

**FREE
PLEASE TAKE ONE!**

Volume III

February 1985

Number # 17

CARVER

GAZETTE

TEMPORARY HOLD

There is a gap of reporting the council's activities for February 4th, 1985 meeting since this reporter was informed that the City Clerk was not allowed to forward the notes from that council meeting prior to council approval. Due to the time required in formulating, typing, editing, etc., there is not enough time to put this paper out within these time restrictions. Therefore, if this matter is not resolved, soon, those council activities are unavailable for this issue.

The mayor, Robert Jordan stated that the notes from these public meetings are not public data and thereby not allowed to be viewed by the public. However, approved council minutes would be public data in his view but that does you or me very little good when not available until a month later.



DISCLAIMER

Request was made that notation be submitted regarding some of the information used for the contents of The Gazette. The preliminary notes of council meetings are referenced and used to put The Gazette together. The notes are preliminary and unofficial/unapproved minutes.

City Council News:

BUILDING PERMIT



The council was asked to look at a building permit. The council felt that the permit application would have to go through the proper channels, beginning with the Planning Commission. Mr. Griep, the building inspector could not issue a permit without prior Planning Commission and council approval as it was not an approved subdivision.

The City Council and Planning Commission members held a special meeting on February 14th regarding a building permit request. Discussion began regarding the permit request on Mt. Hope Road for Doug and Tammy O'Konek. The mayor called the meeting to order, asking if the Planning Commission members had any problems with the request. Discussion pursued regarding the permit. Lyle Hanna motioned to recommend to the council to approve granting the building permit and seconded by Delton Giese. The council could not act on the building permit request until the council had a quorum. The Planning Commission members also stated that the council may wish to include excavation stipulations. Later, the same evening, council quorum was achieved, vote was taken to grant the building permit with excavation stipulation included. Motion made by Councilman Meyers, seconded by Councilmen Swanson and carried with four ayes.

GRANT APPLICATION

Mike Morrison, SCDG Consultant, presented to the City Council a copy of the grant application that was submitted on February 1st, 1985 at the February 4th meeting. Fifty application had been submitted, thirty of which were resubmitted from the previous year. It would be May until response to the application would be known.

WATER COMPREHENSIVE PLAN

The mayor presented to the Planning Commission members a community needs list to be reviewed and discussed further, as well as acted on, if necessary. One member questioned

one item on the list feeling that Carver was in need of a mail route and that door to door mail service should be seriously considered. The mayor thought that this would not be difficult to accomplish by petition.

A local bank was discussed. Jordan stated that banks are doing a market research analysis since they are looking at options to offer new services.

SLUM AND BLIGHT ISSUE

Councilman Swanson inquired at the February 4th, 1985 meeting to the City Council regarding the status of whether or not any decision being made concerning property in the flood plain area. If the City of Carver were to acquire it. Decision would be made at a later date if the grant were to be received, it was said.

VILLAGE HALL REPAIRS

There was discussion of new coat racks, coasters and bumpers for chair racks and were ordered. Refinishing of the dance floor was discussed at the February 4th meeting.

Retailing of the basement ceiling was to be discussed at a future date. Rest room remodeling was discussed by the council. Councilman Meyers felt painting rather than replacement should be done. Quotes for other improvements were to be obtained. A letter was to be sent to the Lioness for their donation of material and labor for the Village Hall basement.

RAISES, NEW RESPONSIBILITIES

Mayor Jordan commented that Frey would have to begin classes to obtain license for maintenance of sewer system, unless another individual were to be hired temporarily until Frey receives a license, during which time Frey would be considered an assistant. Another alternative would be to hire another individual. Question was asked about on the job training available at another location. It was not known whether or not this was possible. Frey would take on the additional responsibility. Estimated time to be spent on maintenance work would be an average of fifteen minutes per day unless there were a major breakdown.

City maintenance employee, Frey was slated for annual raise discussion. Pay increase had been budgeted for. With the added responsibilities, it was felt that this additional work would warrant another increase in his salary. Approval was given to grant Frey a raise at the February 4th meeting.

REPAIRS - WHO SHOULD PAY?

The council at their February 4th meeting reviewed a bill submitted by a property owner regarding repairs made in the Spring Creek area. Councilman Meyers did not feel that the city should pay for repairs made. Councilman Swanson felt that the entire creek should be straightened out. Mayor Jordan reminded the council what had happened previously when attempts had been made to repair the creek, as well as this property owner repairing his property to prevent further damage. Councilman Wendland felt that the creek repairs should be an organized process. He also felt that payment of this bill would allow others in the same vicinity to present the city with similar bills. He inquired whether or not the city can go in and make repairs. The mayor felt that eminent domain would have to be pursued, in order to conduct those repairs. Mr. Frey, maintenance informed the council that there was a need to do something, as the creek was still being diverted by debris. Councilman Swanson felt the issue should be looked at again. Councilman Meyers stated that a bad precedent would be set were the city to pay this bill. Mayor Jordan reminded the council of a bill paid by the city for repairs made to a retaining wall. It was felt that the city had repaired city property in that case. Payment of the most current bill submitted was denied.

GROUNDWATER

Councilman Meyers attended a Groundwater Seminar and briefly summarized the highlights for those in attendance on February 14th, 1985. Councilman Meyers explained that the seminar was a quick course on how Minnesota compares regarding the issue of groundwater. He learned that Minnesota was more fortunate than others regarding water, both in surface and groundwater. That Minnesota was beginning to encounter some problems. That there were indications of getting into trouble but not with quantity or quality. His notes were more detailed but could not report much more without those notes. Although, groundwater does not sit still, he added.

WATERSHED ORGANIZATIONS

The mayor informed the group in attendance regarding petitioning Minnesota Water Resources Board, the submittal of plans, contacting various surrounding contacts and the Lower Minnesota River Watershed Organization. There was a brief discussion regarding hows, whats and wherefores involved in water management organizations and the purposes for these actions, as well as organizations.

PLANNING COMMISSION OBJECTIVES

At the February 14th, 1985 meeting, there was discussion regarding the direction that the Planning Commission Members should be taking. One area to be looked into by the members is the reviewal of the Subdivision and Zoning Ordinances for rewriting for the City of Carver, as well as suggestions. Another area to be reviewed would be the needs list from the comprehensive plan on the water grant application.

PLANNING COMMISSION MEMBERS

There had only been one favorable response received regarding Planning Commission members. Two citizens were to be asked about their interest in serving as a member.

SNOW BIRDS

Complaint was voiced to the council regarding snow birds by the apartment building, making snow removal difficult. Statement was made that snow could be dumped on the empty lot by the apartment building. Councilman Swanson felt that the lot should be utilized for parking. Frey, city employee was told to be stricter in enforcement of Snow Ordinance.

HIGHWAY # 212

Councilman Wendland had attended the Highway # 212 Citizen Advisory meeting. On February 4th, the city council reviewed a map of proposed routes. The issue was discussed on what to do regarding proposals.

CITY ADMINISTRATOR STATUS

The mayor announced that the issue of the need for a City Administrator has surfaced again. Further stating, that Young America was embarking on a project that would require the services of an administrator. So the feasibility of the two cities sharing an administrator was again possible. Mayor Jordan stated that Mike Mornson had inquired about the position to him. He was told to attend the council meeting.

SEWER CONSTRUCTION STATUS

A Planning Commission member asked about the status of the sewer schedule. The mayor stated that the construction of the ponds should be starting in May or June. Councilman Lowe stated installation in the core city should occur in late fall. The mayor remarked that completion and operation should occur in spring of 1987.

SURVEYS

There was discussion regarding surveys being circulated like another survey gathered in 1979 and putting this data into a computer. Names could not be put onto the surveys due to the Data Privacy Act. Due to the controversy regarding sewer and water, it was questioned about responses being answered accurately.

COUNTY ROAD # 40

Councilman Meyers questioned the water drainage problem on County Road # 40. Mayor Jordan explained the history of the work completed in that area to cause the runoff. Tiling work was done in the area. Councilman Swanson commented that tiling was not to be brought to the road and as far as he was aware, it had not. There were not any permit required by the city or the county for the work to be done.

Per council records of '83', there were not any permits required by the city or the county at that time. Mr. Hiatt who initiated construction of tiling had appeared before the council to inquire about liability if something were to go wrong. At that time, the former City Administrator had expressed concern regarding the velocity of water over the road, if the the culvert could not handle the increased flow. Mayor Jordan stated that the city was responsible for keeping the culverts clean and at that point in time requested that Mr. Hiatt find out the amount of flow that different size culverts will handle.

A letter from the County of Carver in September of 1984 stated that installation did not have a permit, so was in violation of the county's permit procedures. The letter further states that installation was allowed on a one year experimental basis. If problems occurred, they would require removal of the tile in 1985. If there was not any problems, then Carver County would require a permit for file, including the signature of the City of Carver accepting the drainage.

DATA PRIVACY ACT

Formal request was placed with the city council for the handwritten notes from regular and special council meetings, the eve of these meetings or the following day at the February 14th, 1985 meeting. This request was denied by Mayor Jordan who considers these notes to be private data and fall under the classification in the Data Privacy Act. The officer designated for the data practices was the former administrator who is no longer employed with the City of Carver. The mayor stated that the designated officer is thereby the City Clerk. Consensus of councilmembers, present at the February 14th meeting was that it made no difference whether or not the minutes of these meetings were released unless the law did not allow such release. The preliminary notes are considered unapproved and unofficial minutes. One councilmember requested that a disclaimer statement be printed when using these unapproved minutes. The notes are presently being denied for release to the public. Further discussion will be held at the March 4th regular meeting.

OLD FIRE TRUCK

Councilmembers felt interested in pursuing restoration of the old fire truck. Letter was to be sent to the Fire Chief, Ron Riesgraf requesting cost estimates received.

PARKS AND RECREATION

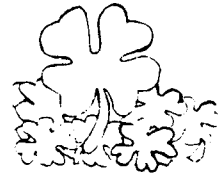
Councilman Meyers was to contact potential members for the Park and Recreation Board which was increased from five to seven members. Councilman Meyers inquired about required responsibilities of members so that he could inform prospective members. Members would be involved in youth programs, baseball leagues, tree programs, parks, recreation and beautification projects. Members of this board make recommendations to the City Council.

It is the councils' understanding that Mr. Lee Ostlie and Mr. Jim Kauffman will serve as members on the Park and Recreation Board.

GAMBLING

The council wished a letter be sent to representatives regarding gambling and the City's opposal to such a bill, as well as a letter be sent regarding the need for Federal Revenue Sharing in small cities.

HAPPY ST PATRICK'S DAY !!



A special thanks to my daughter who did all the art work for this issue. Thanks Annette! Super Job!!!!!!!

TRIVIA QUESTIONS

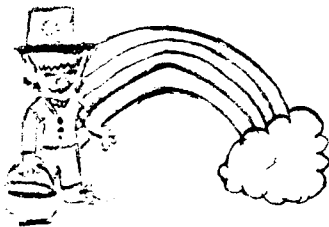
1. What was Jonathan Carver's mother's maiden name?
2. Is there a stop sign at the intersection of Broadway and Main Street in the City of Carver?
3. How many square feet are in an acre?
4. Who is Prince?
5. When a car is traveling 55 mph, what parts of it are traveling at zero mph?

EDITORIAL:

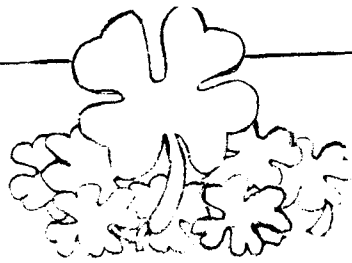
The Carver City council has made a statement that the handwritten notes of their public meetings are not of public "government data" nature. Therefore, these notes may not be seen by the public, prior to council approval. These notes, taken by the City Clerk, during the meetings, are used to write the official minutes of that meeting and have been used to help develop this papers' account of the meetings content so that reporting the contents to the public is timely and ensured.

Minutes of public body meetings are the official report of the actions of the elected officials and are approved and official only upon the voted acceptance by the elected body. Such votes take place at a future meeting, which can be as much as a month after such meeting. Waiting for these official minutes, in order to write The Gazette, obviously makes the material old and stale, as well as no longer of great importance. If we want to get technical and legal, state law goes to great lengths as to what is and is not public information. The City Council has not stated, as the law requires, at the time of this writing, why these notes are non-public. All the legal mumbo-jumbo to the contrary, there is a practical viewpoint. The notes are the foundation of the minutes and have been provided to The Gazette for a long time, until now. The Gazette (or any other) reporter, not the City, is responsible for what he/she writes and is subject to criticism and retraction if errors occur. The Gazette has told the city it will state in the articles that unofficial materials are being used to develop the news stories. Timely reporting is necessary, the waiting of thirty days for official minutes is not timely and since this paper is developed by volunteers (sponsorship pays for only some of the printing and distribution costs). Furthermore we can not always attend the council meetings, we thereupon rely upon these notes.

Regardless of the legalities, there is not any practical reason for the city to suppress these meeting notes, especially since a disclaimer would be provided. The public's right to know is being compromised because the information is useless when it is a month old. This paper's effectiveness will die, if it reports the news as the Pony Express once delivered the mail.



On February 26th, 1985 at 9:45 PM, the city attorney, Mike Fahey relayed to The Gazette that he had spoken with the City Clerk and Mayor Jordan. The unofficial Minutes are considered public "government data" and are to be released to the public, for photocopying charge.



CONGRATULATIONS!!!!



Congratulations to Mike and Chris Fahey on the birth of their son, Nicholas Eoin Fahey on January 5, 1985!!!

Congratulations to Robert and Liz Jordan on the birth of their son, Seymour Robert Jordan on January 30, 1985!!!

Happy St. Patrick's Day

MEETINGS AND EVENTS

February 27	Planning Commission	7:30 PM
March 4	Council Meeting	6:30 PM
March 17	St Patrick's Day	
March 29	Lioness BullHead Feed	
March 31	Palm Sunday	
April 17	Easter	

FOOD FOR THOUGHT

A winner says, "Let's find out!"
 A loser says, "Nobody knows."
 When a winner makes a mistake, he says, "I was wrong."
 When a loser makes a mistake, he says, "It wasn't my fault!"
 A winner goes through a problem.
 A loser goes around it - but never gets past it.
 A winner makes commitments.
 A loser makes promises.
 A winner says, "I'm good, but not as good as I ought to be."
 A loser says, "I'm no worse than a lot of other people."
 A winner tries to learn from others.
 A loser tries to learn from others.
 A winner says, "There must be a better way to do it!"
 A loser says, "That's the way it's always been done around here."

How are you placing your bets?

----From the "The Hood Spotlight"

Sponsors:

Monique's Boutique
Dwight Schultz Stump Removal
Riverside Cafe

1. I do not know. If you know, let me know and I'll publish it next month.
2. ...
3. 43,560 square feet
4. A rock singer in 1985
5. The part of each tire touching the road.

Answers:



Staff:

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Monica Giese
John W. Schultz & Company
Lucie Hartlev