

City of Goodview
City Council Minutes
December 21, 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. NOTE: Councilmember Baumgart left at 5:50 p.m. due to a First Responders commitment.

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

Consent Agenda: Councilmember Andring moved and Councilmember Baumgart seconded to approve the Consent Agenda as presented. The agenda included the minutes of the December 7, 2009 regular meeting of the Goodview City Council, and the December, 2009 claims (reviewed by Mayor Weimerskirch and Councilmember Baumgart). The claims totaled \$571,099.12 for the following operating funds:

General Fund	\$108,591.51
Revolving Projects Fund	416,226.62
2001 Debt Service	20.69
Water Service Fund	21,176.72
Sewer Service Fund	25,083.58

All voted aye, and the motion carried.

There was no Community Comments/Input.

The entire Council wished the staff a joyous holiday season. Councilmember Andring asked if the City had heard any snow plowing complaints from the residents of the two new subdivisions, of which he was told no with the exception of a few mailbox complaints through out the City. Councilmember Baumgart wanted to thank the Winona Fire Department for conducting the re-certification class to the Goodview First Responders at no charge to Goodview. Councilmember Erdman questioned if the Police Department knew what is going on with the apartment building at 4030 Fourth Street. There is no one around, and the doors are left open. Councilmember Andring mentioned he heard the property might be getting foreclosed on, but wasn't sure. She also asked if the City's snowmobile and four-wheeler ordinance was good, and if the Police have had any issues, of which she was told no and the ordinances are good, well-defined ordinances. She also mentioned she will be meeting with Fran Edstrom of the Winona Post in the next month or so to try to get the City's Council minutes published again in the

Post. The Mayor indicated he had a conversation with Mr. Ron Wenzel on MaurL Drive about laws pertaining to semi's using Jake Brakes on the highway in front of his house. The Director of Public Works said he will talk with a representative from MNDOT about the issue, and potentially adding some signage to the area.

The Mayor informed the Council that he, the City Administrator, and the Director of Public Works met with Mr. Stellick of the Saehler Subdivision Landscaping group. They discussed the petition and the concerns that City staff have on the whole situation of signing a contract with the State. Various options were talked about where the City could potentially see a lower maintenance option for the area—maybe with some native grasses and a few trees. The Mayor indicated again he believes it is a worthwhile project that should continue to be looked at. Mr. Stellick said he will take the notes back to his wife for discussion.

The Building Permits report for November, 2009 was reviewed by the Council.

The on-call schedule for the Maintenance Department for January, 2010 was reviewed by the Council.

The Mayor reiterated the fact that the Governor did not unallot any additional State Aid funds from the City, so it is his recommendation the Council doesn't need to make any adjustments to the 2010 budget, and any excess funds should go to help rebuild the City's General Fund Unreserved Fund Balance. Councilmember Erdman moved and Councilmember Andring seconded to approve RESOLUTION NO. 0840, A RESOLUTION APPROVING THE 2010 BUDGET AND MAKING THE PROPERTY TAX LEVY FOR 2010. All voted aye, and the motion carried.

The Administrator noted there was a numbering error on the Ordinance 38.6, passed by the Council on December 7, so besides the correction of the numbering error the two ordinances are the same. Councilmember Erdman moved and Councilmember Baumgart seconded to approve the new Ordinance 38.7, an ordinance regulating no parking zones upon city streets, alleys, ways and grounds. All voted aye, and the motion carried.

The City Administrator reviewed the reasons for the Conditions for Donation of Services and Space Agreement for the 2010 census received from the Winona County Recorders Office. He pointed out the County had already contacted Dakota and St. Charles due to their geographic locations within the County, but the Recorder thought Goodview would be a nice third option for residents of the County. Councilmember Andring moved and Councilmember Baumgart seconded to approve the agreement as presented. All voted aye, and the motion carried.

The City Administrator presented a new agreement with Construction Management Services (CMS) to act as the City's Building Code Administrator. He pointed out the agreement is the same as the 2009 version only with revised dates. Councilmember Erdman moved and Councilmember Baumgart seconded to approve the agreement with CMS as presented. All voted aye, and the motion carried.

Councilmember Andring moved and Councilmember Baumgart seconded to approve Pay Estimate #14 for the Water Treatment Facility Plant #1 & #2 Project for \$67,439.09.

Councilmember Ledebuhr voiced his opinion the City should withhold all payments, including this pay estimate, due to the contractor until the project is completely done. He said he feels this way about the other two projects also involving Winona Excavating and A-1 Excavating. The completion date for the Water Treatment Plants project was July of this year, and the project still isn't 100% done. He suggested the City is lax in enforcing this, and it should seriously look at how these situations are handled in the future. Dan Matejka, the City Administrator, pointed out the City is still retaining five percent of the project total from the contractor until the project is complete. The Mayor said he believes it would be more critical if the plants weren't up and running like they are. All voted aye, and the motion carried.

Councilmember Andring moved and Councilmember Baumgart seconded to approve Pay Estimate #11 for the 2008 Utility and Street Improvement Project: Saehler-Anderson subdivisions for \$19,430.99. Councilmember Andring questioned if the contractor will be able to complete the project, and how often have contractors met project deadlines in the past. To the first question, the Director of Public Works indicated some of the items on the punchlist for the project probably won't be completed until spring. He also pointed out contractors haven't met many deadlines in the past—usually because of weather and other things out of their control, but the City has never fined a contractor for not completing a project by the deadline date. All voted aye, and the motion carried.

Councilmember Erdman moved and Councilmember Andring seconded to approve Pay estimate #9 for the 2008-B Utility and Street Improvement Project: Gunderson-Hub Mill subdivisions for \$57,253.07. All voted aye, and the motion carried.

The proposed Council claim review schedule for 2010 was reviewed and accepted by the Council.

There were only two proposed changes to the Mayoral Appointments in 2010; Councilmember Andring will replace Councilmember Ledebuhr on the Winona County Solid Waste Disposal Committee, and Councilmember Erdman will replace Leon Bowman on the Airport Zoning Board. Councilmember Ledebuhr moved and Councilmember Andring seconded to approve the Mayoral Appointments, with the two noted changes. All voted aye, and the motion carried.

The City Administrator reviewed the purpose behind Resolution No. 0842, indicating there are 14 businesses in the target area, 13 of which need some sort of repair that meets the definitions of the grant. He also reminded the Council that SEMMCHRA attempted this grant two years ago, and that the Council worked with the organization then, and recommends they work with them again this year. Councilmember Ledebuhr moved and Councilmember Andring seconded to approve RESOLUTION NO. 0842, A RESOLUTION IDENTIFYING "SLUM AND BLIGHTING" CONDITIONS IN A TARGET AREA OF THE CITY OF GOODVIEW. All voted aye, and the motion carried.

Mr. Matejka informed the Council by approving Resolution No. 0843, they are "sponsoring" the grant with other cities like St. Charles, Stockton, and Utica to name a few. He also mentioned one business in the target area has already filled out an application with SEMMCHRA for potential assistance. Councilmember Erdman moved and

Councilmember Andring seconded to approve RESOLUTION NO. 0843, A RESOLUTION DESIGNATING A GRANT APPLICATION FOR THE 2010 WINONA COUNTY SCDP APPLICATION AND APPROVING A COOPERATIVE AGREEMENT POLICY. All voted aye, and the motion carried.

Councilmember Ledebuhr moved and Councilmember Baumgart seconded to approve RESOLUTION NO. 0844, A PUBLIC EMPLOYEES RETIREMENT ASSOCIATION-POLICE OFFICERS DECLARATION RESOLUTION. All voted aye, and the motion carried.

Due to the fact the Council approved the 2010 budget that included a change in the amount each employee will pay for their insurance benefits; the City Administrator pointed out the Personnel Policy Handbook needs to reflect the change. Councilmember Andring moved and Councilmember Erdman seconded to approve Section 5.02 "Insurance Benefits" of the policy. All voted aye, and the motion carried.

NOTE: Councilmember Baumgart left the meeting at this time, approximately 5:50 p.m.

The City Administrator presented the five proposed "supplements" to the Personnel Policy Handbook written by the employment lawyers of the Coalition of Greater Minnesota Cities. Two of the policies are brand new, while the other three are revisions. Councilmember Ledebuhr questioned the wordage in the proposed Sick Leave policy pertaining to funerals, and being able to use sick leave to attend the funeral of a close friend or other relative. Mr. Matejka explained this is not new, but stated the Coalition suggested the City add a definition section to the handbook which would define certain things such as this. The Councilmember also asked if the City has a policy to allow employees to donate unused vacation time to a "sick bank" for other employees who are all out of allowable paid time to use instead of having to take extended periods of unpaid time. The Administrator said the City doesn't have any such policy, but if it is the Council's wishes he will develop one, of which the Council instructed him to do so for Council consideration. The Mayor voiced a concern with the lack of an appeal process (step) in the Grievance Procedure. He believes, and the rest of the Council agrees, the employee should be able to appeal any decision by the City Administrator relating to a grievance, and that appeal should be to the Council. Mr. Matejka said he would add the requested step, and bring Supplement Section Five back at a later date. Councilmember Andring moved and Councilmember Erdman seconded to approve Supplement Sections One through Four as presented. All voted aye, and the motion carried.

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

Adjournment at 6:15 p.m.

NOTE: The next regular meeting of the Goodview City Council will be on Monday, January 4, 2010 at 5:00 p.m. at Goodview City Hall.

