

**Meeting Minutes of the Richmond City Council  
January 17, 2019  
City Council Workshop and Meeting**

**Item #1: Call to Order/Pledge of Allegiance**

Mayor Hemmesch called the meeting to order at 6:30 p.m. at Richmond City Hall.

Council Members noted as being present: Jim Hemmesch; Mike Mathiasen; Pat Evens

Council Member absent: Tim Paczkowski

Also, present were: Tesa Tomaschett, City Administrator-Clerk; Bob Wieber; Gordon Dingmann, Public Works Director; Steve Kascht, Fire Chief; Mark Kremer; Jason Spoden, Cold Spring/Richmond Police; Emily Monnens; Kymberly Craven; Shelia Hemmesch.

**Item #2: Open Forum**

**Item #3: Approval of Agenda**

Mayor Hemmesch asked if there were any additions or changes to the Agenda.

Add: Item 6: Discussion on FF- Mark Kremer

Item 7: 545 Main St W- Bob Wieber

Item 10: Resolution 111-19: Approving the minor administrative subdivision consolidation for C&D Granite

*Motion made by Councilor Evens to approve the Agenda, seconded by Councilor Mathiasen. Motion passed.*

**Item #4: Resolution 108-19 Declaring a Vacancy of a Councilmember Position**

*Motion made by Councilor Evens to approve Resolution 108-19, seconded by Mayor Hemmesch. Motion passed.*

**Item #5: Vacancy options**

- a. Applications
- b. Appointment
- c. Leave vacate

Council discussed on the vacancy option to keep the process moving. In past vacancies, the process has been to accept applications.

*Motion made by Councilor Evens to go with application process. Advertise in Cold Spring record for two weeks and have interviews at February 21st workshop meeting, seconded by Councilor Mathiasen. Motion passed*

**Item #6: Discussion on FF- Mark Kremer**

Mark Kremer has been on the Richmond Fire Department for almost 14 years. He recently moved outside of the department response time which is 8 minutes from fire hall. He asked the council if he could remain on the department on temporary basis for a year or until he can get on the Watkins Fire Department. In the event that there would be another opening, Kremer will step down at that time so 2 new people can be hired at the same time per policy.

*Motion made by Councilor Evens to allow extension for Mark Kremer to be on Fire Department until January 1, 2020 or until time of new hire or unless another position opens on Richmond Fire Department, seconded by Councilor Mathiasen. Motion Carried*

**Item #7: 545 Main St W- Bob Wieber**

Bob Wieber is back to discuss the water pressure at his newly built home. He is still not receiving enough water pressure for the items in his home. He would like the city to pay for a booster pump and any other expenses to go with it so he can have adequate water pressure in his home. City needs to supply residents with 35 psi according to MDH. This property is receiving anywhere between 40-50 psi. Councilor Evens asked for the city staff to check on the volume instead of the pressure. The city will put together a waiver of liability for Mr. Wieber to sign and set up a date to perform the work.

**Item #8: Resolution 109-19: Approval of Slate of Fire Department Officers**

Councilor Evens asked when these proposed wages were increased, which had been done a year or two before. Councilor Evens then asked we check the salaries of surrounding cities to do our due diligence. It was asked that Tomaschett check with Albany, Avon, Cold Spring, Rockville, Watkins, Eden Valley, Kimball, and Paynesville. Tomaschett expressed if she was doing this then she will be checking on their training, meeting, and call wages too.

*Motion made by Councilor Evens to approve Resolution 109-19, officers only, seconded by Councilor Mathiasen. Motion passed.*

**Item #9: Resolution 110-19: Accepting 2019 Fee Schedule**

Adam Ripple reported his findings in a memo which was given to the council.

**Consistent Application**

The late fee established under the City ordinance and fee schedule is currently a flat \$50 fee that is uniformly applied to all utility users. This is fundamentally consistent—users are not treated differently based on the use of their property, the magnitude of their use, or any other criteria. At the January 2, 2019, council meeting, there was some suggestion that “consistent” means “proportionate” – that a user with a \$10 bill should not have the same late fee as a user with a \$1,000 bill. The law does not require that for sewer and water late fees. Minnesota Statute Section 325E.021 does require a “monthly percentage rate,” which is essentially a proportionality requirement. However, Section 325E.021 only applies to electricity, telephone, and natural gas. The LMC utility payment memo broadly mentions Section 325E.021, which may confuse the specific issue of Richmond’s late sewer and water fee. A flat fee is probably most appropriate for a late fee. As the 1980 Minnesota Attorney General opinion referenced in the LMC memo explains, the fee is a charge for the City’s administrative costs arising from late payments and not compensation for deferred payment (aka interest).

**Usury**

Again, as the Minnesota Attorney General explained in the 1980 opinion, late fees that are intended to cover city costs related to late payments—as opposed to fee for deferred payment—are not subject to Minnesota’s usury laws.

**Excessive Fees**

I cannot definitively state whether the amount of the late fee is excessive. The fee should roughly approximate the City’s costs related to late or non-payment. Each individual situation may cost the City more or less than the exact fee amount, but the fee should be roughly equal to the average cost to the City. This includes staff time, postage, etc. Again, because the City’s administrative cost for late payments is probably the same regardless of the amount of the outstanding bill, a flat fee is probably the most appropriate structure for a late fee. The amount of the late fees charge by other area cities is not particularly relevant as a measuring stick of whether Richmond’s late fee is excessive because other cities may have different costs, or they may choose not to recover their administrative costs through late fees.

Councilor Evens thought the \$50 late fee for utility billing was too excessive so it was suggested to do a flat fee and a percentage. As further discussion went on it was then talked about having a \$25 late fee and send out shut off notices every 2 billing cycles which is 4 months.

*Motion made by Councilor Evens to change utility billing late fee to \$25 for every 2 billing cycles (which is 4 months), seconded by Mayor Hemmesch. Motion passed.*

**Item #10: Resolution 111-19: Approving the minor administrative subdivision consolidation for C&D Granite**

*Motion made by Councilor Evens to approve Resolution 111-19, seconded by Councilor Mathiasen. Motion passed*

**Item #11: Clerks Conference: March 19-22, 2019 in St. Cloud**

**Item #12: Other Matters of Concern and Related Matters**

**Item #11: Adjournment**

Mayor Hemmesch asked for any additional items.

Hearing none Mayor Hemmesch declared the meeting adjourned at 7:22 p.m.

Respectfully Submitted,

Tesa Tomaschett  
City Administrator Clerk-Treasurer