

City of Goodview
City Council Minutes
May 4, 2009

The meeting was called to order by Mayor Jack Weimerskirch at 5:00 p.m.

The Pledge of Allegiance was said.

Upon Roll Call: Mayor J.P. Weimerskirch, and Councilmembers Dick Ledebuhr, Charlie Andring, Steve Baumgart, and Sandy Erdman were present.

City Staff Present: City Administrator Dan Matejka, Director of Public Works Greg Volkart, Police Chief Kent Russell, First Responders Director Andrew Prunty, and Maintenance II worker Dave Schultz.

Consent Agenda: Councilmember Ledebuhr moved and Councilmember Andring seconded to approve the Consent Agenda as presented. The agenda included the minutes of the April 20, 2009 regular meeting of the Goodview City Council. All voted aye, motion carried.

There was no Community Comments/Input.

Mayor Weimerskirch indicated he received a phone call concerning the road conditions on Maurl Drive due to the utility project taking place in the neighborhood, in which he checked with Greg Volkart and things were discussed and taken care of.

At 5:05 p.m., the Mayor closed the regular meeting to open the public hearing for the purpose of considering a conditional use permit request to allow the property located at 4065 Sixth Street to be used for the purpose of manufacturing and selling wood furniture in a C-1 Commercial zoning district. The request was made by John and Jodi Bannon, who want to open a business under the name "Outside in Wood Store." Mr. Bannon indicated he will make both outside and inside furniture out of pressure treated lumber. The furniture will be contemporary in style. Mr. Joe Sabo of 4065 Seventh Street submitted a list of questions about the request to the Council on April 28, 2009. Mr. Bannon addressed each of the questions including; business hours will be 8:00 a.m. to 5:00 p.m., Monday through Saturday, Mr. Bannon will be the one and only employee of the business, he will use various pieces of equipment (i.e.; miter saw, jointer planer, table saw, external/portable dust collector, and drill press), and there will be no storage outside the building. Mr. Sabo asked about fumes from staining, of which Mr. Bannon indicated he possibly will install a HEPA filter, or will do the finishing work off-site – possibly at his home on Fourth Street which is already zoned M-1 for Light Manufacturing. Mr. Bannon did investigate some possible locations for his business in downtown Winona, but needed to consider not only cost, but also the need for a prime location with a high traffic flow for the purpose of selling the furniture. Mr. Tim Boyd (3965 Sixth Street)

spoke in favor of the request, but did voice some concerns about the potential harm to the environment if fumes were released into the air. The property's landlord, Ms. Deb Krakow, spoke to the fact that if they see a problem with the property in the future, they will take care of it immediately. Mr. Sabo reiterated he is not opposed to the request, but just wanted some general answers about the business. Councilmember Ledebuhr asked if both parties would be open to the granting of the request with a review date of one year from today. This review would be done to make sure there are/were no problems with the business, including fumes and dust. Everyone was okay with the proposal. Councilmember Ledebuhr then moved and Councilmember Andring seconded to approve the conditional use permit request to the Bannons with a stipulation it will be reviewed in one year. All voted aye, motion carried.

The Mayor closed the public hearing at 5:23, and opened the Continuation Hearing for the Winona County Board of Appeals.

Mayor Weimerskirch again reviewed for the Council the purpose behind the Board of Appeals, which is that the City makes recommendations of changes in valuations to the County Board. The County Board then makes the final determination, and they can override any decision the City Council makes. Ms. Pat Walters of the Winona County Assessor's Office provided an overview of the properties that questioned their valuations at the meeting on April 20, 2009. The first property belongs to Mr. Greg Volkart at 3545 Eighth Street. Ms. Walters believes the property is valued correctly, especially without any income data from the rental property. Mr. Volkart's second property at 870 Frank Street is currently being assessed using the warehouse poll construction method instead of the industry poll construction method, which according to the County is already providing the property with lower valuation numbers. Mr. Volkart's point is that he believes he can't sell the property now for the assessed amount, because it did go through the flood, so it shouldn't be increasing in value as it is. The Mayor expressed his belief when a property in Hub-Mill does sell, it will sell for below assessed value, and prove Mr. Volkart's theory correct that they have been over assessed for the past couple of years. Councilmember Ledebuhr asked if the properties in Hub-Mill will continue to increase in assessed value even if there are no sales to any properties in the industrial park. Ms. Walters pointed out the County is using the Marshall Guide to valuing property, which probably will continue to reflect an increase on an annual basis. This will continue until the County can get some sales figures from somewhere in the County to apply to the Hub-Mill properties. Elmer Boller's property will be left as assessed, because as the County has said (and the Council agrees) all property has some value, and the amount on this property is the minimum the County can assess for that size of land. Also, the County has not adopted a Wetlands Ordinance yet, so this can't be an option for Mr. Boller's land. Mr. Dwight Lange and the County have settled their valuation disputes for the Payable years of 2008, 2009, and 2010. The County also agreed to change the size designated as commercial from 8% to 4%, which reflects the City's decision on April 20th to change the commercial square footage from 156 to 98. Both the Eberle and Rogge properties were left as is. The Darlene Luedtke property at 4730 Seventh Street will also be left as assessed, as Ms. Luedtke chose not to have a walk through of her residence. The four properties that contacted Ms. Walters by phone are

not being scheduled to have their valuations changed. These include the Hoffman, Alfred Waldorf, Lawrence Brothers, and Superior Trucking properties. The Mayor summarized the discussion indicating no change in Pay 2010 assessor values for all the properties mentioned, but the County should change the commercial square footage issue with Mr. Lange's property at 3819 Sixth Street. Councilmember Erdman moved to do exactly as the Mayor summarized. This motion failed for the lack of a second. Councilmember Andring raised a concern about how Mr. Volkart's Hub-Mill property could have increased in value due to it being involved in the 2007 flood. Councilmember Ledebuhr pointed out he can't understand what justifies the County to increase this property, and he is in favor of no increase from the Pay '09 valuation. Ms. Walters said the County uses a national guideline to value commercial property like the parcel in question. She also pointed out if the Council adjusts Mr. Volkart's property then both the Lawrence Brothers and Superior Trucking properties would also have to be looked at for the very same reason. Councilmember Andring moved and Councilmember Ledebuhr seconded to hold Mr. Volkart's Hub-Mill property at the Pay '09 valuation, and to change the commercial square footage of Mr. Lange's property to 98 square feet from the 156 the County was using. Also, there would be no other changes in Pay '10 valuations. The Mayor pointed out if we do this just because Mr. Volkart appeared in person to question his valuation, then we should do an across the board adjustment for all the properties affected by the flood – including those in Sunny Acres. The Mayor voiced his belief the prudent thing to do would be to vote nay on this motion, and re-introduce Councilmember Erdman's original motion with the hope that by next year this could work itself out with sales of properties through out the County that they could use for valuation purposes for Pay '11. Councilmembers Andring and Baumgart voted in favor of the motion, and Councilmembers Ledebuhr and Erdman along with Mayor Weimerskirch voted nay. Thus the motion failed. Councilmember Erdman moved and Mayor Weimerskirch seconded to re-introduce Councilmember Erdman's original motion. The Mayor and Councilmembers Erdman and Baumgart voted in favor of the motion, while Councilmembers Ledebuhr and Andring voted nay. Thus the motion passed. The Mayor closed the continuation hearing of the Winona County Board of Appeals at 6:00 p.m., and re-opened the regular meeting.

Each of the four Administrative Reports was reviewed by the Council. The City Administrator informed the Council he has contacted both Congressman Walz's and Senator Klobuchar's offices to arrange a visit by the respective federal legislators. Indications are this will take place sometime in May. Councilmember Andring asked Greg Volkart if the water filtration plant project was back on schedule, of which Mr. Volkart said yes. Mr. Volkart also informed the Council the pump for Well #1 will be installed this week. He also said A-1 Excavating milled up all of Sherry Drive today, which was a little sooner than expected. The Mayor congratulated the Police Chief and his department on the successful drug warrant served in Lake Village.

The Maintenance Department on-call schedule for May, 2009 was reviewed.

The notice to City water customers concerning the flushing of City fire hydrants the week of May 4, 2009 was acknowledged by the Council.

City Administrator Dan Matejka gave the Council a quick update on potential City Aid Cuts (i.e.; Local Government Aid) under the Governor's proposed budget, and both the House and Senate tax bills, and how these potential cuts would affect the City's revenues in 2009 and 2010.

Councilmember Ledebuhr moved and Councilmember Andring seconded to approve the Memo of Understanding / Agreement with the Winona Park and Recreation Department for recreation services. All voted aye, motion carried.

The City Administrator reviewed the proposed agreement with Construction Management Services (CMS) to provide building code enforcement for the City. Mayor Weimerskirch asked to amend (for clarity) the seventh item under the "CMS shall provide the following services" section, to read "Performance of inspections ... of time the request is received by CMS." Councilmember Erdman moved and Councilmember Andring seconded to approve the agreement with the amendment as stated by the Mayor. All voted aye, motion carried.

Councilmember Andring moved and Councilmember Ledebuhr seconded that RESOLUTION NO. 0819, A RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT TO PARTICIPATE IN SAFE AND SOBER PROGRAM FROM OCTOBER 1, 2009 THROUGH SEPTEMBER 30, 2010, be adopted. All voted aye, motion carried.

Under the Other category of the agenda; the Director of Public Works reviewed for the Council the results of the bid opening for the Lake Goodview Outlet Project held on April 29, 2009. He also explained the five different bid alternates. The system the City wants is a four-pump system (the base bid) with a generator. He indicated that Jech Engineering from Elgin, MN is the low bidder for all five alternates. The City Administrator pointed out the City is still in negotiations to acquire some land for the project, and is still seeking additional funds from the DNR for the project, thus the City is in no position to award the bid at this time (note: the City has 60 days to award the bid per the bid specifications).

Councilmember Andring moved and Councilmember Erdman seconded to adjourn. All voted aye, motion carried.

Adjournment at 6:27 p.m.

NOTE: The next regular meeting of the Goodview City Council will be on Monday, May 18, 2009 at 5:00 p.m. at Goodview City Hall.