

City of Goodview
City Council Minutes
July 20, 2009

The meeting was called to order by Acting Mayor Dick Ledebuhr at 5:00 p.m.

The Pledge of Allegiance was said.

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

City Staff Present: City Administrator Dan Matejka, Director of Public Works Greg Volkart, Police Chief Kent Russell, First Responders Director Andrew Prunty, and Maintenance III worker Bryan Hegland. City Attorney Mr. Ron Benson was also present.

Consent Agenda: Councilmember Erdman moved and Councilmember Andring seconded to approve the Consent Agenda as presented. The agenda included the minutes of the July 6, 2009 regular meeting of the Goodview City Council, and the July, 2009 claims (reviewed by Councilmembers Erdman and Ledebuhr). The claims totaled \$1,135,464.17 for the following operating funds:

General Fund	\$174,179.06
Revolving Projects Fund	900,743.29
2001 Debt Service	14,335.00
Water Service Fund	27,335.61
Sewer Service Fund	18,871.21

All voted aye, and the motion carried.

There was no Community Comments/Input.

At 5:05 p.m., Acting Mayor Ledebuhr closed the regular meeting and opened the Public Hearing for the purpose of re-zoning all of Cedar Bay Townhomes from M-1 Light Manufacturing to D-2 Two Family Dwelling. Also to re-zone parcels 2, 3, 4, and 5 of the attached description from M-2 Heavy Manufacturing to either D-1, D-2, or D-3. Mr. Dan Wenzel who lives at 4810 Park Lane in WE Valley spoke on behalf of his son Josh who resides at 3485 Seventh Street. Mr. Wenzel asked what some of the differences are between a D-2 and a D-3 besides the number of families allowed. He was told any sort of renting option is not allowed in a D-2 and apartments are allowable in a D-3. He pointed out he and Mr. Ellefson (the contractor for the site proposed to be D-3) are going to work together, and are going to depend on the City making the right decision on what that area should be zoned. Ms. Carolyn Rasmussen (760 36th Avenue) spoke in favor of the Ellefson construction project. Ms. Teresa Erickson (3520 Eighth Street) also spoke in favor of the project, but asked why the re-zoning had to be done in the first place. Mr. Ron Benson, the City's Attorney, clarified the re-zoning is being done to appropriately zone the property, and to clear the record of the mistaken allowable use/misunderstanding

of conditional use permits that were granted in 2004 and 2005 for the area in question. Mr. Dan Tropple (4225 Eighth Street) indicated he hates to see the City take up a policy just to change a zoning district to make a project currently under construction correct. Mr. Wayne Pflughoeft, Mr. Ellefson's attorney, addressed any concerns the Council may have with Mr. Ellefson potentially building an apartment complex by proposing to create a development agreement between Mr. Ellefson and the City. This agreement would show his plans not to build any apartments, his intent to offer rent-to-own capabilities, and to record it with the County Recorder's office. The agreement doesn't commit the potential use of the property in the future, but does indicate what Mr. Ellefson is planning to do now. The D-3 zoning is what Mr. Ellefson assumed he was under now, so that is why he is requesting the formal change. There were no other comments, so the Acting Mayor closed the public hearing at 5:15 p.m., and reopened the regular meeting.

The Council proceeded to act on each of the parcels indicated on the description list individually as recommended by Mr. Benson. Parcel One was tabled until further notice due to a potential requested change of part of the subdivision. Councilmember Andring moved and Councilmember Erdman seconded to approve the re-zoning of Parcel Two as indicated. All voted aye, and the motion carried. Councilmember Erdman moved and Councilmember Baumgart seconded to approve the re-zoning of Parcel Three as indicated. All voted aye, and the motion carried. Councilmember Andring moved and Councilmember Erdman seconded to approve the re-zoning of Parcel Four as indicated. All voted aye, and the motion carried. Councilmember Erdman moved and Councilmember Andring seconded to approve the re-zoning of Parcel Five to a D-3 as indicated conditional on the Council approving a Development Agreement with Ellefson Builders. All voted aye, and the motion carried.

Councilmember Baumgart publicly thanked all those individuals who were involved in the beach rescue at LaCanne Park on Tuesday, July 14, 2009. They included Police Department personnel Travis Volkman, Nicole Norman, and Michelle Dungy. Also thanked were members of the City's Fire and Rescue Departments, specifically David Fruth and Ross Stachowitz, along with private citizens Robert Swartout and Amanda Gibbs. He also commended the Police, Fire, and Rescue Departments for their formal training used in the event. He suggested all of these departments and/or individuals should be officially honored at a later date. Councilmember Erdman informed the Council she received a few calls on the property at 3910 Fifth Street, and would like to have the Police Department look into the allegations. Ms. Lynnette Hundorf, who resides at the property in question, was present to address the concerns raised by Councilmember Erdman. The Councilmember also asked if the City has had any reported disease problems with the City's Emerald Ash trees, of which she was told none yet but the Department of Ag has set up a couple of traps. Acting Mayor Ledebuhr mentioned the weeds by the old Good Harvest Café building, of which Mr. Volkart said he was aware of it and it is being handled.

The City Administrator reviewed the budget update (through June 30, 2009) for all funds.

Councilmember Andring moved and Councilmember Erdman seconded to approve the revised Procedures for Renting City Facilities. These procedures (policy) will go into effect August 1, 2009. All voted aye, and the motion carried.

Councilmember Andring moved and Councilmember Baumgart seconded to approve the contract with Winona County to provide Transportation to a Treatment Facility. All voted aye, and the motion carried.

Councilmember Erdman moved and Councilmember Baumgart seconded to approve Pay Estimate #12 for the Water Treatment Facility Plant #1 & #2 Project for \$98,131.40. Councilmember Andring asked if both plants are up and running, and if so, is this the final payment. He was told yes the plants are running, but there still is a lot of non-operational work to be done so this isn't the final payment. All voted aye, and the motion carried.

Councilmember Andring moved and Councilmember Erdman seconded to approve Pay Estimate #4 for the 2008-B Utility and Street Improvement Project: Gunderson and Hub-Mill subdivisions for \$298,936.52. This motion also included Change Orders #6 & #7 for the project. Councilmember Andring asked if the change orders resulted in overruns on the total amount of the project, of which he was told it is unknown at this time how much – if any – the final project cost will exceed the grant funds received. The Councilmember also asked if any overruns would be passed onto the residents of either the Saehler or Gunderson subdivisions, of which he was told no. All voted aye, and the motion carried.

Councilmember Erdman moved and Councilmember Baumgart seconded to approve Pay estimate #6 for the 2008 Utility and Street Improvement Project: Saehler-Anderson subdivisions for \$239,243.86. All voted aye, and the motion carried.

Councilmember Andring moved and Councilmember Erdman seconded that RESOLUTION NO. 0825, A JOINT RESOLUTION OF THE CITY OF GOODVIEW AND THE TOWNSHIP OF ROLLINGSTONE AS TO THE ORDERLY ANNEXATION OF PROPERTY, be adopted. All voted aye, and the motion carried.

Councilmember Andring moved and Councilmember Baumgart seconded that RESOLUTION NO. 0829, A RESOLUTION AUTHORIZING ADMINISTRATIVE CITATIONS FOR CERTAIN TRAFFIC OFFENSES PURSUANT TO MINN. STATE STATUTE #169.999, be adopted. All voted aye, and the motion carried.

Item “f” on the agenda, which dealt with Ordinance 8.43, was tabled until the next City Council meeting on Monday, August 3, 2009.

Nothing was brought up as part of the Other category of the agenda.

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

Adjournment at 6:03 p.m.

NOTE: The next regular meeting of the Goodview City Council will be on Monday, August 3, 2009 at 5:00 p.m. at Goodview City Hall.

