

Councilpersons:
First Ward: Friedmeyer, Wharton
Second Ward: Schmidt, Kruger
Third Ward: Bricher, Schoen

Mayor: Rollin Hall
City Atty: Peter Ekstrand
City Adm: Chad Springer
City Clerk: Susan Schamaun
Date: August 5, 2014

PROCEEDINGS OF THE CITY COUNCIL

The regular meeting of the City Council of the City of Wabasha was held on Tuesday, August 5, 2014, and was called to order at 7:00 pm by Mayor Hall.

All Councilpersons were present with Councilperson Schmidt arriving at 7:25 pm.

All present stood and recited the Pledge of Allegiance.

2. Guest Speaker: None

3. Public Comments: Cheri Wright, Wabasha-Kellogg Chamber of Commerce Director, came forward and thanked the City Fire Department, Ambulance staff, Police Department, Street Department, Park Department, that helped with the annual Riverboat Days. She stated it is appreciated.

Mr. Brian Winnekins, WRDN Radio of Durand, Wisconsin, came forward and thanked Cheri Wright and everyone on the Wabasha County Fair Board for having them at the Wabasha County Fair and also stated the City of Wabasha and area was highlighted for one hour on a major market radio station.

4. Changes or Additions to Agenda: No changes or additions to the agenda.
Councilpersons Wharton and Kruger moved to approve agenda as presented. Adopted unanimously.

5. Mayor's Presentation:

Mayor Hall reported the Port Authority, with the City Council's endorsement, has begun a multi-media campaign that would encourage families from Rochester to consider moving to Wabasha. He reported there is a Riverfront Task Force that will study the options for the vacant riverfront property.

6. Committee Reports and Wabasha Good News:

Street Commission: Councilperson Bricher reported the Street Commission met on July 29th and discussed the following:

- Street patching and curb repairs have been done on the west side in preparation for the chip seal coating and 2014 road projects that should occur in August.
- Determined to refer to City Attorney Peter Ekstrand the issue of crushed rock spread on Campbell Avenue between 7th and 8th Streets.
- Approved a "No Outlet" sign at 12th Street and Pierce Avenue.
- Determined to put off concrete work repairs until 2015 due to no bids received again. Will have new City Engineering firm look into this.
- 2013 Street Project punch list down to about seven items with note that as items come off, new items are added.

- County has approved installing a 4-way Stop at Pembroke Avenue and Main Street per the City's request.

HPC: Councilpersons Schoen reported some HPC members are going to a Main Street Program in Winona which will focus on how to recruit businesses for downtowns. She stated they are also working on a sign review for a sign outside of the Historic District but due to its historical value they acquired a paint grant and will be redoing it.

Police Commission: Councilperson Wharton reported the Police Commission did not meet.

Park Board: Mike Mroz, Park Superintendent, came forward and reported a representative from the HPC (Historic Preservation Commission) came to the meeting to discuss the Michael Duane Clickner Memorial Bridge Plaque going underneath the bridge and the Park Board approved giving the HPC control and authority of what is installed. He also stated they discussed the budget and the Park Plan with short-term goals. The Park Board weighed in on projects they would like to see done and he stated he can then adjust the Park and Pool budgets accordingly.

Planning Commission: Councilperson Friedmeyer reported the Planning Commission met on Tuesday, July 8th and worked on the interim moratorium on mining and getting close to a final draft. He stated the EQB (Environmental Quality Board) will be here on Thursday for a meeting with staff. In reference to the Wetland Delineation of Mosquito Field, he reported the first survey has been done and they will continue to move forward to determine if there is any value in developing that property. He also reported the following:

- Planning Commission next meeting will not be on the regular scheduled 2nd Tuesday of August due to the Primary Election voting and it has been rescheduled for Monday, August 11th at 7 PM.
- Ambulance Commission did not meet. They will meet on August 13th.

Utilities Commission: City Administrator, Chad Springer, reported additional dehumidifiers were discussed for the WWTP. They also discussed the flood and the bypass as well as the continued communication with Minnesota Pollution Control Agency. Utilities Commission voted to approve Bolton & Menk to represent the Utilities Departments in reference to engineering needs.

7. Administrator's Report: Chad Springer, City Administrator, reported the City has been working with HBC on the video feed for meetings and asked the public for patience through this process. He reported he has received many calls and emails on the fuel spill and received information today from the MPCA, which he read aloud. He concluded by stating the MPCA will continue to monitor the City's two wells. He also reported the following:

- Budget session was held between Council and department heads.
- Finalized Engineer and Legal contracts approved at the last Council meeting.
- Announced Sean Lathrop, Ambulance Director, submitted his resignation and it was accepted. He is taking a position at Detroit Lakes. (Chad thanked Sean for his service.)
- Have worked on transferring the 2014 Street Project to Bolton & Menk Engineers.
- Street and Park Departments have been working on flood clean up this past month.
- There will be a forthcoming statement on the Roemer vs. City lawsuit as there was a settlement conference held. City Council must review and vote and until that happens, there will be no comment from the City.

Councilperson Schmidt arrived at 7:25 pm.

8. Consent Agenda:

Councilpersons Bricher and Schoen moved to approve the consent agenda as presented. Motion adopted unanimously.

- 8.1 Approved the July 1, 2014 Regular Minutes
- 8.3 MN Lawful Gambling Application for Exempt Permit for Septoberfest Raffle
- 8.4 PERA Resolution for Part-time Police Officer Robert Venz
- 8.5 School Resource Officer Contract
- 8.6 On-Sale Liquor License Application for Los Portales Mexican Restaurant
- 8.2 Warrants:

Mayors	General Fund	\$6,683.53
Police	"	\$5,648.14
Legal	"	\$3,500.00
Planning & Development	"	\$8,447.80
Street Dept.	"	\$13,780.05
Park Dept.	"	\$2,608.22
Engineering (General	"	\$175.00
2014 Street Project	"	\$2,170.96
2013 St. Project	"	\$1,252.75
Clean Up Day	"	\$954.80
Bldg. Inspections	"	\$1,224.68
Ambulance	"	\$8,478.23
Pool	"	\$2,148.84
Library – Ins. Deductible	"	\$205.79
TIF Reports – Consults	"	\$4,000.00
Fire	"	\$2,569.51
Fireworks	"	\$5,500.00
Miscellaneous	"	\$471.50
Total	"	\$68,819.80

9. Public Hearing: None

10.1 Street Project Updates: Bolton & Menk: Mr. Brian Malm, came forward and reported the projected milling date will be August 13th. Newsletters will be sent out to keep residents informed. A sewer extension permit needs to be acquired prior to the street project work at the intersection of 4th Street West and Shields Avenue.

Mr. Malm outlined Change Order No. 3 related to the 2014 Street Improvement Project. He outlined the following:

1. Modifies the City’s Contract with Rochester Sand & Gravel to clarify that Bolton & Menk, Inc. will act as the City’s representative and the designated engineer for the completion of the project. This provision is necessary for them to have the proper authority to be involved with the completion of the project.

2. Adds Bolton & Menk, Inc. as an additional insured under the Contractor's insurance policy for the project. The City of Wabasha and MSA Professional Services are already named as additional insureds under the contract. This is a necessary provision for them to be involved in the completion of the project.
3. Modifies the Substantial Completion date to 9/5/14 and the Ready for Final Payment date to 9/12/14. This is necessary due to the fact that the sanitary sewer work on the project was delayed due to high river and groundwater levels. This will also allow time for the City to complete a sanitary sewer connection at 5th Street and Maiden Avenue prior to paving.
4. Reduces the Contract price for sanitary sewer chimney seals by \$55/each, which results in a total savings of \$550. Chimney seals are devices that prevent groundwater infiltration in the upper section of the sanitary sewer manholes. The specifications for the project required a specific type of chimney seal. After discussion with City staff, it was determined that the type of chimney seal should be changed to a different type that they believe will perform better for a lower cost.

Mr. Malm requested approval of Change Order No. 3.

Councilpersons Kruger and Wharton moved to approve Change Order No. 3 as presented for the 2014 Street Project. Adopted unanimously.

Mr. Malm presented Council with a resolution to remove a property from the 2014 Street Project Assessment roll due to it not abutting the project. He requested approval of the Resolution.

Councilpersons Wharton and Schmidt moved to approve the Resolution Removing Assessment for the 2014 Street Improvement Project for Parcel #27.00495.00 as presented. Adopted unanimously.

RESOLUTION #31-2014

REMOVING ASSESSMENT FOR 2014 STREET IMPROVEMENT PROJECT FOR PARCEL NUMBER 27.00495.00

WHEREAS, an assessment in the amount of \$1,250.00 was included on the assessment roll adopted on June 3, 2014 for parcel number 27.00495.00, 805 5th Street West; and

WHEREAS, this parcel does not abut the project, will not receive benefit as a result of the improvement, and should not have been included on the assessment roll.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Wabasha, Minnesota that the assessment for this parcel in the amount of \$1,250.00 be removed from the assessment roll for the 2014 Street Improvement Project.

Adopted by the Wabasha City Council this 4th Day of August, 2014

10.2 Wabasha Community Center Presentation:

Carolynn Klees came forward and gave a Wabasha Community Center Presentation which would require leasing a city owned property located at 128 2nd Street West, otherwise known as the Transfer Building. Mr. Don Jacoby, Rolf Thompson and Mr. Bill Jewson also accompanied Ms. Klees. It was further stated a committee consisting of City Administrator, Chad Springer, Carolynn Klees, Don

Jacoby, Rolf Thompson and Mr. Bill Jewson have been working on this project. A letter of support was presented from Wabasha Port Authority President, Victoria Moore, stating the Port Authority's support. Some uses that were indicated if Council agreed to lease it to the Chamber would be the Chamber's offices, public restrooms, Banquet Hall/Event Center, barn dances, shows, fairs,. Art shows, RJAC concerts during inclement weather, Home & Garden Show. They stated Port Authority has approved the concept and they asked Council to approve the concept. In order to move forward to find private investors and apply for grants and other funding, they would like an agreement with certain benchmarks that both parties could agree on.

Attorney Peter Ekstrand suggested drafting a Use Agreement which would be similar to what was used for the National Eagle Center.

Councilperson Friedmeyer raised concerns in reference to the parking commitment which was already established for 128 2nd Street West in relation to the riverfront property. He advised waiting until the Riverfront Taskforce was done with their study before doing anything on either property.

Councilpersons Schoen and Bricher moved to pursue the concept of the Wabasha Community Center Use Agreement with benchmarks and authorizing City Attorney Peter Ekstrand and City Administrator, Chad Springer, and others deemed necessary to collaborate. Approved by the following vote:

Ayes: Wharton, Mayor Hall, Schoen, Kruger, Schmidt, Bricher

Nays: Friedmeyer

10.3 Resolution Reducing Wabasha Business Park Special Assessments:

Chad Springer, City Administrator, reviewed the following information:

- April 15th Special meeting, Council approved a reduced selling price on the Wabasha Business Park parcels (250, 350 & 390 Commerce Street) and forwarding to the Wabasha County Auditor.
- Reminded Council these properties are State owned and the County is responsible for selling them.
- City's full assessments hinders the County from selling these parcels.
- If Council approves reducing the Special Assessments per the attached Resolution, the County will go to auction on the properties with the reduced assessment amounts.
- The City will receive 20% of the sale of the parcels.
- The proceeds of this sale would be used to offset the negative balance on TIF 6.
- If property sells, it would return to the City's tax rolls.

Councilpersons Kruger and Schoen moved to approve the Resolution Reducing Wabasha Business Park Special Assessments, Parcels R27.01306.00, Parcel R27.01307.00 and Parcel R27.01308.03 (250, 350 & 390 Commerce Street as presented. Adopted by the following vote:

Ayes: Friedmeyer, Kruger, Wharton, Mayor Hall, Bricher, Schmidt, and Schoen

Nays: None

RESOLUTION REDUCING SPECIAL ASSESSMENTS

WHEREAS, the three (3) parcels listed below are in Tax Forfeiture Proceedings with Wabasha County; and

WHEREAS, the City of Wabasha has Special Assessments levied for Sewer and Water against

said Parcels; and

WHEREAS, the City of Wabasha has agreed to reduce said Special Assessments to make said Parcels more saleable;

NOW THEREFORE the City Council hereby agrees to reduce the Special Assessments on the following Parcels in the following amounts:

Parcel R27.01306.00 shall be reduced from \$95,575.71 to \$50,101.00 (Lot 2, Block 2, Wabasha Business Park, 32-111-10)

Parcel R27.01307.00 shall be reduced from \$178,429.06 to \$96,304.00 (Lot 3, Block 2, Wabasha Business Park, 32-111-10)

Parcel R27.01308.03 shall be reduced from \$54,476.96 to \$38,206.00 (SEly 150' of Lot 4, Block 2, Wabasha Business Park, 32-111-10)

10.4 2nd Reading: Coffee Mill Sewer Extension Ordinance Amendment:

Chad Springer explained this reading was the second reading for amending this ordinance. This amendment would allow owners in the Coffee Mill Sewer Project area to get a sewer inspection done every three years. If said inspection passes, it delays the hook up to the City's sewer system. Discussion was held on getting a list of City approved state certified sewer inspectors. It was also noted the City needs to be notified with the results when an inspection is completed which is required by law.

Councilpersons Schoen and Friedmeyer moved to approve amending Section 505.03 of the Wabasha City Code "Use of Public Sewer Required" referencing Coffee Mill Sewer Extension Project #8283 as presented and amended.

Adopted by the following vote:

Ayes: Kruger, Schmidt, Friedmeyer, Schoen, Mayor Hall, Bricher

Nays: Wharton

10.5 Teepeota Point Detachment:

Councilperson Wharton moved to support the Resolution for Detachment.

The motion died due to a lack of a second and the motion was withdrew from Councilperson Wharton.

Councilpersons Wharton and Schoen moved to approve a Resolution opposing the Teepeota Detachment petition.

Attorney Ekstrand informed Council that if Council approves the Resolution to oppose the petition, the next step will be that it goes to a hearing officer and then a mediation date will most likely be set. He stated mediation is an attempt to settle or compromise. He stated he has had contact from some of the property owners who have indicated instead of total detachment they would be in favor of a separate taxing district which would give them some relief.

Councilperson Schoen encouraged discussion on annexation of outlying areas. Attorney Ekstrand stated he would bring information on the annexation requirements to the next meeting.

City Administrator, Chad Springer, stated he would recuse himself from any mediation on this issue due to being related to some of the property owners listed on the petition. He stated to understand the process, he spoke with a representative from the Boundary and Adjustment Office and the City owes them a response tomorrow, August 6th. He stated history shows for cities the size of Wabasha, it can typically cost \$12,000-\$15,000, which is the full length of the process. The cost would typically be split between the City and the petitioners. Legal representation would be added cost.

The motion was adopted by the following vote:

Ayes: Bricher, Schmidt, Schoen, Friedmeyer, Mayor Hall, Wharton, Kruger

Nays: None

Chad Springer stated he contacted the League of MN Cities and they do not provide legal representation for this type of issue. He also had a conversation with Attorney Ekstrand and he indicated he would be comfortable with representing the City though there might be a conflict as he owns property in the City as well as Greenfield Township. This will be determined as the City moves forward.

10.6 Nuisance Violation – 524 Campbell Avenue:

Police Chief Warren came forward and stated several nuisance violations have been filed against 524 Campbell Avenue. The City's Building Inspection, Jay Kruger of CMS, inspected the property and submitted a letter describing the condition of this property and concluding with a statement that the property should be abated. Police Chief Warren stated he spoke with the homeowner who indicated they don't want the property and Chief Warren also stated the bank indicated they don't want the property. He stated it is his recommendation to raze the property and assess the cost to the property taxes.

Attorney Peter Ekstrand stated typically if you are removing a home, it requires district court action. A resolution needs to be passed stating it needs to be razed based on the results of the building inspection report and if the landowner consents, it helps the process dramatically. Police Chief Warren stated the homeowner as well as the bank agree to the razing of the property.

Councilpersons Schmit and Wharton moved to approve a Resolution ordering the property at 524 Campbell Avenue be razed and assessing the cost to the property's taxes. Adopted by the following vote:

Ayes: Mayor Hall, Bricher, Wharton, Schmidt, Friedmeyer, Kruger, Schoen

Nays: None

Attorney Ekstrand stated he would prepare the Resolution.

11.1 Donations:

Councilperson Wharton and Kruger moved to approve the Resolution Accepting Donations: Adopted unanimously.

**CITY OF WABASHA
RESOLUTION NO. # 33-2014**

RESOLUTION ACCEPTING DONATIONS

WHEREAS, The City of Wabasha is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 465.03 for the benefit of its citizens, and is specifically authorized to accept gifts and bequests for the benefit of recreational services pursuant to Minnesota Statutes Section 471.17; and

WHEREAS, The following persons and entities have offered to contribute the cash amounts set forth below to the city for the following:

<u>Name of Donor</u>	<u>Description</u>	<u>Amount</u>
Jim & Rita Fox	Girl's Softball Program	\$300.00
Richard Laska	Wabasha Public Library	\$ 20.00

WHEREAS, All such donations have been contributed to assist the city in the establishment and operation of recreational facilities and programs either alone or in cooperation with others, as allowed by law; and

WHEREAS, The City Council finds that it is appropriate to accept the donations offered.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF WABASHA, MINNESOTA, AS FOLLOWS:

1. The donations described above are accepted and shall be used to establish and operate recreational facilities and programs either alone or in cooperation with others, as allowed by law.
2. The city clerk is hereby directed to issue receipts to each donor acknowledging the city's receipt of the donor's donation.

Adopted by the City Council of the City of Wabasha on August 5, 2014.

Mayor Hall announced the following Fireworks Donations:

2014 FIREWORK'S DONATIONS

2,000.00	City of Wabasha
200.00	Scheel's Super Value
200.00	Kellogg Lion's Watermelon Festival
500.00	Rotary Club of Wabasha
650.00	Wabasha Firemen's Relief Assoc.
500.00	Kellogg Fire Dept. Relief Assoc.
500.00	Burkhardt-Roemer VFW Post 4086
200.00	Wabasha Warehouse Liquors

Other Business:

Having no other business, councilperson Wharton and Mayor Hall moved to adjourn at 8:52 pm. Adopted unanimously.

Susan Schamaun, City Clerk