

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

Mayor: Rollin Hall
Clerk-Treas. Susan Schamaun
City Adm: David Schmidt
City Atty: Peter Ekstrand
Date: November 15, 2011

***SPECIAL WORKSHOP
PROCEEDINGS OF THE CITY COUNCIL***

The special workshop of the City Council of the City of Wabasha was held on Tuesday, November 15, 2011, and was called to order at 7:00 pm by Mayor Rollin Hall.

Present were Councilpersons Gallenberger, Schmidt, Hiers, Bricher, Meurer, and Mayor Hall. Councilperson Friedmeyer was absent.

Pledge of Allegiance was recited.

Mayor Hall complimented Council President Gallenberger for chairing the November 1, 2011, Council meeting. He stated he watched the tape and thought it went very well.

Mayor Hall stated he received a letter from Mr. Martin Wagner complimenting the Fire Department and further stated he will have Fire Chief Keith Hough read the letter at the December 6, 2011, Council meeting.

Mayor Hall stated he was at a program where Councilperson Gallenberger was recognized for her United States armed force service along with many others and he thanked her for serving and to all the citizens of the Wabasha community.

Mayor Hall announced this meeting is a special meeting, whereby only items on the agenda will be addressed.

2.0 Public Hearing: 2012 Small Community Block Grant Assessment Abatements:

David Schmidt stated the City is considering applying for a Small community Block Grant for assessment abatement. He gave the following update that staff found upon research:

- Davis Bacon Wage Rates: Upon receipt of \$1.00 of federal funds, then a project would likely have to qualify for prevailing wage. (If this is the case, the benefit of this program vs. the cost to use prevailing wage to do the road project will not make sense.)
- Advised to continue the public hearing should the City proceed in applying for the grant.
- City Engineer is researching prevailing wage issue.
- If City does not have to address prevailing wage, the intent is for very low income persons, to have access to monies through this grant to pay their assessment.
- If City has to do prevailing wage, it would essentially be at union prevailing wage and that could negate any benefit you would get from the grant.
- Stated he would be talking with the City Engineer about the actual cost of the application as he feels there is some cost sharing there.

At 7:05 pm, Mayor Hall opened the Public Hearing.

Mayor Hall called once, twice, three times for anyone to come forward to speak on the 2012 Small Community Block Grant Assessment Abatements. No one came forward.

At 7:06 pm, Mayor Hall closed the Public Hearing.

Discussion: Councilperson Bricher asked what the timeframe was on this grant and if the City is awarded the grant, does it have to be accepted whereby City Administrator, David Schmidt, stated the application needs to be submitted by November 17th and the City does not have to accept the grant if awarded. David Schmidt further stated he feels the City needs to find out the prevailing wage information and doesn't feel the City should apply for a grant if it may not accept as it may hurt the City in applying for future Small Cities Community grants.

Councilpersons Meurer and Hiers moved to approve submitting an application to the State of MN for the 2012 Small Community Block Grant Assessment Abatements to benefit Very Low Income persons who might be affected by the City planned 2012 Street Reconstruction Project.

Councilpersons Meurer and Hiers amended their motion to approve City Administrator to make determination based on prevailing wage information on whether the City would submit an application to the

State of MN for the 2012 Small Community Block Assessment Abatements to benefit Very Low Income persons who might be affected by the City planned 2012 Street Reconstruction Project. Adopted unanimously.

Councilperson Bricher asked for the following amendment to the November 1, 2011, minutes:

- Received an email that a division unit from Rochester has indicated interest in the Army Reserve Center.

Councilpersons Meurer and Schmidt moved to approve the following consent agenda: Adopted unanimously.

Approve November 1, 2011, Amended Regular Minutes
Approve Warrants
Approve First Reading: Amendment to Zoning Ordinance

Councilperson Bricher asked staff to look into whether the City is saving money by switching phone service to HBC.

2. 2012 Road Project: Mayor Hall stated the Council has discussed for hours and spent a couple hundred thousand dollars in preparation for a road reconstruction and if Council doesn't approve a plan very soon, it will be too late to do anything in 2012. He asked for new approaches for reconstruction of the streets.

Councilperson Bricher stated during the past week he took a petition around Main Street and also on Twelfth Street to do a reconstruction of the streets under the Local Improvement Policy whereby 35% of property owners need to approve and also Council needs a 6/7 vote to go ahead under those conditions. He stated he was not successful in getting 35% of property owners to sign on. Some stated they wanted to see what Council did at this meeting. He also stated many owners wanted everyone to pay for the project and some stated they would be ok with a 20/20 assessment which would require amending the Public Improvement Policy.

Council held a lengthy discussion on a possible referendum as well as assessments and bonding etc.

Councilperson Schmidt moved to hold a special election for a referendum on the 2012 Road Project.

Attorney Peter Ekstrand stated Council needed to have a Resolution in which the date, the total estimated cost needs and the project (what it entails) to be identified. He also stated if the bids come in above the amount in the Resolution, the City would have to pay that extra amount out of City reserves.

Councilpersons Schmidt and Bricher moved to direct staff to develop necessary documents for holding a referendum for a special election and present at the December 6, 2011, Council meeting. Adopted unanimously.

City Administrator, David Schmidt, informed Council this action will require a cost in getting this information as Mr. Mike Bubany will be contacted as well as the engineer as cost estimates will have to be acquired. Councilperson Hiers wanted staff to provide costs for a 20/20 assessment.

5. Contracting Police Services: Mayor Hall listed the following persons who served on the committee to discuss contracting police services with the County: Councilperson Gallenberger, Councilpersons Bricher, Councilperson Friedmeyer, and Chair, Mr. Dan Losinski. Mayor Hall invited Mr. Dan Losinski to come forward and give a report on the meeting.

Mr. Dan Losinski gave the following report: He stated the committee discussed whether they should keep the current City police force or contract those services out. He stated the following:

- Proposal that was submitted by the Wabasha County Sheriff's Department showed a savings of \$42,232 in 2012 but they would also want a 5-year contract. He stated looking out five years, it looks like the City would not save money beyond 2013.
- Committee felt the disadvantages outweighed the advantages especially in respects to community service.
- Committee cited the County would take the City's five officers and they will use them in Wabasha the first year but after that first year, that service would be bid out and they felt there would be a loss of continuity which would reflect in a quality of service.
- Committee felt the contract could be cancelled in 120 days or the County Board could raise the amount of the contract.
- Continuity is needed also in who the Resource Officer will be at school. Continuity in this position creates trust with the students.

- The community needs continuity with the department also. Police Chief Kruger has created that.
- The cost of restarting a police force is exorbitant vs. maintaining what you have because the City would have lost all their equipment.
- Sheriff's proposal did not show insurance costs and general liability costs. Felt every line item should show figures.

Councilperson Gallenberger gave the following report:

- Wondered if there was a replacement schedule for City police vehicles.
- Felt there should be a line item reflecting vehicle replacement.
- Consolidation is the way of the future.
- Sheriff Bartsh is offering very comparable services for 24 hours a day.
- Felt there is legitimate concern over what rates would increase at end of 5-year contract.

David Schmidt stated no funds were currently budgeted for vehicle replacement though there are remaining funds left in that account and there is also a drug fund. He also stated the County's proposal is offering 24/7 coverage and currently the City police does not provide 24/7 coverage.

Councilperson Bricher gave the following report:

- Police go over budget every year due to overtime.
- County offered to take on all our officers.
- Felt there would be a significant savings going with the County.
- County has agreed to take on the City's Police Coordinator.
- County has offered to take on Kellogg coverage and also the W-K School officer.
- County has agreed to provide special services like for funerals, Grumpy Old Men Days, etc.
- County has also talked about doing special services that the current City police do.
- Would eliminate City expenditures like vehicles and new software.
- County has a good secure evidence area.

Gave the following information in regards to keeping a City police department:

- Charter would have to amended due to the charter stating the Mayor appoints the Police Chief.
- We maintain local control.
- 120 day contract puts the City at risk.
- Lose Heidi's assistance in other City departments.
- Lose animal control.
- Lose administrative fines.
- Officers well known in the community
- Our officers are first to respond to emergencies.

Sheriff Bartsch came forward in response to Councilperson Hiers question about 24/7 coverage and gave the following report:

- 24/7 coverage would be provided by incorporating all City officers and also a Wabasha County officer scheduled to be laid off January 1st.
- City would be losing their major investigator with the retirement of Police Chief Dave Kruger. County currently has two investigators.
- Chief Kruger and Wabasha County Sheriff's Office currently back each other up and will continue to back each other up.
- County officers do the same type of services as the City police.
- Initial proposal showed the City and County were \$42,000 apart, but it is a lot further apart due to squad car built in every year.
- Initial proposal was not broken down line by line until a more detailed contract is requested by Council.
- Initial proposal was devised to show 24/7 coverage as that is what was relayed to him.
- Some details still need to be worked out i.e..striping tires, etc.
- 5 year contract was just an initial contract. That can be changed to whatever Council would like to see.
- Has not approached County Board as a whole. Has spoken with a couple Wabasha County Board members but will not notify them until a formal contract is requested by Council.
- Listed the following counties who are successfully contracting with cities:
 - Olmstead County contracts with Byron, Dover-Eyota, Stewartville
 - Goodhue County contracts with Pine Island
 - Dodge County contracts with most of the cities except Kasson
 - Fillmore County contracts with Spring Valley

- Stated some cities that have contracted services are going back to having their own police force. City of Kenyon is an example.
- Would be interested in taking on the City's vehicles but it would be outside the contract.
- Plan on keeping the DARE Program and the Liaison Officer at school.
- Kept the Police Coordinator position with \$40,000 coming from the City and \$20,000 coming from the County.
- Can provide 24/7 coverage due to part-time and overtime worked into the budget and also feels there would be flexibility with the W-K School Liaison Officer.
- Invited Council to examine the initial numbers and ask questions.
- Provided a cost and if the City decides to contract or is serious about contracting, a final more precise contract will be developed.

Councilperson Meurer stated he would like 24/7 City police coverage. He further stated it comes down to him about the safety of the citizens and if we could save some money.

Councilperson Hiers asked that since the City cannot currently provide 24/7 service with five officers, could it be provided with six officers. David Schmidt stated Sheriff Bartsh would be utilizing part-time officers which gives him a lot more flexibility.

Attorney Peter Ekstrand stated from a legal standpoint, he has two issues:

1. Ordinance Enforcement – we have a lot of Administrative Ordinances that have criminal penalties. Is the department going to get involved with that?
2. Wabasha County Board – are they informed and can you get them to be in favor of contracting services.

Sheriff Bartsh stated right now with their contracts with Elgin and Mazeppa, the Wabasha County Sheriff's Department does ordinance enforcement. For zoning violations, the City Attorney typically asks for video footage and also asks for an initial report and then the City Attorney writes up the notifications.

Sheriff Bartsh stated in reference to notifying the County Board, when and if the City Council and the Wabasha County Sheriff's Department were serious about entering into a contract, he would ask the Mayor and Councilperson to accompany him in moving forward and would also set up a subcommittee with County Board representation of at least two commissioners. In reference to the 120 day provision, he felt it was important to have an out clause. He stated they have out provisions with the cities of Elgin and Mazeppa.

Attorney Ekstrand stated he felt the 120 day provision was not beneficial to the City. He felt if there was a severe violation by either party, there would be sufficient cause to get out and also felt it puts the City at a definite disadvantage from a bargaining standpoint.

Discussion was held on the Police Coordinator position and how that position would be paid. Sheriff Bartsh stated by utilizing that position as outlined in the initial proposal where the City pays \$40,000 and the Sheriff's Department paying \$20,000, she could keep her employment and stay where she is at. Due to the Sheriff's Department being union, it would be hard to transfer her out there otherwise. He further stated she would be doing work for the designated City police officers and the County would utilize her for some duties. Further, he stated if the City did not pay for their designated portion of that position, it would change their numbers somewhat. David Schmidt stated this was determined by himself, Sheriff Bartsch, and Police Chief Kruger and others because the County has a union that her position doesn't mesh with.

Mr. Dan Losinski stated that if the City was serious about contracting services with the Sheriff's Department, as much as he likes the Police Coordinator, there would be no point for the City to pay \$40,000 for something they would be getting nothing for. Sheriff Bartsh stated if the City does not pay the \$40,000 for that position, then he needs to figure out a higher amount in the contract area and the City will decrease that amount. He then stated that full-time position would be opened up to the union and anyone inside the union could apply for that position first, then another position would be available that could be applied for.

Councilperson Schmidt stated since the City's numbers do not reflect 24/7 coverage and the County's proposal is for 24/7 coverage, the City is not comparing apples to apples. He further stated if the City is only going to save \$40,000, then maybe we should keep our police department, and if the City is going to save maybe \$150,000, then we should take a look at it. Councilperson Meurer stated that is why Council needs to give City Administrator, David Schmidt, direction to sit down with Sheriff Bartsh to find out what the real costs are and present back to Council.

Police Chief Kruger stated 24/7 coverage is needed in the City. He stated most cities are providing 24/7 coverage and it is a sign of the times.

Mayor Hall stated he felt it would be beneficial to have Sheriff Bartsh and City Administrator, David Schmidt, to meet and work out more detailed costs and if there was sentiment to go with the County, a motion could be made for that action or if there was sentiment to stay with the current city police, a motion could be made for that action.

Councilperson Bricher stated the City has to change the City Charter to allow for the County to do our police services.

Attorney Peter Ekstrand stated the City doesn't need to go to the Charter Commission, the City would need to pass an Ordinance by a 6/7 vote and then it has to go to referendum.

David Schmidt stated due to the timeline of passing an ordinance and going to a referendum, the City would need an interim Police Chief and Sheriff Bartsh has offered to help the City with this position.

Attorney Peter Ekstrand stated the Council cannot make a motion to just go with the County and informed Council that if they wanted to proceed forward they would make a motion to enter into negotiations to contract for police services. He stated you would want to see that contract before going forward.

Mayor Hall asked Mr. Dan Losinski who appointed Police Chief Kruger. Mr. Losinski stated he appointed Mr. Dave Kruger as Police Chief in 1984 and he stated he made a very good decision.

Council directed City Administrator, David Schmidt, to meet with Sheriff Bartsh to negotiate costs to reflect 24/7 police coverage to bring back to the December 6th Council meeting.

Councilpersons Meurer and Hiers moved to adjourn at 9:07 pm. Adopted unanimously.

Susan Schamaun, City Clerk/Treasurer