



COUNCIL PROCEEDINGS

CITY OF WINNEBAGO, MINNESOTA

MINUTES OF THE WINNEBAGO CITY COUNCIL

City of Winnebago, Minnesota

November 10, 2009

A regular meeting of the Winnebago City Council was held on Tuesday, November 10, 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 and Deputy City Clerk Sturtz. City Attorney: Douglas Johanson.

Johnson made note of a typo on page three of the minutes. Motion by Gates, seconded by Johnson to approve the Regular Council meeting minutes of October 13, 2009 with the change. Motion carried.

Motion by Gates, seconded by Ziegler to approve the Special Council meeting minutes of October 20, 2009. Motion carried.

Motion by Johnson, seconded by Stauffer to approve the Special Council meeting minutes of October 27, 2009. Motion carried.

With the additions of a statement of retaining an investigator, a change with delinquent assessments and an addition to assessment hearing, motion by Stauffer, seconded by Gates to approve the proposed meeting agenda of November 10, 2009 with the additions. Motion carried.

Statement of Retaining Investigator

A statement of retaining an investigator written by Mayor Randy Nowak was handed out and read by City Attorney, Doug Johanson. The statement stated that Mayor Nowak has selected Mr. Jeff M. Zalasky, Attorney at Law, Iverson Reuvers, LLC from Bloomington, MN. Mr. Zalasky's billing rate is \$225.00 per hour. The investigation will be commencing next week and the scope of the investigation will be determined by Mr. Zalasky. City Attorney Johanson stated that Mr. Zalasky has reviewed the list of names and that he doesn't know anyone on that list. After Mr. Zalasky completes his investigation of the Complaint, he will submit written findings to Mayor Nowak for distribution to the Council.

Consent Items

Motion by Gates, seconded by Ziegler to approve all bills of the council packet. Motion carried.

Motion by Gates, seconded by Johnson to approve all department head reports as listed on pages 15 thru 22 in the council packet, building permits and review of bank accounts and investments. Motion carried.

Each council member gave an overview of the committees they are involved with. Motion by Gates, seconded by Stauffer to approve all commission and committee reports on pages 24 thru 28 of the council packet. Motion carried.

Open Meeting to Public

Mayor Nowak opened the meeting to the public for the first time. Denny McClain, 449 1st Ave SW, asked about the truck parking issue. He stated that previous people have stated that the trucks are destroying the city streets and that the trucks don't leave anymore of a footprint in the street than his one ton pickup. He asked on behalf of the truckers to be able to bring their trucks into this town, be able to go home and park them on their private property. He told the Council to put restrictions on the trucks and they will all follow the restrictions. He stated that the ordinance reads that they cannot park on the truck routes from 2 am to 6 am. Ziegler asked if he is asking for the tractor only. McClain stated that they can park there trailers elsewhere. Johnson stated that the truck parking will be addressed later tonight and he has a copy of the proposed changes available. Toby Pudwill, ITC, stated that Officer Dirkes won't let him drive his crew truck on Cleveland Ave, but during the construction of the treatment center there was a big dump truck with a tractor parked by Clint's house and on Motofest there was three semis parked on Cleveland. He asked why it is illegal for him to drive on Cleveland and not anyone else. He stated the Schwan's truck is able to drive on streets because it provides a service for the town and he feels working for the electric company is a service as well. He stated that just because the truck is licensed for 18,000 pounds doesn't mean it actually weighs that. Hearing no more comments, Mayor Nowak closed the meeting the public.

General Business

Authorizations

Adjourn into Closed Session to Discuss Labor Negotiation Strategies

Motion by Stauffer, seconded by Ziegler to adjourn into closed session to talk with Attorney Marylee Abrams concerning labor negotiation strategies. Motion carried.

Assessment Hearing for 6th Street SW Project

Wes Brown, Bolton and Menk, was present to discuss any questions with the property owners. Jim Wilson, special counsel to the City with the respect to this project was also present. He stated that was a written objection from Mediacom, which has about \$19,000 of the assessment, stating that this parcel is a low-use location with minimal traffic and would like further discussion on the assessment. He suggested to the Council to not adopt the assessment roll and adjourn the hearing and continue at a later date and invite Mediacom to come to discussion the

assessment further. Motion by Johnson, seconded by Gates to continue the assessment hearing Tuesday, November 17, 2009 at 7:00 p.m. Motion carried. Mayor Nowak adjourned the assessment hearing.

Rick Johnson's Proposed Truck Parking Changes

Johnson highlighted the proposed changes of the truck parking. He stated that he used a lot of the old ordinance and wrote some new items for truck parking on truck routes with restrictions and he made a another category residential streets so everything is clear to everyone. Johnson asked if there were any questions or comments from the public. Denny McClain stated that it meets the criteria the truckers are asking for and it helps them out a lot. Toby Pudwill agreed with him as well. Stauffer noted that at the Emergency Services Meeting Officer Dirkes stated that he was concerned with someone shutting down the truck for a minute and turning it back as the new ordinance states that "no truck engine shall be left running for more than 1 hour." Ziegler asked for a definition of an emergency service vehicle. Chief of Police Toland stated that the emergency services vehicles are already defined in the Minnesota State Statutes and that power trucks do not fit into that category. Toland stated that this ordinance treats everyone fairly and should take care of the majority of the problems. Ziegler asked if Toland thought there would be a problem with that statement "service or delivery vehicles are allowed on all streets for the sole purpose of services and deliveries." Toland thought that service vehicles should be common sense and should be very easy to enforce. Toland stated that this ordinance is better than the old one and he supports it. Motion by Gates, seconded by Stauffer to appeal the old ordinance outline as 31j-311 in the council packer and adopt Chapter 72: Parking Regulations with the per State Statute language regarding emergency and service vehicles on page 31g to 31i in the council packet. Motion carried.

Toby Pudwill asked if the ordinance is in place right now. Johanson stated that it doesn't go into effect until it is published in the city's official newspaper which is the Faribault County Register within 30 days.

Brent Johnson Sewer Request

Administrator Feely stated that she has contacted the League of MN Cities Insurance Loss Control regarding amending the City's ordinance requiring each building to have a separate building sewer and they discourage a building hooking on to another building. Johanson stated that this cannot be approved unless the ordinance is amended. Johanson stated the he will put together a variance clause and submit it to the Council. After much discussion, motion by Gates, seconded by Johnson to table this matter to the next meeting with the desire to have a variance presented for discussion in consideration by the council at the next council meeting. Motion carried.

Resolution 453-2009: Accepting Donation to the City of Winnebago

Motion by Ziegler, seconded by Gates to approve RESOLUTION 453-2009: RESOLUTION ACCEPTING DONATION TO THE CITY OF WINNEBAGO. Motion carried.

Charitable Gambling Donation Request

Motion by Gates, seconded by Stauffer to approve a donation for the Blue Earth Area Foundation for Bucs Night Out in the amount of \$300 from the 10% gambling fund. Motion carried.

Certification of Delinquent Assessments

Administrator Feely stated that she received a letter from Rose Mortenson asking the council not to assess the past due utility bill to her property taxes. Ziegler stated that he doesn't have any interest in doing so because of this customers past history. Gates stated that he prefers the payment plan. Stauffer asked to give this customer a chance. Ziegler stated that when it gets to assessment time that they have had many chances. Motion by Ziegler, seconded by Johnson to certify as presented the report of utility bill assessments to be added to real estate taxes. Voting as follows: In favor: Johnson, Ziegler, and Stauffer. Opposed: Gates. Motion carried.

Motion by Ziegler, seconded by Gates to certify the report of special assessments for lawn mowing charges to the real estate taxes. Motion carried.

Motion by Gates, seconded by Ziegler to certify the report of special assessments for tree trimming charges to the real estate taxes. Motion carried.

Forfeited Tax Parcels

Motion by Gates, seconded by Stauffer to not pursue buying the parcels and send them back to the county. Motion carried.

Ambulance Crew Member Resignation

Motion by Gates, seconded by Ziegler to accept the resignation of Justin Hicks as a Winnebago Ambulance Crew member and send him a letter from the Council. Motion carried.

Authorization to Begin Process of Purchasing a New Ambulance

Motion by Johnson, seconded by Gates the authorization to begin the process of purchasing a new ambulance. Motion carried.

Administrative Traffic Citations

City Attorney Johanson stated that he would like have time to go over this matter with the police department. Toland stated that the State has changed the law to really make it hard for the cities and the Council will need to look very hard to see if they want to continue this. He stated that since the beginning of the summer the police department has quit writing administrative citations and the ordinance will have to be changed if the council would like to continue writing them. Motion by Gates, seconded by Johnson to table this matter until the January meeting and send it back to the Emergency Services Committee. Motion carried.

Workshop to Review City's Emergency Response Plan

Motion by Johnson, seconded by Gates to schedule a workshop for all employees to attend for the purpose of reviewing the City's emergency response plan on Wednesday, December 2, 2009 at 7:00 p.m. Motion carried.

Participation in Area Career Exploration

Motion by Gates, seconded by Stauffer to authorize City Administrator Feely to participate in the 2010 ACE event on behalf of the City to be held at the Fairmont High School on April 7, 2010. Motion carried.

City Administrator Annual Review

City Attorney Johanson suggested that this matter be tabled pending the completion of the investigation into Administrator Feely's complaint filed at the October 13, 2009 City Council meeting. Motion by Gates, seconded by Johnson to table until the December 8, 2009 meeting or the completion of the investigation. Motion carried.

Budget Review

Administrator Feely reviewed the proposed 2010 general fund cuts that set the levy to 11.45%. The following changes were implemented:

Ambulance

No response was received from the ambulance director on suggested cuts. Council may wish to re-evaluate increasing pager pay from \$1/hr to \$1.25/hr and per call pay from \$7/hr to \$7.25/hr as was plugged into the preliminary budget.

Fire

Reduce Operating Supplies from \$4,000 to \$3,500.
Reduce Motor Fuels from \$2,500 to \$2,000.
Reduce Training from \$3,000 to \$2,000.
Reduce Miscellaneous from \$2,000 to \$1,000.
Reduce Vehicle Repairs from \$3,500 to \$2,000.
Total Savings: \$4,500

General Government

Reduce Administrator/Clerk/Treasurer Travel from \$2,500 to \$2,000.
Reduce Deputy City Clerk Travel from \$500 to \$250.
Reduce Administrative Assistant Travel from \$200 to \$100.
Reduce Office Supplies from \$6,500 to \$6,000.
Reduce Custodian (Cut One Hour off Every Week- includes PERA, FICA, and Salary) from \$3,928 to \$3,272.
Reduce Economic Development from \$1,000 to \$500.
Total Savings: \$2,505

Library

Reduce Office Supplies from \$900 to \$800.
Reduce Postage from \$600 to \$400.

Reduce Travel from \$600 to \$500.

Reduce Library Custodian (Cut One Hour off Every Week- includes PERA, FICA, and Salary) from \$2,459 to \$1,844.

Eliminate \$1,300 from Magazines and Periodicals

Total Savings: \$2,315

Public Safety

Reduce Supplies from \$6,500 to \$4,000.

Reduce Fuel from \$10,000 to \$7,000.

Reduce Miscellaneous from \$7,000 to \$3,500.

Reduce Contingency from \$3,600 to \$1,600.

Total Savings: \$11,000

Streets

Reduce Motor Fuel from \$9,200 to \$8,200.

Total Savings: \$1,000

After much discussion, the Council decided on the following changes that raised the tax levy to 12.44%: increased legal services from \$12,500 to \$20,000, reduced seasonal position from the street department budget from \$6,000 to \$2,000 and reinstated \$1,300 into the library budget magazine and periodical line item.

Open Meeting to Public

Mayor Nowak opened the meeting to the public for the second time. Roque Gonzalez asked what Green Energy Concepts Group Inc. did and if their plan was to bring more job opportunities to the area. Chief of Police Toland gave an update of the new radio system. He stated the Faribault County Commissioners office adopted a resolution accepting the engineering report from the Federal engineer and also to move forward with the plan to implement the 800 megahertz radios. He stated they also gave the Sheriff the authority to move forward with the grant writing for this implementation. Hearing no more comments, Mayor Nowak closed the meeting to the public.

Administrator's Report

No report

Mayor's Report

No report

Council Reports

Gates thanked Rick for the new truck ordinance and stated that tonight was very positive to have everyone come together and resolve this nagging issue. Johnson thanked everyone for accepting all the hard work that he went through to get the new truck ordinance done and he appreciates it. Ziegler had nothing to report. Stauffer stated that she would like to go to bed.

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

Minutes submitted by: Jessi Sturtz, Deputy City Clerk

Presented to Council December 8, 2009



Randy Nowak
Mayor

ATTEST:


Jennifer Feely
City Administrator