

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: April 20, 2010

PROCEEDINGS OF THE CITY COUNCIL

The regular meeting of the City Council of the City of Wabasha was held on Tuesday, April 20, 2010 and was called to order at 7:00 pm by Mayor John Meisch.

Roll call found Councilpersons Gallenberger, Gibson, Schmidt, Hiers and Bricher present. Councilperson Meurer was absent.

Mayor Meisch called for citizen comments. Mr. Mark Wickersham, owner of Parkside Marina, came forward and questioned the docks being installed at Troy's Bait Shop. David Schmidt stated Mr. Bill Knabe and Mr. Troy Koopman have applied for a Conditional Use Permit (CUP) for installing docks and will be applying to the Planning Commission for the CUP.

Mayor Meisch stated in reference to 3.3 Call for Public Hearing to amend the Marina Contract, a public hearing has already been held by the Planning Commission. He stated Council does not have to hold another public hearing. He recommended removing this item from this agenda and placing it on the May 4, 2010 Council agenda as a regular agenda item. Council agreed.

Councilpersons Bricher and Gallenberger moved to approve the following consent agenda as amended: Adopted by the following vote:

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

Approved the April 6, 2010 Regular meeting minutes.
Approved the following warrants as presented:

Mayors	General Fund	5,938.41
Fire Dept.	"	7,169.50
Police	"	14,113.96
Zoning/Planning	"	885.73
Ambulance	"	6,834.05
Park	"	4,577.61
Pool	"	1,393.51
Streets	"	19,465.88
Dog Pound	"	97.44
Fire Siren	"	3.53
Library	"	686.00
Harbor	"	57.68
Total		61,223.30

At 7:04 Councilperson Meurer arrived.

At 7:05 Mayor Meisch opened the public hearing to consider the Street Light Utility Fee.

**AN ORDINANCE ESTABLISHING
CODE OF ORDINANCES ENTITLED
"STREET LIGHT UTILITY"**

THE COUNCIL OF THE CITY OF WABASHA, MINNESOTA, HEREBY ORDAINS:

SECTION 1. That Section 650 - Code of Ordinances entitled "Street Light Utility" is hereby enacted as follows:

Section – Street Light Utility

Section 650.1. Authority and Purpose. Minnesota Statutes, Section 429.021 authorizes cities to install, replace, extend and maintain street lights and street lighting systems and special lighting systems. The City Council has determined that in order to promote the general health, safety and welfare of the citizens of the City, it is in the best interest of the citizens that the City operate and maintain a City street lighting system utility and has further determined that the operation and maintenance of such utility benefits each and every property within the City. The City Council has therefore determined that it is fair, appropriate and reasonable that the costs of such operation and maintenance be paid on a fair and reasonable basis by all of the property in the City so benefitted and the cost should be charged and collected from all such benefitted property, except for those exempted in Section 1:15.

Section 650:05. Street Light Utility Established. The City of Wabasha hereby establishes a Street Light Utility. The system consists of all street lighting facilities owned by the City and all street lighting facilities for which the City purchases and supplies electrical energy. The operation of such utility shall be under the supervision of the Public Works Superintendent.

Section 650:10. Definitions. Unless the context specifically indicates otherwise, the following terms as used in this ordinance shall have the meanings designated.

Subd. 1. Areas Served by Standard Street Lighting Systems. This includes portions of the City where street lights are installed.

Section 650:15. Rates and Collection of Fees.

Subd. 1. Rates and Charges: Every property within the City shall be charged for a fair and equitable share of the cost to provide, operate and maintain the City-wide street lighting system as set forth in section 825 of the City Code. The Street Light Utility Fee shall be calculated on an annual basis by the City Clerk using the annual light utility rate charge for the previous year and divided by the number of properties currently with water and sewer service.

Subd. 2. Collection of Fees. Street Light Utility charges may be billed and collected on a monthly basis as determined by the Wabasha City Clerk.

Subd. 3. Exemptions. The following land uses are exempt from the established Street Light Utility Charges:

- (1) Public street right-of-way
- (2) City-owned land
- (3) Railroad right-of-way
- (4) Cemeteries

Subd. 4. Penalty for Late Payment. A penalty in the amount of Ten Dollars (\$10.00) or 5% of the balance, whichever is greater, shall be added to all Public Utilities accounts not paid in full by the due date. The penalty for late payment shall be added to the balance for which the account remains unpaid.

Subd. 5. Certification of Past Due Surcharges on Taxes. Any past due Street Light Utility charges in excess of ninety (90) days past due on October 1 of any year may be certified to the applicable County Records Office for collection with real estate taxes in the following year pursuant to Minnesota Statutes Section 429.101. In addition, the City shall also have the right to bring a civil action or take other legal remedies to collect the unpaid surcharges.

Section 650:20. Effective Date. This ordinance shall be in full force and effect on June 1st, 2010.

Item 4.1 Street Light Utility Fee. Mayor Meisch asked David Schmidt to explain the Street Light Utility Fee before opening the Public Hearing. David Schmidt stated the City is recommending this Street Light Utility Fee apply to anyone with public sewer and/or water so people with empty lots would not be billed. He also stated the cost of operating the street lights would be equally divided to property owners and would be added to the water/sewer bills and the estimated rate would be \$3.64. Property owners who are not billed water and/or sewer would receive a quarterly fee.

Mayor Meisch invited audience members to come forward if they wanted to speak to this matter.

Mr. Russ Morgan, owner of Bailey Park Campground at 124 Tenth Street East, came forward and asked if the fee would be per unit. David Schmidt stated the \$3.64 fee would be per unit, it was not divided out for apartments or multiple units.

Mayor Meisch stated he received an e-mail from Lori Miller against the Street Light Utility Fee and he received an e-mail from Mr. Ed Ostrom supporting the Street Light Utility Fee.

Mayor Meisch updated the Council on notifications from the League of MN Cities in reference to the State budget and the effect on future LGA. There is a strong possibility of another unallotment in December.

Councilperson Bricher stated originally this Street Light Utility Fee was part of the budget meeting in March and also pointed out the City did not replace the City Clerk and the City cut a police officer. The other cuts were furloughs and cutting hours for the Zoning Administrator and the Ambulance Director. He felt between now and the end of the year, the City's LGA could be cut again and there is no guarantee that there will be funds received next year.

Councilperson Hiers felt there will be more cuts and doesn't think we can make up all those funds just by making cuts.

Councilperson Schmidt stated he felt the Street Light Utility fee is a tax not a fee and he is not in favor of it. He also felt the City hasn't gone as far as it needs to go as far as making cuts.

Councilperson Gibson stated when people have a change in their incomes, you have to adjust things and felt the Street Light Utility Fee is the least painful to the majority of people that we can do. She stated the City is going to have to increase its income in some manner and the City is going to have to get creative and think of other things that will bring in revenue that aren't going to effect each and every person in town but felt this is one that needs to be done.

Mayor Meisch stated he has not heard anything about lifting the levy freeze. He also stated he felt the funds that come in to pay back the loan for the National Eagle Center should be rolled over to go towards streets.

Councilperson Gallenberger stated she felt the Street Light Utility Fee is a double taxation because right now she is paying city taxes and she feels those taxes pays for the service of lights along with numerous other services the City provides. She also agreed with Councilperson Schmidt in that she feels the City hasn't made enough cuts feels the City needs to cut personnel and feels the City is overstaffed and/or a larger cut in pay.

She stated if the Street Light Utility Fee is passed, she would suggest it is reviewed yearly. She stated if the fee is implemented on June 1st, the City is not going to take in \$48,000, it will be half and doesn't feel it is worth implementing for half of the amount. She stated she would rather raise taxes to cover what we are providing by the City. She stated she is not in favor of the Street Light Utility Fee.

Councilperson Bricher stated he spoke with Attorney Ekstrand on the sunset clause and stated as an alternative it can be repealed.

Dave Vosen, Utilities Superintendent, came forward and asked what would it take to make up \$48,000 in a levy increase. David Schmidt stated it would be approximately a 5%-6% tax increase. David Schmidt and Councilperson Gallenberger stated the City's current budget is approximately 2.2M and approximately 35-37% comes from City tax dollars which is about a third of the City's funds and most people are surprised that their tax dollars only cover a third of the City's budget.

Councilperson Schmidt stated the tax payers are not supporting our federal government and they are not supporting our state government and it keeps trickling down and private business owners like himself have been taking a beating. Government is going to have to be made smaller.

Mayor stated maybe a committee should be formed to take a look at additional cuts.

Councilmember Gallenberger stated other Cities have been doing this and staff researched this idea. It is happening more and more often. David Schmidt stated state government is allowing more and more of this to happen because they are cutting LGA.

David Schmidt stated after working with the League of MN Cities and other cities, he recommends passing the Street Light Utility Fee as drafted. The League has also stated any ordinance can always be repealed at a later date.

Mayor Meisch called once, twice, three times for anyone to come forward and speak for or against the Street Light Utility Fee.

At 7:30 pm Mayor Meisch closed the public hearing.

Councilpersons Hiers and Bricher moved to adopt the proposed Street Light Utility Fee for implementation on June 1, 2010, and to be reviewed on an annual basis. Adopted by the following vote:

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

Nays: Schmidt, Gallenberger

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Section 650:20. Effective Date. This ordinance shall be in full force and effect on June 1st, 2010.

Item 5.1 HPC Appointment. Mayor Meisch stated when his term started as Mayor, Mr. Ted Markey graciously agree to stay on the Historic Preservation Committee (HPC) until someone was found to replace him. He stated Vicki Moore has been recommended through the HPC and has participated in some meeting and has submitted a letter of interest. Mayor Meisch stated he recommends appointing Ms. Vicki Moore to serve on the HPC. **Councilpersons Gallenberger and Gibson moved to approve Ms. Vicki Moore to the Historic Preservation Committee replacing Mr. Ted Markey through 2012. Adopted unanimously.**

Item 5.2 Street Patching, Crack Filling, and Sealcoat Bids. Mayor Meisch invited Tony Johnson, Street Superintendent, to come forward and address this issue. Tony Johnson reported he went out for bids for normal yearly street maintenance. He stated the total amount for the 2010 street maintenance is estimated at or about \$65,000. The Street Department has \$50,000 in the budget for these projects and he asked Council to consider funding \$15,000 for the project. The following bids were received for the projects:

Crack Filling Bids:

- 1) Fahrner Asphalt Sealers \$1.11 per lb.
- 2) Asphalt Armor Seal-coating & Paving LLC: no reply

BCI Flex Patch Bids:

- 1) Fahrner Asphalt Sealers: \$1.58 per lb.
- 2) Asphalt Armor Seal-coating and Paving LLC: no reply

Seal-Coating Bids:

- 1) Fahrner Asphalt Sealers: \$1.034 per sq. yd.
- 2) Scott Construction Inc.: \$1.029 per sq. yd.

Pearson Bros. Seal-coating: no reply

Mayor Meisch stated he supported Tony's request for \$15,000 for the street maintenance projects to be funded from the Public Improvement Fund.

Tony stated the streets that need milling and overlay are parts of Main Street, Bailey Avenue, Franklin Avenue, Alleghany Avenue, Broadway and Twelfth, Washington, Tenth Street and Eighth Street. These areas are getting very bad and need to be taken care of.

Councilperson Meurer asked what is being done with Prospect Avenue. Tony stated he is working on trying to work something out to be done. Mayor Meisch stated something has to be done even if its temporary to stop the erosion.

After further discussion, **Councilpersons Schmidt and Gibson moved to approve the proposed street patching, crack filling and sealcoating as proposed:**

Crack-filling – Accept Fahrner Asphalt Sealers big of \$1.11 per lb. to route and seal as specified by Street Superintendent in an amount not to exceed \$2,000, using City purchased State spec material.

BCI Flex Patch – Accept Fahrner Asphalt Sealers at \$1.58 per lb. to apply BCI Flex Patch to deteriorated/aligatored blacktop surfaces to be sealcoated over as specified by the Street Superintendent in an amount not to exceed \$8,000 contingent on work being completed before sealcoating.

Seal Coating – Accept Fahrner Asphalt Sealers at \$1.034 per sq. yd to apply sealcoat as per 2010 sealcoat plan specified by the Street Superintendent in an amount not to exceed \$45,000 with a completion date of August 13, 2010.

Adopted by the following vote:

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

Nays: None

Tony Johnson stated the estimated cost for mill and overlay on all the streets that need to be replaced in Wabasha is \$518,477. Councilperson Bricher suggested Council looking at the streets and making a priority list.

Mayor Meisch directed Tony Johnson to take the color-coded map back to the Street Commission for their recommendation on breaking down into a priority list and bring back to Council.

David Schmidt stated David Vosen, Utilities Superintendent, has requested televising sewer lines on the streets that will have maintenance work done this year.

Councilperson Bricher stated Street Commission meets next Tuesday, April 27th.

Announcements:

Mayor Meisch stated the City has not had any inquiries in regards to The Anderson House. He further stated there has been some expressed interest in looking at the Anderson House in general through the representatives. David Schmidt stated he and Molly Patterson-Lundgren wrote a grant and submitted it and the City was awarded \$14,000 in grants from the Minnesota Historical Society and the Minnesota Historical and Cultural Heritage Grant for a re-use study for the Anderson House. No City monies will be used. He stated the re-use study will determine what different uses will work or could work for The Anderson House.

Mayor Meisch announced the City crews seem to be doing a good job with the early spring and he also stated the Police Chief has reported the police department has also been running smoothly.

Round Table:

Councilperson Gallenberger asked where the City was on RFP's. David Schmidt stated the RFP's are being worked on and will be ready to go out. He stated the phone system has switched over and the voice mail is working.

Mayor Meisch asked what the reaction has been to the staggered hours at City Hall. David Schmidt stated he hasn't heard any feedback.

Mayor Meisch stated Council meetings will be the first Tuesday of the month and the third Tuesday will only be on a need-be basis. In regards to notice of a second meeting of a month, a notice will be posted on the City's website as part of the calendar and it will be done in the most efficient way possible so Councilmembers will have sufficient notice.

Councilperson Gibson stated she heard something about City employees working for the Utilities Department on a week-end basis and there was training. David Schmidt stated the City is trying to cross-train so the City has the ability to call in someone from Public Works as it would be more cost effective rather than calling in someone from the company who designed it. This would be done if personnel from the Utilities Department is not available to respond.

Councilperson Gibson also stated she heard there was an OSHA issue and there are leaks. David Schmidt stated OSHA came on-site of a dig and the City was cited for not having a trench box. The Utilities Department was fined \$1,800 and the operator was also fined. He stated the Utilities Department was offered a grant to buy a trench box. The City has submitted the grant and the City is also requesting to use the fine towards purchasing the trench box as matching funds.

David Vosen stated there are leaks that have been identified and his department is in the process of fixing the leaks.

Councilperson Gallenberger questioned why the City did not know about the rule we were cited for. David Schmidt stated the City failed to tear enough of the asphalt out in reference to the radius of the dig. Councilperson Schmidt stated OSHA cites that when you are excavating, you can't have the ditch banks steeper than a 1 to 1 slope and if you have a line that is 8 or 9 feet in the ground, you have to get back so far that the machine can't reach the center of it. He also stated whenever OSHA shows up, there will be a fine involved. David Schmidt stated on all of the fines, it was noted that immediate remedy was made.

Councilperson Schmidt stated he questioned the City getting involved with The Anderson House and the grants due to feeling other companies may want help and the City may be setting a precedent. Mayor Meisch responded since The Anderson House is a 150 year old iconic historic piece of the City's history, and felt the grant was important.

Councilperson Hiers wondered if it would make sense to pick out sewer/water problems and then match up the street projects to that. David Schmidt responded the City is trying to coordinate both at the same time.

Councilperson Bricher brought forward an e-mail from David Schmidt in reference to Claims & Disbursements guidelines. David Schmidt stated he had spoken with Andy, Abdo, Eick & Meyers Auditors, about approving a list of predetermined bills that must be paid every month and giving City staff authority to pay those recurring bills and present Council with a list at the next Council meeting.

Mayor Meisch announced the Board of Review was held on Monday, April 19th, and Councilpersons Meurer, Hiers and Gallenberger served. He stated approximately half a dozen citizens attended. Due to the assessors meeting and reviewing the assessments on a couple of properties, another meeting will be held on May 4th at 6:30 pm before the next Council meeting to adopt and approve what is presented.

Having no other business, Council members Meurer and Gallenberger moved to adjourn at 8:23. Adopted unanimously.

Susan Schamaun, City Clerk