

Councilpersons:
 First Ward: Gallenberger, Gibson
 Second Ward: Schmidt, Hiers
 Third Ward: Meurer, Bricher

Mayor: John Meisch
 City Attny: Peter Ekstrand
 City Adm: David Schmidt
 City Clerk: Susan Schamaun

Date: November 09, 2010

PROCEEDINGS OF THE CITY COUNCIL

The regular meeting of the City Council of the City of Wabasha was held on Tuesday, November 9, 2010 and was called to order at 7:00 pm by Mayor John Meisch.

Roll call found Councilpersons Gallenberger, Gibson, Schmidt, Hiers, Bricher, Meurer, and Mayor Meisch present.

Mayor Meisch called for citizen petitions, hearing none he moved to the consent agenda.

Mayor Meisch added under General Business item 5.2 Liquor License Application – Vinifera Restaurant under new ownership.

Councilpersons Gallenberger and Hiers moved to approve the following consent agenda: Adopted by the following vote:

Ayes: Gibson, Hiers, Bricher, Meurer, Gallenberger, Mayor Meisch

Nays: None

Abstain: Schmidt

Approved the October 5, 2010 Regular Council minutes and October 22, 2010 Special Meeting minutes.

Approved the following warrants as presented:

Mayors	General Fund	\$2,732.51
Legal	"	\$3,437.78
Fire Dept.	"	\$2,468.39
Police	"	\$3,121.74
Ambulance	"	\$10,144.80
Park	"	\$2,666.16
Pool	"	\$657.27
Streets	"	\$50,999.57
Harbor	"	\$157.01
Planning & Zoning	"	\$342.75
Emergency Management	"	\$3.37
Athletic Field Dugout Bills	Pd. for by Donations	\$204.52
Safe Driving Class	"	\$250.00
Engineering	"	\$4,190.33
Dog Pound	"	\$9.28
Beautification Fund-Storm Clean up	"	\$1,560.38
Wabasha Clinic-Tax Abatement	"	\$7,670.29
TIF Consulting	"	\$190.00
Elections	"	\$5,712.00
Total		\$96,518.15

5.1 Canvas Election Results:

Mayor Meisch congratulated the people who were elected and also the people who ran. Mayor Meisch presented the following 2010 City of Wabasha Election Results:

Municipal Election-Official Ballot
 Wabasha, Minnesota
 November 2, 2010

FIRST WARD		THIRD WARD	
Mayor - 4 year term		MAYOR	
Rollin Hall	309	Rollin Hall	294
John Meisch (write-in)	5	John Meisch (write-in)	3
Ed Tohstone (write-in)	4	Ted Hammer (write-in)	2
Catherine Gallenberger (write-in)	4	Anne Meurer (write-in)	1
Pete Klas (write-in)	1	Ed Greenheck (write-in)	1
Richard Fuller (write-in)	1	Edward Johnson (write-in)	1
Matt Marks (write-in)	1	Colin Lee (write-in)	1
John Lineweaver (write-in)	1	Al Nelson (write-in)	1
Dan Stumpf (write-in)	1	Donald R. Johnson(write-in)	1
Ed Greenheck (write-in)	1		
David Kennebeck (write-in)	1		
Ed Lillie (write-in)	1		
Under votes (Blank votes)	35		
Over Votes	1		
FIRST WARD		COUNCILPERSON - 4 YEAR TERM	
COUNCILPERSON - 4 YEAR TERM			
John Friedmeyer	202	Charles Bricher	276
Melody Gibson	140	Vicky Johnson (write-in)	2
Kevin Kingery (write-in)	1	Anne Meurer (write-in)	1
Over Votes	0	Ed Greenheck (write-in)	1
Under Votes	22	Steve Schmidt (write-in)	1
Write-In	1	Rosie Schmidt (write-in)	1
		Jim Roemer (write-in)	1
		Mike Wills (write-in)	1
SECOND WARD MAYOR			
Rollin Hall	397	Mike Marx (write-in)	1
John Meisch (write-in)	10	Melody Gibson (write-in)	1
Helen Hartzell (write-in)	5	Over Votes	0
Matthew Marx (write-in)	4	Under Votes	43
Mike Gosse (write-in)	2		
Dave Fisk (write-in)	2		
Catherine Gallenberger (write-in)	1		
David Kennebeck (write-in)	1		
Pat Brehmer (write-in)	1		
Colie Lee (write-in)	1		
Rob Sill (write-in)	1		
Keith Novak (write-in)	1		
Ted Hammer (write-in)	1		
Richard Fuller (write-in)	1		
Anne Muerer (write-in)	1		
Bob Scheel (write-in)	1		
John Evers (write-in)	1		
Jerry Johnston (write-in)	1		
Second Ward COUNCILPERSON - 4 YEAR TERM		TOTAL VOTES CAST	
		FIRST WARD	366
		SECOND WARD	479
		THIRD WARD	329
Steve Schmidt	213		
Joel Carlson	115		
Vicky Johnson (write-in)	120		
S. Johnson (write-in)	1		
Lois Johnson (write-in)	1		
Edward Johnston (write-in)	1		
Buck Gosse (write-in)	1		
Jim Abbott (write-in)	1		
Kathy Brehmer	1		
Over votes	7		
Under votes:	27		

Mayor Meisch and Councilperson Hiers moved to approve the 2010 General Election Results and approve the following Resolution: Adopted unanimously.

**RESOLUTION #770
CITY OF WABASHA**

WHEREAS, the Regular City Election was held at the General Election on Tuesday, November 2, 2010, to vote on officers for Mayor and three 4-year Council positions and the official returns of the judges of election were presented:

WHEREAS, said returns were duly examined, approved and placed on file in the Office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Wabasha that it is hereby found, determined and declared that the Regular City Election held in and for the City of Wabasha on Tuesday, November 2, 2010, was in all respects duly held and the returns thereof have been duly canvassed, the votes cast at said election were:

MAYOR (4 year Term):	Rollin Hall	1,000
	Write-in:	65
COUNCIL (4 Year Term Ward 1 - 1 elected):	John Friedmeyer	202
	Melody Gibson	140
	Write-in:	2
COUNCIL (4 Year Term Ward 2 - 1 elected):	Steve Schmidt	213
	Joel Carlson	115
	Write-in:	123
COUNCIL (4 Year Term Ward 3 - 1 elected):	Charles Bricher	276
	Write-in:	10

IT IS HEREBY FOUND AND DECLARED that the following candidates for office of Mayor and Council elected at the November 2, 2010, Regular City Election for the respective terms to commence January 2, 2011 are as follows:

Mayor 4 year term:	Rollin Hall
Council Ward 1 - 4 year term:	John Friedmeyer
Council Ward 2 - 4 year term:	Steve Schmidt
Council Ward 3 - 4 year term:	Charles Bricher

Passed and adopted by the Council of the City of Wabasha, Wabasha County, State of Minnesota this 9th day of November, 2010.

Mayor

ATTEST:

Susan Schamaun, City Clerk

5.2 Liquor License Application – Wabasha Restaurant Co., dba Vinifera:

Mayor Meisch asked Police Chief Kruger for his recommendation. Police Chief Kruger stated he received the information he had requested and recommends issuing the Liquor License. Mayor Meisch asked City Administrator, David Schmidt, if there was anything additional. David Schmidt stated he recommends Wabasha Restaurant Co., submit a signed lease with the owner of the building as well as the Certificate of Liquor Liability.

David Schmidt introduced Mr. Joe Amy, representative of Wabasha Restaurant Co. Mr. Amy came forward and stated the City has all the information pertaining to the business and further stated he needs Council approve of the license before he can obtain the insurance.

After discussion, Councilpersons Bricher and Meurer moved approve the Liquor License Application submitted by Wabasha Restaurant Co, contingent upon receiving a signed lease for the building and a Certificate of Liquor Liability. Adopted unanimously.

5.3 Jim Schade: Mayor Meisch introduced Mr. Jim Schade, 1718 Rustic Lane East. Mr. Jim Schade came forward and stated about 3 days after the last Council meeting he received a bill for \$1,600 for water main repairs and in talking with about 25 people, they thought from the shut-off to the street is the City's responsibility.

Mayor Meisch asked David Vosen, Utilities Superintendent, how long it has been that the property owner has been responsible for the shut-off to the street in which David Vosen replied that has been the policy ever since he started.

Councilperson Schmidt stated he has been fixing water leaks in Wabasha for over 30 years and it has always been the homeowner's responsibility. He further stated it seems odd there have been three breaks within a ½ block area. He questioned whether the contractor should be sent the bills though it will be hard to prove that what he did caused all these services to leak.

Mr. Schade stated the contractor dropped a trench box between their house and Noll's and the whole block shook.

David Vosen stated the Utilities Commission did cover 1/3 of the Schade's blacktop bill due to not having the trench box when their work was being done. Another bill will be submitted for the actual repair done by Harter's.

Mr. Schade questioned the \$4.01 per sq. ft. price of the repair from Passe Trucking & Blacktop. Mayor Meisch stated it is for the blacktop, rolling and finished product of the work not just for the black top alone. Further it was pointed out that bigger companies won't even bid on projects of this size as it is not a viable project for them.

Mayor Meisch concluded by directing staff and City Attorney Peter Ekstrand to assist Jim and Donna Schade in submitting a claim and stated the City will attempt to work with them on the issue.

5.4 Proposed Ordinance Amendment – Section 705 Animal Ordinance: Mayor Meisch stated this item was discussed at the October 5th Council meeting and was sent back to the Planning Commission to address certain issues.

Molly Patterson-Lundgren came forward and stated the Planning Commission reviewed the proposed Ordinance amendment and changed the proposed number of chickens based on the size of the property and also tightened up standards on chicken coops and chicken runs and also requirements to maintain vegetation underneath chicken runs and also added setbacks from property lines. The City left open language to allow additional chickens through the zoning ordinance through a conditional use or interim use process so that somebody could apply for additional chickens but then there is a whole additional process to go through.

After discussion, Councilperson Schmidt moved to approve the proposed Ordinance Amendment to Section 705 Animal Ordinance with a maximum number of three unless on an acre lot or larger. The motion died due to a lack of a second.

Councilpersons Hiers and Gallenberger moved to approve the Proposed Ordinance Amendment – Section 70t Animal Ordinance as presented – See Attachment A. The motion was adopted by the following vote:

Ayes: Hiers, Bricher, Gallenberger, Gibson

Nays: Schmidt, Meurer, Mayor Meisch

5.5 Town Clock – Discussion: Mayor Meisch announced that he has met with Mr. John Doffing to discuss a Town Clock. Mr. Doffing is looking at this in reference to the Doffing Foundation and would like City approval or endorsement of the concept to move forward. The location being considered is under the bridge across from Old City Hall. Mayor Meisch further stated the Doffing Foundation would pay all costs.

Councilpersons Schmidt and Meurer moved to endorse the Doffing Foundation's concept of a Town Clock to be erected in downtown Wabasha. Adopted unanimously.

Mayor Meisch extended a Thank You from the City of Wabasha.

5.6 Resolution for Assessment of Unpaid Utility Charges: The following unpaid Utility Charges were brought forward for consideration for assessing to taxes:

Jay Jewson	143-1/2 Main St.	\$214.51
Jay Jewson	524 Phelps Avenue	\$355.79
Jay Jewson	102 Idle Hour Ct.	\$61.33

After discussion, Councilpersons Meurer and Bricher moved to adopt the following Resolution for Assessment of unpaid utility charges: Adopted unanimously.

**STATE OF MINNESOTA,
COUNTY OF WABASHA,**

CITY OF WABASHA

RESOLUTION # 771

RESOLUTION FOR ASSESSMENT OF UNPAID UTILITY CHARGES

WHEREAS, pursuant to proper notice duly given as required by law, the City of Wabasha City Council has met, heard, and passed upon all objections to the proposed for unpaid charges for utilities; and WHEREAS, the amounts of bad debt have been minimized through diligent collection efforts by staff. NOW THEREFORE, BE IT RESOLVED:

1. Such proposed assessment for unpaid charges, a copy of which is hereby attached as Exhibit 1 and made a part hereof, is hereby accepted and shall constitute the assessments against the lands named herein.
2. Such assessment shall be payable over a period of one year on or before the first Monday in January.
3. The owner of the property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole of the assessment on such property, to the City Clerk/ Treasurer.
4. The clerk shall forthwith transmit a certified copy of this assessment role to the County Auditor to be extended on the proper tax lists of the county and such Assessments shall be collected and paid over in the same manner as property taxes.

Assessment Listing	Parcel Description	Service	Amount
Name	Address	Water/Sewer bill	
JAY JEWSON	143 ½ MAIN ST R27.00239.00	WATER/SEWER BILL	\$214.51
JAY JEWSON	524 PHELPS AVE R27.00467.03	WATER/SEWER BILL	\$355.79
JAY JEWSON	517 Eighth Street East R27.00699.00	WATER/SEWER BILL	\$ 61.33

Adopted by the City Council on this 9th day of November 2010.

Mayor John Meisch

Date

Susan Schamaun, City Clerk

Date

5.7 Ambulance Director Position: Mayor Meisch stated the formal position of Ambulance Director is currently empty and recommended a committee be formed to determine the structure of the position and bring that recommendation back to Council. The committee will review if the position needs to be full-time or should a different direction be taken etc.

After discussion, Councilpersons Meurer and Hiers moved to approve the following people to serve on a committee to determine the Ambulance Director position's structure: Adopted by the following vote:

Ayes: Hiers, Bricher, Meurer, Gallenberger, Gibson, Schmidt, Mayor Meisch

Nays: None

- John Friedmeyer
- Mayor Elect Rollin Hall
- David Schmidt
- Dr. Robert Taylor
- Community Member at Large
- Councilperson
- Ambulance Board Member

5.8 Streets Schedule Discussion: David Schmidt recommended Council consider authorizing Plans and Specifications for the 2011 Street Project to remain on the current schedule submitted previously by Yaggy Colby Associates. He stated Council has already approved the survey work for the project and that information should be coming in approximately one week.

Discussion was held with Mr. Bill Anderson, Yaggy Colby Associates, in reference to the 15% engineering cost

for the 2011 Street Project. Mr. Anderson stated fees can vary but the typical fee is 15% based on projects of this size. The following project projections were submitted in a letter dated November 4, 2010, by Mr. Bill Anderson:

Construction Estimate	\$1,667,750
Contingencies (10%)	\$ 166,775
Engineering (15%)*	\$ 250,163

PROJECT TOTAL \$2,084,688

***Typical breakdown for engineering fees:**

Design Survey	1.5%	\$ 25,016
Design & Administration	6.0%	\$100,065
Staking	3.0%	\$ 50,033
Part-Time Inspection and Testing	4.5%	<u>\$ 75,049</u>
	15%	<u>\$250,163</u>

After discussion, Councilpersons Gallenberger and Schmidt moved to authorize the Plans and Specifications as presented in the November 4, 2010, letter by Mr. Bill Anderson, Yaggy Colby Associates, for the 2011 Street Improvement Project to be paid from the Permanent Improvement Fund. Adopted by the following vote:

Ayes: Bricher, Meurer, Gallenberger, Gibson, Schmidt, Hiers, and Mayor Meisch

Nays: None

5.9 Budget Workshop: Mayor Meisch informed Council David Schmidt would give Council the budget reflecting \$1.1M. After discussion, a Budget Meeting was scheduled for Wednesday, December 1st, at 3:00 pm at the Ambulance Barn.

Announcements: Mayor Meisch commended the Wabasha Police Department and Officer Randy Wagoner as he received a letter from a woman from Illinois who was in the City looking for a house and got lost. Officer Wagoner not only assisted her but had her follow him to the street.

Donations: The following donations were made for the Athletic Field Dugouts:

- Dennis & Mary Jo Bussian - \$100.00
- Thomas & Barbara Kasper - \$ 25.00
- Interstate Builders - \$250.00 (in-kind donation)
- Dean Meurer - \$50.00
- Anonymous - \$50.00

Councilperson Hiers announced there are a couple of Park Board vacancies. Mayor Meisch stated he is recommending Mayor Elect Rollin Hall fill the current vacancies to be in effect for 2011.

Councilperson Meurer stated a sidewalk came out down by the Vinifera restaurant when the condos were built. He stated he would like the sidewalk to go back in as the only sidewalk to go from Main Street to the bike path is down by Ekstrand Law Office.

David Schmidt announced that the Anderson House Re-Use consultants will give their presentation on Tuesday, November 23rd, at the National Eagle Center.

David Schmidt stated there was a meeting today with FEMA and a project list is being compiled by City staff and thanked David Kruger for getting this project started.

Having no other business, Councilpersons Hiers and Gallenberger moved to adjourn at 8:24 pm. Adopted unanimously.

Susan Schamaun, City Clerk