

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: June 1, 2010

**PROCEEDINGS OF THE CITY COUNCIL**

The regular meeting of the City Council of the City of Wabasha was held on Tuesday, June 01, 2010 and was called to order at 7:00 pm by Mayor John Meisch.

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

Mayor Meisch called for citizen comments. Hearing no other public comments, he called for the Consent Agenda.

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

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

Approved the May 04, 2010 Regular meeting minutes.  
 Approved Optional 2AM Closing License for Slippery's.  
 Approved Wabasha-Kellogg Area Chamber's Application for Temporary Liquor License for Riverboat Days.  
 Approved Mazeppa Area Jaycees Application for Temporary Liquor License for Wabasha County Fair.  
 Approved the appointment of Rachel Yenter to the CVB Board.  
 Approved the following warrants as presented:

Mayors	General Fund	\$9,584.81
Legal	"	\$2,150.00
Fire Dept.	"	\$2,625.50
Police	"	\$691.46
Ambulance	"	\$1,839.34
Park	"	\$2,005.18
Pool	"	\$1,268.80
Streets	"	\$2,762.81
Planning & Zoning	"	\$116.05
Miscellaneous	"	\$3,785.59
Spring Clean Up	"	\$99.00
Debt Service	"	\$7,973.79
	"	
<b>Total</b>		<b>\$34,902.33</b>

**5.1 Fire Department Boat** – Mayor Meisch reported the Fire Department was present to update Council on a boat that was received from the Wabasha County Sheriff's Office. Keith Hough, Fire Chief, came forward and stated the Wabasha County Sheriff's Office no longer needed the boat as they had acquired a new one. He further stated when they acquired it they knew it was in need of repair and they are in the process of repairing the engine which will cost approximately \$6,000, which they are in the process of fundraising to pay for these repairs. He stated the Fire Department is requesting to use the City's Fire Department funds to pay for the repairs so it can get done in a timely manner and they will repay the City with their fundraising funds.

Keith Hough stated the Fire Department has been on the river for the past 10 years with ambulance assists and runs. Last year they had five runs on the river, one fire on the boat and a couple of medical assists. Right now the Fire Department has a 16' flat boat which is not a very safe or stable boat or acceptable when dealing with medical emergencies. The boat they have acquired from the Wabasha County Sheriff's Office is 19 feet and is a much more stable boat and will accommodate the number of people it takes to respond to a medical emergency.

Councilperson Schmidt asked why the City needs to have a boat for these types of emergencies when the County is already out patrolling with their boat. Keith stated the County's jurisdiction runs for a much larger span of area and they may not be available for an emergency that occurs within the City's jurisdiction. The City is responsible for the City's boundaries.

**5.2 Amendment to the Marina Lease** – Mayor Meisch explained the request is to amend the current lease and allow camping on the property. He stated discussion started last year due to new ownership and changes to the marina in reference to camping. A proposal was made this year for 8 proposed campsites which was an expansion from last year when the understanding was there would be 6 proposed campsites. There has also been frustration over noise issues.

Councilperson Bricher stated this issue has been discussed at a Port Authority meeting as well as at the Planning Commission level. They requested camping in the parking area as well as on the point and that was turned down. He further stated they came to the Planning Commission requesting a CUP for the proposed camping and that request was approved with a set of conditions. He stated he would like the rules included in

the lease agreement as an attachment.

Councilperson Hiers asked who enforces the rules of the campground. Councilperson Bricher stated the owners of the marina enforce it as they are responsible to the terms of the Lease Agreement.

Mayor Meisch invited Mr. Mark Wickersham and Mr. Kirk Wickersham to come forward. Mark Wickersham stated the proposed campsites are for the families and friends of the boaters in the marina and will basically be week-ends only. He stated they are hoping for 8 campsites but 6 campsites would be sufficient and that the MN Dept. of Health dictates the number of sites that are allowable.

Mayor Meisch stated he is not comfortable with 8 campsites and won't support that request without rules and further stated he would like to discuss the rules that have been submitted. He stated there is an inherent conflict with business with someone coming in and making noise and they've paid to come in.

Councilperson Hiers stated the marina is a business and the City wants to encourage business and that people who bought or built a house there knew they were on the edge of Commercial/Residential and there is an inherent conflict. She further stated the marina owners need to understand they are on the edge of a Residential area and you have a commitment to them and the residents are in a business area and they knew that going in and there needs to be a balance and there needs to be an out if it doesn't work.

Mayor Meisch asked Police Chief Kruger what happens when a noise complaint comes in for the marina area and asked how the police would handle it.

Police Chief Kruger stated the police would go down and direct them to quiet down and if they did not follow the police request to quiet down, they would be cited with creating a public nuisance.

City Attorney, Peter Ekstrand, stated if they violate the rules, it's up to the owners to take action and if they violate the criminal laws or ordinances of the City, it is up to the Police Department to enforce this whether it's against the owner or the camper.

Discussion was held on having a trial period.

Ms. Phyllis Sorenson, resident, stated she wondered if putting thousands of dollars into the project is worth it if they are not going to get anything out of it. Mark Wickersham stated they are not going to charge for the campground.

After further discussion, Councilpersons Schmidt and Bricher moved to approve the request to amend the Marina Lease to allow camping for up to 8 sites governed by the CUP rules as reflected as part of the Marina Lease Agreement Ordinance. The motion failed by the following vote:

Ayes: Bricher, Schmidt, Hiers

Nays: Meurer, Gallenberger, Mayor Meisch

Ms. Phyllis Sorenson stated it doesn't matter how many sites there, she just want to make sure they follow all the rules. She wondered if they had a permit from the Dept. of Health. David Schmidt stated they have to get this approval first.

Mr. Herman Evers stated he felt the business is a marina not a campsite. He further stated when they had a fundraiser last year they had permission to have the streets barricaded and there were not caution lights on the barricades and the no parking signs were taken down and there was parking on both sides of the street

Councilperson Meurer moved to approve the request for 8 sites on a one-year trial period to run through 2011 for a maximum of five camping days. The motion died due to a lack of a second.

Councilpersons Schmidt and Bricher moved to approve the request to amend the Marina Lease to allow up to 8 campsites for a maximum of five camping days. The motion failed by the following vote:

Ayes: Schmidt, Bricher, Mayor Meisch

Nays: Meurer, Gallenberger, Hiers

Mayor Meisch and Councilperson Schmidt moved to approve the request to amend the Marina Lease to allow up to six campsites with no time limit to be under the jurisdiction of the CUP and rules.

Mayor Meisch and Councilperson Bricher moved to amend the motion to approve the request to amend the Marina Lease to allow up to six campsites for a maximum of five camping days limit to be governed under the jurisdiction of the CUP and rules with no trial period. Adopted by the following vote:

Ayes: Schmidt, Hiers, Bricher, Mayor Meisch

Nays: Gallenberger, Meurer

**5.3 RFP for Engineering Services** – Mayor Meisch stated he received a phone call from Mr. Bill Anderson on behalf of his boss in reference to this issue and they have requested to discuss the services they provide per the RFP. Mayor Meisch stated he informed them that since Council has approved this with the City's auditing firm, he would listen to them also. Mayor Meisch stated he told Yaggy Colby Associates they could petition the Council to be heard and they would be put on the next Council agenda. He asked Council for direction.

After discussion, the Council indicated they would hear Yaggy Colby Associates on the issue of RFP for Engineering Services and it would be placed on the July 2010 Council agenda.

RFP for Engineering Services was tabled.

**5.4 Street Repair Priority List** – Mayor Meisch stated the Street Repair Priority List has been an on-going project for the Street and Utility Departments. He informed Council the Street Department has made the following priority list for mill and overlay with concrete curb and gutter:

- 1) 10<sup>th</sup> Street and Washington Avenue
- 2) Alleghany Avenue
- 3) Main Street
- 4) Broadway Avenue
- 5) Twelfth Street
- 6) Eighth Street
- 7) Franklin Avenue
- 8) Bailey Avenue

Mayor Meisch stated staff has recommended to determine which streets can be included for this years projects and direct City Engineer to prepare a feasibility study and based upon the City Engineer's Feasibility Study, set a project assessment hearing at the July 6<sup>th</sup> council meeting.

Councilperson Bricher informed Council Mr. Bill Anderson, Yaggy Colby Associates, was present at the Street Commission meeting and he had looked at all the streets on the priority list. He stated it was also the Street Commission's consensus that the streets on the flat areas of the City should be done with concrete curb and gutters so that the grades could be set to get the water to the storm sewers which preserves the life of the streets and also repairs in the future would cost considerably less.

Mayor Meisch stated he does not recommend bonding at this point in time. He stated Council would have to determine what is conceivable to do this year and further stated the Permanent Improvement Fund has been designated for this type of thing and Council could allocate about \$350,000 from this fund which the City could carry and when the National Eagle Center loan funds come in, the fund could be replenished.

David Schmidt stated the \$390,000 in the Permanent Improvement Fund would represent a 50% tax increase just to recoup that money. This is a one-year plan and there are other streets that need to be done. The \$390,000 in the account is a drop in the bucket but once that money is spent, in talking with the auditor, the City would not be moving forward with anything and unless you assess for the work, the \$390,000 would barely cover the City's portion of the project even if the City assessed.

Dave Vosen, Utilities Superintendent, stated he would support holding off street work on the streets that also need utilities work until next year due to the timing of this project. Mayor Meisch concurred.

Mayor Meisch stated he agreed with City Administrator, David Schmidt, in that the City should develop a 5-year fiscal plan.

**After discussion, Councilpersons Gallenberger and Bricher moved to direct Mr. Bill Anderson, Yaggy Colby Associates, to prepare a Feasibility Study on streets excluding Eighth Street and excluding utilities. Adopted unanimously.**

**5.5 Kellogg Police Contract Renewal** – Mayor Meisch stated Police Chief Kruger met with the Kellogg City Council and they have elected to continue their police contract for an additional three years with a 2% cost increase for each of the three years 2010 – 2013. The cost would be \$2,872.00 per month for the first year, \$2,929.00 per month for the second year, and \$2,988.00 per month for the third year.

**Councilpersons Hiers and Gallenberger moved to approve the renewal of the contract for police services with the City of Kellogg for three years and authorized the Mayor to sign any and all necessary documents. Adopted unanimously.**

**5.6 League of MN Cities – Insurance** – Mayor Meisch stated Mr. Flicek, City's Insurance agent, has recommended the City increase property deductible from \$500.00 to \$2,500 which would provide an annual premium savings of \$4,327.

**Councilpersons Schmidt and Hiers moved to approve changing the City's property liability insurance deductible from \$500.00 to \$2,500.00 and authorized City Administrator to sign any and all necessary documents and authorized the City Clerk to remit approved payment. Adopted unanimously.**

**8.1 Donations** – Mayor Meisch announced the following donations:

Fireworks Donations:	Wabasha Firemen's Relief Association - \$750.00
	Kellogg Lions Watermelon Festival - \$200.00
	American Legion Post 50 - \$250.00
	Rotary Club of Wabasha - \$500.00
	Kwik Trip - \$100.00
	Burkhardt-Roemer Post 4086 (VFW) - \$500.00
Riverboat Days:	American Legion Post 50 - \$250.00
	Burkhardt-Roemer Post 4086 (VFW) - \$500.00
Library Donations:	Burkhardt-Roemer Post 4086 (VFW) - \$250.00
	Dean & Julie Plank - \$200.00
Police Department:	Dean & Julie Plank - \$200.00
Summer Rec:	Burkhardt-Roemer Post 4086 (VFW) - \$500.00
Hockey:	Burkhardt-Roemer Post 4086 (VFW) - \$1,000.00

Mayor Meisch stated he would like give an immense "Thank You" to every person and organization that's contributed to the City to help and maintain services and events for its people.

**Mayor's Comments:**

Mayor Meisch stated Mr. Terry Dennis submitted a letter stating his intent to vacate his 142 Second Street lease for Flamingo Flats. He further stated this building will not be available for sale for another 16 years.

David Schmidt stated if anyone was interested in leasing the building at 142 Second Street East, call him at City Hall.

Councilperson Schmidt suggested contacting local realtors and letting them know this building will be available to lease. Council unanimously agreed to authorize David Schmidt to contact local realtors.

Mayor Meisch thanked the VFW and Legion for the Memorial Day Service at Schmidt Park. He stated it was very gratifying to be mayor of a community where they come together the way this community does. He also thanked Dr. John Olson for his very moving personal account that he gave.

**Roundtable:**

Councilperson Bricher stated he was surprised at the number of young people there. He stated it is important for community and future growth. He stated it was a nice ceremony to attend.

Councilperson Gallenberger stated she thought Grand Eagles Hotel was going to be on the agenda. It was stated the minutes reflected that Mr. Deike would review the Grand Eagles Hotel request for a 60 day extension and forward his assessment to Council for the June 1<sup>st</sup> meeting and all questions should be directed to City Attorney, Peter Ekstrand. Attorney Ekstrand stated he did not receive any questions. Council felt the project had 60 days to report back to Council.

Councilperson Hiers stated she liked the Veteran's Memorial Service better at Schmidt Park and felt it was easier for older members of the community to attend as there was more shade and more parking.

Councilperson Hiers stated she had a picnic with a group of people at Beach Park and she stated there were a lot of people down there with a mix of out-of-towners and local people.

Having no other business, Councilpersons Hiers and Bricher moved to adjourn at 9:10. Adopted unanimously.

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Susan Schamaun, City Clerk