COUNCIL PROCEEDINGS
CITY OF WINNEBAGO, MINNESOTA

MINUTES OF THE WINNEBAGO CITY COUNCIL

City of Winnebago, Minnesota

April 14, 2009

A regular meeting of the Winnebago City Council was held on Tuesday, April 14, 2009 at 7:00 p.m. in the Municipal Center Council Chambers.

Mayor Nowak called the meeting to order and conducted roll call. Council members present: Gates, Johnson, Ziegler and Weerts. Staff present: City Administrator Feely and Deputy City Clerk Sturtz. City Attorney: Doug Johanson.

Motion by Gates, seconded by Johnson to approve the Regular Council meeting minutes of March 10, 2009. Motion carried.

Motion by Weerts, seconded by Gates to approve the Special Council meeting minutes of March 31, 2009. Motion carried.

Doug Johanson requested a discussion of the closed meeting. With the two additions of spending limits for Department Heads and discussion of closed meeting, motion by Johnson, seconded by Ziegler to approve the proposed meeting agenda of April 14, 2009. Motion carried.

Consent Items

Motion by Gates, seconded by Johnson to approve all bills as listed in the council packet. Motion carried.

Motion by Gates, seconded by Weerts to approve all department head reports as listed on pages 9 thru 16 in the council packet and building permits. Weerts stated that Kevin Poole should be sent a letter thanking him for his time on the fire department. Motion carried.

Motion by Ziegler, seconded by Gates to approve all commission and committee reports on pages 17 thru 22 of the council packet. Motion carried.

Open Meeting to Public

Mayor Nowak opened the meeting to the public for the first time. Chief of Police, Bob Toland informed the Council that Dale Wiederhoeft has resigned as a part-time police officer as of April

14, 2009. Toland stated that Dale is going to be missed. Mayor Nowak thanked Dale for his time as a full time officer as well as a part time officer. Weerts stated that Dale should be sent a letter thanking him from his time. Hearing no more comments, Mayor Nowak closed the meeting to the public.

General Business
Authorizations
Amendment to R-A zoning code
Motion by Gates, seconded by Ziegler to approve the amendment to §152.031 Permitted Uses of the R-A Residential Agricultural section of the City of Winnebago Zoning Code to include the following language: *"(C-A) of said section: health care facility, including but not limited to, a hospital, a medical clinic, a day surgery center, a residential alcohol and drug treatment facility, an assisted living facility, a board and lodging facility, a nursing home, a diagnostic imaging center, a fitness center, a rehabilitation center, a residential center for special needs adults and children, a hospice center, a health care administrative center, and a center for alternative medicine."* Voting as follows: Voting in favor: Gates, Johnson and Ziegler. Abstained: Weerts. Motion carried.

6th Street SW Approving Plans and Specs and Advertisement for Bids
Motion by Johnson, seconded by Ziegler to approve RESOLUTION 441-2009 APPROVING PLANS AND SPECIFICATIONS AND ORDING ADVERTISEMENT FOR BIDS SIXTH STREET SOUTHWEST RECONSTRUCTION. Motion carried.

Center Point Community Partnership Grant Application
Motion by Weerts, seconded by Gates to authorize Administrator Feely to submit a Center Point Community Partnership Grant application. Motion carried.

Charitable Gambling Donation Request
Motion by Gates, seconded by Weerts to approve charitable donation application from the Blue Earth Area Post Prom in the amount of $500.00. Motion carried.

Public Works Seasonal Employee
Motion by Gates, seconded by Johnson to authorize the re-hiring of Darcie Christensen as the public works seasonal employee for 2009. The position will be a four month position, beginning May 15, 2009 to be paid out of the sewer fund at $11.50 per hour. Motion carried.

Hiring of 2009 Lifeguards
Motion by Weerts, seconded by Gates to re-hire listed applicants as 2009 lifeguards. Motion carried.

Conference Request: League of MN Cities Annual Conference
Motion by Weerts, seconded by Johnson approving Administrator Feely to attend the League of Minnesota Cities Annual Conference June 24-26, 2009 in St. Paul, MN with a cost of the conference of $350 and lodging approximately $109 per night plus tax. Motion carried.

Conference Request: Minnesota Mayors Association 2009 Annual Conference
Motion by Johnson, seconded by Gates to approving Mayor Nowak to attend the League of Minnesota Cities Mayor's Conference May 15-16, 2009 in Chaska, MN with a cost of the conference of $120.00 and lodging approximately $129 plus tax. Motion carried.

Replacement of Settling Concrete Panels at West City Park
Motion by Ziegler, seconded by Gates to authorize repairing the settling concrete panels near the east concession stand at West City Park and pay for it out of the 401 Capital Outlay fund. Motion carried.

Pool Maintenance Items
Motion by Weerts, seconded by Johnson to purchase pool cleaner, pool paint and servicing of pool heaters in the amount of $2,131.25 with Community Trust funds. Motion carried.

Fire Call Charge Related to Traffic Accidents
Discussion took place about fire call charges relating to traffic accidents. It was determined to refer the matter back to the Emergency Services Committee before enacting an ordinance.

Utility Bill Assessment Certification
Motion by Ziegler, seconded by Gates to approve certification of the utility bill assessment report. Motion carried.

Aeration diffusers for WWTP
Motion by Johnson, seconded by Ziegler to purchase the aeration diffusers for the WWTP in the amount of $1,567.50 to be paid out of the 602 fund. Motion carried.

Review of Account Balances and Investments
Administrator Feely presented the Council with an updated list of the City of Winnebago's account balances as of Friday, April 10, 2009.

Description of Comp Time Hours
Administrator Feely presented the Council with a description of comp time hours accrued. She noted that no comp time has been accrued since the last City Council meeting. Administrator Feely asked the Council if this comp time freeze extends to the police department as well. Ziegler stated that he doesn't think that it can be extended to the police department. Gates stated that this is administrative and there is nothing emergency pressing on the Cities end, where the police department is emergency services. Administrator Feely suggested if the police knew they had accrued extra hours already in the beginning of the week, they could call in a part time person to cover later in the week to avoid overtime. Weerts suggested that this matter be discussed at a committee meeting. Ziegler stated that he would like to see a column on the hours recap for bank comp time.

Spending Limits for Department Heads
Motion by Weerts, seconded by Johnson to table the spending limits for department heads until the committees meet and talk about it. Motion carried.

Discussion of Closed Session

Doug Johanson, City Attorney, was present and discussed the closed session of March 10, 2009. He stated that he has reviewed the transcript discussion leading up to the closed session for personnel issues and it appears that leading up to the closed session did not set forth a valid reason for closing the meeting. He stated based upon the open law meeting that in his opinion the closed meeting should have been open. Since the closed meeting was recorded, his opinion is to make the tape open to the public as of tomorrow, April 15, 2009 to listen to during city business hours. Ziegler asked Doug if he has reviewed the tape. Johnson asked what happens if the council doesn't make it available to the open. Doug stated that he doesn't think that it was a valid reason to close the meeting and the best way to remedy the situation is to just open the tape to the public. Motion by Weerts, seconded by Gates to open the closed session tape of March 10, 2009 to the public as of April 15, 2009 to listen to during city hall business hours. Motion carried.

Open Meeting to Public

Mayor Nowak opened the meeting to the public for the second time. Steve Willett, 5705 Kemrich Dr, Minneapolis, MN 55439 was present. He stated that he has contacted the city because he was shocked after reading the newspapers about the taxpayers' dollars being spent on a parking lot in front of a private business. He asked the Council if there was no better way to use TIF money in Winnebago. He wants to hold a public debate on the uses of TIF money which will be held May 12th at 6:00 p.m. in the parking lot. Administrator Feely noted that no TIF funds were used on the $100,000 parking lot. Johnson stated that the TIF money was used on the south parking lot and not the grocery store lot. Johnson stated that it was talked about using the TIF money for the grocery store, but after more discussion, it was determined that it couldn't be used on that. Willett asked Doug Johanson if he was the one that negotiated all of the contracts and can he review that information. Johanson stated the city bought that parking lot and that the title is in the city's name. Willett asked where the $100,000 can from to pay for the parking lot. Johanson stated from the city and that he is not interested in meeting with Willett about this matter because it is an attorney-client privilege with the Council. He is not interested because Willett has a pending litigation with Weerts on another matter. Hearing no more questions or comments, Mayor Nowak closed the meeting to the public.

Administrator's Report

Administrator Feely distributed copies of her Administrator's Report to the Council on various topics which included information about: Census 2010 and Complete Count Committee Town Hall Meetings, Recap of SMIF Futures Summit Meeting held on March 13, 2009, Appropriations Forms Submitted to Congressmen Walz' Office and Tenant User Liability Insurance Programs (TULIP).

Mayor's Report

Mayor Nowak thanked Millie for bringing the Sesquicentennial scrapbook in and handed out a list of where some of the money went to. He stated that the scrapbook will be held at the museum. He thanked the Council for having a lot of representation at the open houses.

Council Reports

Gates thanked the Council for how short the meeting went. He also thanked Kevin Poole and Dale Wiederhoeft for their time on the fire and police departments. Johnson congratulated Kevin for 35 years on the fire department and thanked Dale and Millie. He also thanked Clint for cleaning up 169 with the street sweeper. Ziegler thanked Kevin and Dale for their service. He was curious of the two minute time limit and where it came from. Administrator Feely suggested approving a code of conduct for city council meetings. Weerts asked Administrator Feely to draft a letter thanking Kevin Poole and Dale Wiederhoeft for their years of service to the city.

Motion by Gates, seconded by Johnson to adjourn the meeting. Motion carried.

Presented to Council May 12, 2009

Randy Nowak
Mayor

Jennifer Feely
City Administrator