeking reimbursement will suffice.

Reviewed: February 2014

Revised: February 2014

2007-1005

This Statement of Position is not legal advice and is subject to revision.

An Equal Opportunity Employer

CITY OF MANHATTAN BEACH, CROW WING COUNTY, MINNESOTA

ORDINANCE NO. 94-1

AN ORDINANCE GRANTING TO NORTHERN STATES POWER COMPANY, A MINNESOTA CORPORATION, ITS SUCCESSORS AND ASSIGNS, PERMISSION TO ERECT A GAS DISTRIBUTION SYSTEM FOR THE PURPOSE OF INSTALLING, ENLARGING, OPERATING, REPAIRING AND MAINTAINING IN THE CITY OF MANHATTAN BEACH, MINNESOTA, THE NECESSARY GAS PIPES, MAINS AND APPURTENANCES FOR THE TRANSMISSION OR DISTRIBUTION OF GAS TO SAID CITY AND ITS INHABITANTS AND OTHERS AND TRANSMITTING GAS INTO AND THROUGH SAID CITY, AND TO USE THE PUBLIC WAYS AND PUBLIC GROUNDS OF SAID CITY FOR SUCH PURPOSE.

THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CROW WING COUNTY, MINNESOTA, DOES ORDAIN:

Section 1. There be and hereby is granted to Northern States Power Company, a Minnesota corporation, its successors and assigns, hereinafter referred to as "Company", for a period of 25 years from the date hereof, the right and privilege of erecting a gas distribution system in the City of Manhattan Beach, Crow Wing County, Minnesota, hereinafter referred to as "City", and using the public ways and public grounds of City for the purpose of installing, operating, repairing, and maintaining, in, on, over, under, and across the same, all gas pipes, mains, and appurtenances, usually, conveniently, or necessarily used in connection therewith, for the purpose of the transmission of gas, or the distribution of gas, for public and private use within the limits of City as its boundaries exist or as they may be extended in the future, and for the purpose of transmitting gas into and through the City. Company may also do all reasonable things necessary or customary to accomplish these purposes subject, however, to the further provisions of this franchise. "Gas" as used herein shall be held to include natural gas, manufactured gas, or other form of gaseous energy.

Section 2. The gas transmission or distribution service to be provided and the rates to be charged by Company for service in the City shall be subject to the jurisdiction of the Public Utilities Commission of this State. Company shall provide reasonably efficient and adequate service to members of the public within the City who apply for such service in accordance with the rules and regulations of Company. To enable the Company to extend its distribution facilities for providing gas services to new customers of the Company in the City, City agrees that Company may impose a surcharge on the bills of its customers located in the City in accordance with rates approved, or regulations issued, by the Commission.

Section 3. The Company shall indemnify, keep and hold the City free and harmless from any and all liability on account of injury to persons or damage to property occasioned by the construction, maintenance, repair, inspection, the issuance of permits, or the operation of the gas facilities located in the City. The City shall not be indemnified for losses or claims occasioned through its own negligence except for losses or claims arising out of or alleging the City's negligence as to the issuance of permits for, or inspection of, the Company's plans or work. The City shall not be indemnified if the injury or damage results from the performance in a proper manner of acts reasonably deemed hazardous by Company, and such performance is nevertheless ordered or directed by City after notice of Company's determination.

In the event a suit is brought against the City under circumstances where this agreement to indemnify applies, the Company at its sole cost and expense shall defend the City in such suit if written notice thereof is promptly given to the Company within a period wherein the Company is not prejudiced by lack of such notice. If the Company is required to indemnify and defend, it will thereafter have control of such litigation, but the Company may not settle such litigation without the consent of the City, which consent shall not be unreasonably withheld. This section is not, as to third parties, a waiver of any defense or immunity otherwise available to the City; and the Company, in defending any action on behalf of the City shall be entitled to assert in any action every defense or immunity that the City could assert in its own behalf.

Section 4. The City shall give the Company at least two weeks prior written notice of a proposed vacation of a public way. Except where required solely for a City improvement project, the vacation of any public way, after the installation of gas facilities, shall not operate to deprive Company of its rights to operate and maintain such gas facilities, until the reasonable cost of relocating the same and the loss and expense resulting from such relocation are first paid to Company. In no case, however, shall City be liable to the Company for failure to specifically preserve a right-of-way under Minnesota Statutes, Section 160.29.

Section 5. Company shall have full right and authority to assign to any person, persons, firm, or corporation all the rights conferred upon it by this Ordinance, provided that the assignee of such rights, by accepting such assignment, shall become subject to the terms and provisions of this Ordinance.

Section 6. Company shall, if it accepts this Ordinance and the rights and obligations hereby granted, file a written acceptance of the rights hereby granted with

the City Clerk within ninety (90) days after the final passage and any required publication of this Ordinance.

Section 7. This Ordinance shall be in full force and effect from and after its passage, any publication required by law, and acceptance by Company.

Section 8. Where a provision of any other Ordinance conflicts with the provisions of this Ordinance, the provisions of this Ordinance shall prevail.

Section 9. Any notice to Company required under this Ordinance, shall be mailed to the President, Gas Utility, 825 Rice Street, St. Paul, Minnesota, 55117. Notice to City shall be mailed to the CITY CLERK.

Passed and approved: April 1, 1994

Oliver E. Goldenshtein
Mayor

Attest:

Joan Wannicko
City Clerk