



# COUNCIL PROCEEDINGS

CITY OF WINNEBAGO, MINNESOTA

## MINUTES OF THE WINNEBAO CITY COUNCIL

City of Winnebago, Minnesota

December 8<sup>th</sup>, 2009

A regular meeting of the Winnebago City Council was held on Tuesday, December 2, 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 Stauffer. Staff present: City Administrator Feely.

Motion by Gates, seconded by Stauffer to approve regular Council meeting minutes of November 10, 2009. Motion carried.

Motion by Gates, seconded by Johnson to approve Closed Session summary of November 10, 2009. Motion carried.

Motion by Stauffer, seconded by Gates to approve Special Council minutes of November 17, 2009. Motion carried.

Motion by Johnson, seconded by Ziegler to approve Special Council meeting minutes of December 2, 2009. Motion carried.

With the additions of page 43, light bar for Police Squad Car, motion by Ziegler, seconded by Gates to approve proposed meeting agenda. Motion carried.

Motion by Gates, seconded by Stauffer to approve all bills and all department head reports as listed in the council packet.

After a brief discussion of each committee meetings by Council Members, motion by Gates, seconded by Johnson to approve all committee and commission reports as listed on pages 25 thru 29 of the council packet. Motion carried.

Open Meeting to Public:

Mayor Nowak opened the meeting to the public for the first time. Hearing no comments, Mayor Nowak closed the meeting to the public.

**General Business:**

Truth-N-Taxation Hearing:

City Administrator Feely presented a power point presentation to provide an overview of the 2010 budget process and help answer any questions by the public. The proposed final tax levy is currently set at 12.31 % or \$453,325.59. Cities must certify the final tax levy to the County Auditor's office on or before December 28<sup>th</sup>, 2009.

Authorizations:

Resolution 453-2009: Resolution Adopting the Proposed 2009 Tax Levy Collectible in 2010:

Motion by Johnson, seconded by Gates to adopt the Resolution 453-2009. Motion carried.

Fitness Center Lease:

The lease agreement for MC Fitness is set to expire on December 31, 2009 unless both parties negotiate and agree to a new lease agreement. Mr. Osenfort was unable to attend the meeting due to inclement weather. City Attorney Johanson stated that the lease would continue on a month-to-month basis until an agreement was made, or the lease was terminated. Motion by Stauffer, seconded by Ziegler to table this matter until Mr. Osenfort could be present to discuss his thoughts with the Council. Motion carried.

Community Trust Fund Committee Resignation:

The Community Trust Fund recommends that the Council accept resignation from Steve Malchow and begin looking for replacement. Motion by Johnson, seconded by Ziegler to accept the resignation from Steve Malchow and let the committee go forward like they usually do in finding a replacement. Motion carried.

Hiring of 2 New Fire Fighters:

The Winnebago Emergency Services Committee recommends to the Council that Thad Sturtz, and Shane Shelstad be hired as Fire Fighters. Motion by Gates, seconded by Stauffer to approve the hiring of Sturtz and Shelstad. Abstained: Ziegler. Motion carried.

In discussion of the fire department, sale of the 1980 fire truck was brought to Council. Motion by Johnson, seconded by Gates to get the description of the fire truck and move forward with the sale. Abstained: Ziegler. Motion carried.

Small Group Plan Health Insurance Renewal:

Motion by Ziegler, seconded by Stauffer to go ahead with the renewal of the Small Group Health Plan. Motion carried.

Resolution 454-2009: Accepting Donation to City of Winnebago:

Motion by Gates, seconded by Johnson to accept donation to the City of Winnebago from the Winnebago Legion Post # 82 in the amount of \$149.10 to be deposited into the Charitable Gambling Fund. Motion carried.

2010 Fire Department Officers:

Motion by Stauffer, seconded by Gates to accept the 2010 Fire Department Officers. Abstained: Ziegler. Motion carried.

Resolution 455-2009: Setting 2010 Fees:

Motion by Gates, seconded by Johnson to accept Resolution 455-2009 accepting 2010 fee's with the change in the burning permits to \$20.00 and the assessment search to \$30.00 Motion carried.

2010 Licenses:

Motion by Johnson, seconded by Ziegler to approve the 2010 licenses. Motion carried.

SCDP Loan Subordination Request:

Ziegler stated he thinks there should be reminder letters send out to the people who have these loans with the City. Motion by Ziegler, seconded by Johnson to grant Subordination Request. Abstained: Gates. Motion carried.

Committee Commissions Assignments for 2010:

Johnson stated he was happy with the committee's he served on now and wasn't looking for any changes. Ziegler stated the daytime ones are hard for him to get to but the Park and Recreation meetings have been changed and it worked well for him. Gates stated his schedule is relaxed and he can pick up where needed. Stauffer would like to remain where at presently. Motion by Johnson, seconded by Stauffer to leave committee and commission assignments as is for 2010. Motion carried.

Middle 9 Emergency Services Mutual Aid Agreement:

Motion by Gates, seconded by Johnson to accept the Middle 9 Emergency Mutual Aid Agreement. Abstained: Ziegler. Motion carried.

Sewer Ordinance Discussion:

Johanson stated he thought the City should either deny the request or amend it to read as follows: In addition, two adjoining buildings may have a shared building sewer line provided the owners of both buildings enter into a shared sanitary sewer agreement, setting forth the terms and conditions of said shared agreement which shall be at their expense. Johanson said he would like to add he felt it dangerous to be amending ordinances for individuals. Stauffer stated Dr. Johnson does have access to the back alley, even though that is an expense to him it would not be as expensive as going to 169. He's got another option and she thinks that is the way to go rather than amending. Motion by Gates, Seconded by Johnson to leave the ordinance the same, making no changes to it. Motion carried.

Light Bar for Police Car:

Motion by Johnson, second by Ziegler to authorize purchase of a new light bar and installation.  
Motion carried.

**Other Business:**

Johnson stated a letter should be sent to Dr. Johnson letting him know what the results are so he can go forward. Gates stated a thank you to Steve Malchow for his volunteering on the Trust Fund Committee.

Open Meeting to Public:

Mayor Nowak opened the meeting to the public for the second time. Hearing no comments  
Mayor Nowak closed the meeting to the public.

Administrator's Report

Feely stated she received a phone call from Don Selvig from the Chamber and there is a Fitness Center Open House on Saturday with ribbon cutting at 10:00. She would also like to mention she has enjoyed working with Todd Enger as Fire Chief and asked if Council would like a letter sent to him.

Mayor's Report:

Mayor Nowak stated he will not be able to attend the ribbon cutting on Saturday due to a family emergency.

Council Reports:

Gates stated he would also not be able to attend the ribbon cutting as his wife is graduating. Gates would also like to say he is really pleased with how the budget process went this year, it was his 3<sup>rd</sup> and probably the easiest. A very smooth process, he appreciates it. Johnson would like to thank Todd for his serving as Chief on the Fire Department, it was a pleasure to work with him. Ziegler thanked Todd, he has respect for the work he has done. Ziegler stated he didn't feel his concerns about the potential conflict of interest for the complaint investigator Mr. Zalaskey were adequately addressed by the Mayor. I expected an independent opinion, instead I got a reiteration of what Mr. Zalaskey had already said. As a contractor his main interest is acquiring our business and as a defense attorney he is not going to admit guilt until there is a deal on the table. So to take his word for it, what the Mayor said to me is not enough. Zeigler believes it's a disservice to the City and the City Council to just take his word for it. Ziegler participated in the investigation as a show of good faith and in the interest of moving forward. As an FYI Ziegler stated the next meeting of that Governmental Liability Committee for the Minnesota Defense Lawyers Association is this Thursday at the offices of Iverson & Ruevers. Stauffer along with everyone else wanted to thank Todd for his services along with Steve Malchow. Stauffer will try her best to be at the ribbon cutting.

Announcements:

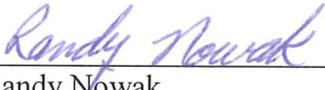
Next regular Meeting will be Tuesday, January 12, 2010 at 7:00 p.m. City of Winnebago  
Christmas Open House is being held Friday, December 18, from 1-3 p.m. at City Hall.

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

Minutes submitted by: Megan Boeck, Administrative and Accounting Assistant.

**Presented to Council January 12, 2010**

ATTEST:



Randy Nowak  
Mayor



Jennifer Feely  
City Administrator