

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

Mayor: John Meisch
Clerk-Treas. Susan Schamaun
City Adm: David Schmidt
City Atty: Peter Ekstrand
Date: February 1, 2010

PROCEEDINGS OF THE CITY COUNCIL

The regular meeting of the City Council of the City of Wabasha was held on Monday, February 1, 2010 and was called to order by Mayor John Meisch.

Roll call found all members present.

Mayor Meisch called for citizen comments. Hearing none, he called for the Consent Agenda.

Councilpersons Schmidt and Bricher moved to approve the following consent agenda:
Adopted by the following vote:

Ayes: Gibson, Schmidt, Hiers, Bricher, Meurer, Gallenberger and Mayor Meisch
Nays: None

Approved the January 19, 2010, Regular meeting minutes.
Approved the following warrants as presented:

Mayors	General Fund	
Fire Dept.	"	6,929.33
Police	"	4,890.36
Ambulance	"	1,548.12
Fire Siren	"	3,560.27
Streets	"	3.62
Park	"	7,657.08
Pool	"	38.88
Debt Service Fund	"	65.78
Library - Phone	"	4,308.00
Total		51.06
		\$29,052.50

Mayor Meisch brought forward a Hold Harmless Agreement for the County Board that will be part of 6.1 Fence Update and was just received today.

Mayor Meisch also stated in reference to TIF and the Anderson House, a letter to Safro T. Corporation was distributed which was drafted from the City's TIF Attorney, Mr. Bob Deike.

David Schmidt explained when you sign a TIF agreement, it sets up responsibilities for both parties and one of the responsibilities is if they change ownership, the City needs to be notified of that. Mr. Bob Deike has a call into the bankruptcy attorneys but has not heard back and he recommends as a formality, the City approve the proposed letter to be on record declaring them in default of the current TIF agreement.

After discussion, Councilpersons Gibson and Hiers approved the TIF default letter to be sent to Safro T Corporation. The motion was adopted unanimously.

Mayor Meisch reported the City is not directly involved nor should we be in the sale of the Anderson House. He asked David Schmidt to update Council and the public on granting processes that could help with the Anderson House.

David Schmidt stated working with the Port Authority, it has become a priority to look at grants to try and help with the Anderson House. He stated one grant that was located was a Reuse Study. The Port Authority is going to ask for \$1,400 match working with the bank and the Port Authority for a \$14,000 Reuse Study. The purpose would be to hire a historic consultant that would work with an engineer. They would go through the entire property and come up with a list of potential problems, opportunities with the property, possible marketing, and possible grants to take care of the problems. He stated the State Historic Preservation Office has strongly encouraged the City to apply because they see the value of the Anderson House. It is due February 12th and it is anticipated to put in a fast track application for State funds and also applying with matching Legacy funds. If the City gets the Legacy funds, there is no match required by the City.

David Schmidt stated before the City spends any funds, a grant application will be brought forward to the Port Authority, which is where the funds would come from.

Councilperson Schmidt asked why the City would get involved in a private business. Mayor Meisch stated the City is looking for alternatives if it can't sell. Mayor Meisch stated this intention is looking for ways to preserve a historic entity. It is trying to give assistance to a process and offer options.

Mayor Meisch brought forward 5.1 Appointments and stated there are two appointments for the Planning Commission and he recommended appointing Mr. Brian Wodele and Mr. Ron Benson for three year terms to run through 2012.

Councilpersons Bricher and Meurer moved to approve Mr. Brian Wodele and Mr. Ron Benson to the Planning Commission for 3-year terms to run through 2012. The motion was adopted unanimously.

Mayor Meisch stated Council needs to elect a Council President and he would fully endorse Councilperson Schmidt be elected to continue his term.

Councilperson Meurer and Bricher moved to approve Councilperson Schmidt as 2010 Council President. The motion was adopted unanimously.

Mayor Meisch announced the Heritage Preservation Commission is still looking to fill a vacancy and asked that any resident having an interest in this position to please contact him or City Hall.

Mayor Meisch brought forward 5.2 Fire Contracts with Greenfield, Pepin and Glasgow Townships.

Councilperson Hiers questioned what determined the cost of the fire runs. City Clerk Sue Schamaun stated it was based on how many firemen responded and how many trucks were dispatched.

Councilpersons Gibson and Bricher moved to approve the Fire Contracts and authorized the City Clerk to forward the contracts to the appropriate protection areas. Adopted unanimously.

At 7:15 Mayor Meisch opened the Public Hearing to consider the Wellhead Protection Plan, Part 2 and invited Utilities Superintendent David Vosen to come forward.

David Vosen stated the Wellhead Protection Plan is mandated by the State and has to be completed. He stated Yaggy Colby was hired to do the plan. He invited Mr. Bill Anderson to come forward and answer any questions.

Mr. Bill Anderson stated as part of the Wellhead Protection Plan requirements of the State, as part of the first part of the plan, the State tested the wells on site and produced a map with the wellhead protection area. Tonight, he stated Part 2 is the body of the report and the important part of the report is the potential of contaminant sources. Because the City is a public water supplier, the City is required to do the following:

- to give annual updates on cable channels, newsletter, etc., or prove that you are continually working on your report and continually using it.
- In eight years the City has to do a report to the State on things you accomplished as a part of the report.
- In ten years the City has to do a review of the report and, if necessary, redo the report.

He stated copies of this report were sent to the surrounding townships, county and other surrounding local government units and they were asked for input. MN Rural Water has also been given a copy of this draft. He stated this report is in draft form and can be altered or changed before a final report is made. Council can make changes at this meeting if they choose.

He further stated that since Council can make changes to this report, there are three things in the report that will require a commitment by the Council/City:

- 1) See Pages 10-11 8.0 Issues, Problems, and Opportunities - Line Item #4 'The City of Wabasha has limited resources and funds to implement the Wellhead Protection Plan.' He stated in the last sentence of column 4 it states 'The City will add a line item for WHP implementation in the City budget.'

- Mayor Meisch stated it will show under Utilities Budget

- 2) See Page 14 Table 10 - WHP Plan of Action - Items #6 & #7. Item #6 'Work with US Army Corps of Engineers to evaluate storm water run-off from the Corps fill area.' Mr. Anderson stated this is important due to the fact that the more that area by Covidien (Uni-Patch) and the hospital is filled in, capacity is lost for storm water run off. Item #7 'Complete storm water mapping for the City of Wabasha.' This is a commitment to spending money and can be done by City staff or hiring outside. He stated it is marked as a 2010 expense and maybe it should be extended out. Mr. Anderson stated the City has base maps for where the sanitary sewer lines are but the City does not have a base map for where storm water lines are and where they outlet. Surface water management is part of Wellhead Protection Plan. If this doesn't get done, an explanation will have to be submitted.

- It was determined to leave in and extend out to 2012.

- 3) Page 15 Category - Land Use Management #10 'Develop a Storm Water Management program to protect the DWSMA (Drinking Water Source Management Area)'. Mr. Anderson stated because the City is under 5,000 residents, we are not required to develop a Storm Water Management Program yet. The State can put a City of the list but currently, Wabasha is not on the list. The time frame currently is marked as 2010. David Vosen stated the reason this was included was because our wells are very vulnerable to surface water.

- It was determined to leave in and extend out to 2013.

Mayor Meisch asked if there was anyone in the audience who wished to speak on this matter. He asked Council if there was any input.

Councilperson Gallenberger asked about potential contamination sources that were listed as high on page 8 and asked if the City is compelled to do anything. Mr. Anderson stated this shows a priority that the septic systems are a high priority and they should be inventoried and this information should be considered during zoning issues, etc.

It was stated the City has two wells that are located close to each other and they do not have a back-up. If one well gets contaminated, there is a high probability the other well will become contaminated. This is why the Utilities Commission is promoting the location of a third well.

Mr. Anderson stated the City of Wabasha is high on the priority list for getting this project done because the City has unconsolidated wells with no confined layers to protect from surface water. The wells are only 200 feet deep and they are all sand formation.

Mayor Meisch called once, twice and three times for anyone to come forward to speak on this matter.

At 7:55 pm, Mayor Meisch closed the public hearing.

Councilpersons Meurer and Hiers moved to approve the Wellhead Protection Plan, Part 2 with the approved amendments for the City of Wabasha. The motion was adopted unanimously.

At 7:59 Mayor Meisch opened the Public Hearing to consider amending Section 505.21 Subd. 3: The Sewer Service Charge System. He stated the Utilities Commission met and they discussed water reconnect fees after shut-off for delinquency of bills and they also factored in fees being charged by surrounding communities. He stated the Utilities Commission is recommending amending the reconnect fee from \$35.00 to \$50.00. He invited Utilities Superintendent David Vosen to come forward.

David Vosen stated the Utilities Department uses two employees for shut-off and it takes basically an hour for shut-off and the costs are well over \$35.00.

Councilperson Gallenberger asked if assessing to taxes was considered. It was reported the Utilities Commission assesses to taxes at the end of the year if a fee cannot be collected and also many situations involve renters and landlords who wish not to have the amount assessed to taxes. David Vosen reported that most residents don't want the amount assessed to taxes.

Mayor Meisch called once, twice and three times for anyone to come forward and comment.

At 8:03, Mayor Meisch closed the public hearing.

Due to not being able to introduce and pass an ordinance at the same meeting, this matter will be forwarded to the next Council agenda for passage.

Mayor Meisch asked City Attorney Peter Ekstrand to update Council on the Hold Harmless agreement for removal of the fence by the slough.

Attorney Peter Ekstrand stated the Hold Harmless Agreement is to hold the County harmless from any liability that may arise from removal of the fence over the slough bridge on Grant Boulevard. He stated the agreement states the County will remove the bridge. In the process of tearing down the fence, if somebody is hit, the City is liable, not the County. Once the fence is down, if someone falls off the bridge on some negligence of the County, we would hold the County harmless and the City would stand behind that. It basically is dealing with liability that occurs in connection with the removal of the chain length fence.

After discussion, Councilpersons Schmidt and Meurer moved to approve the following Hold Harmless Resolution authorizing the Mayor and City Administrator to sign and move forward: The motion was adopted unanimously.

RESOLUTION #760

HOLD HARMLESS, RELEASE, AND INDEMNIFICATION AGREEMENT BETWEEN WABASHA COUNTY AND THE CITY OF WABASHA FOR CITY'S REQUEST TO REMOVE FENCE LOCATED ON COUNTY ROAD, GRANT BOULEVARD

This agreement is made this ____ day of February, 2010, by and between the County of Wabasha, a body of corporate and politic existing under the laws of the State of Minnesota, hereinafter referred to as the "County," and the City of Wabasha, hereinafter referred to as the "City."

The purpose of this contract is to define the rights and obligations of the parties with respect to removing the chain linked fence on a County Road, Grant Boulevard, near Bridge Avenue, in the City of Wabasha, at the request of the City.

With respect to the City's request for removal, and the County's act of removal of the chain linked fence on the aforementioned bridge, in the City of Wabasha, the City does hereby expressly forever release and discharge the County, and its representatives from any claims, demands, injuries, damages, actions or causes of action whatsoever for any acts of active or passive negligence on the part of the County, its servants, agents, employees, and officers arising out of or connected with removal of the chain linked fence, or which may hereafter occur or be sustained in consequence of any accidents or injuries which occur as a result of the lack of the chain linked fence or other fence structure being located on said bridge.

Furthermore, the City agrees to indemnify, hold harmless and defend the County, its officers and employees against any and all liability, loss, costs, damages, expenses, claims or actions, including attorney's fees which the County, its officers or employees may hereinafter sustain, incur or be required to pay, arising out of the request for removal of the aforementioned fence located on Grant Boulevard, and any occurrence following.

Dated: _____ CITY OF WABASHA

By: _____
Mayor, John Meisch

City Administrator, David Schmidt

Dated: _____

COUNTY OF WABASHA

By: _____
Board Chair, Tom Duelle

By: _____
County Administrator, David Johnson

Mayor Meisch announced the Fire Department had their Firemen's Banquet, and selected Mr. Jason Timm as the Firemen of the Year. He also announced five firemen retired: Mr. Mike Kreye, Mr. Willard Schuth, Mr. Jeff Roemer, Mr. Steve Glomski and Mr. Buck Schmit. On behalf of himself and Council he thanked the Fire Department and those that retired for all their service they have given.

Councilperson Schmidt reported he noticed in the Fire contracts, private property owners pay 7% and the DNR pays less than 4/10's of 1% and it seems unfair. Mayor Meisch stated this has been discussed over the years with DNR and there is a State Law or State formula that they pay on and they tell us what it will be.

Councilperson Gibson stated they are taking donations at the Community Thrift Store for spring and summer clothes on Tuesday from 10 am to 2 pm. Residents can call Councilperson Gibson at 565-5242 or call Carol Schlueter at 565-4285.

Councilperson Hiers questioned the chlorine solution on the roads and if it affects potholes. It was determined to ask Street Superintendent, Tony Johnson, to provide Council with information.

Councilperson Schmidt stated he noticed the roads that were patched and then sealcoated, they are holding up very well. The patches that were not sealcoated have deteriorated.

Councilpersons Hiers and Gallenberger moved to adjourn at 8:14 pm. Motion adopted unanimously.

Susan Schamaun, City Clerk/Treasurer