



COUNCIL PROCEEDINGS

CITY OF WELLS, MINNESOTA

MINUTES

Regular Session of City Council City of Wells

The Wells City Council convened in regular session on Monday, April 26, 2010 from 5:00 p.m. until 6:30 p.m. in the Wells Community Center, Council Chambers. Mayor Shannon Savick called the meeting to order with the following council members and employees present: Councilmember Ron Gaines, Ashley Seedorf and Councilmember Mike Weber. Councilmember Steve Burns was absent. Employees present: Community Development Director Austin Bless, Police Chief Jim Ratelle, City Attorney David Frundt and City Administrator Jeremy Germann. Mayor Savick led the group in the "Pledge of Allegiance."

CONSENT ITEMS:

The agenda for the April 26, 2010 council meeting was reviewed with Councilmember Seedorf making a motion to approve the agenda as presented. The motion was seconded by Councilmember Gaines. Roll call taken with Gaines, Savick, Seedorf and Weber voting yea. Motion carried.

The minutes of the regularly scheduled council meeting held on April 12, 2010 were reviewed with Councilmember Weber making a motion to accept the minutes with one correction. The minutes should read:

Mayor Savick asked for a motion to go into closed session for the purpose of preliminary consideration of allegations as deemed permissible by Minnesota Statute §13D.05 MEETINGS HAVING DATA CLASSIFIED AS NOT PUBLIC. Councilmember Weber made the motion with a second from Councilmember Seedorf. Roll call taken with Gaines, Savick, Seedorf and Weber voting yea. Motion carried. City Attorney Frundt, Administrator German and Police Chief Ratelle were also present for the closed session.

Councilmember Seedorf seconded the motion. Roll call taken with Gaines, Savick, Seedorf and Weber voting yea. Motion carried.

The bill list was reviewed in the amount of \$128,887.24 with Councilmember Gaines making a motion to approve as presented. Councilmember Seedorf seconded the motion. Roll call taken with Gaines, Savick, Seedorf and Weber voting yea. Motion carried.

The monthly financial reports were reviewed including balances & receipts, revenue & expenditures, building permits & report, monthly liquor comparison, monthly library automation report, community center figures, regular hours worked, over-time hours accrued and comp-time accumulated with Councilmember Seedorf making a motion to

approve as presented. Councilmember Gaines seconded the motion. Discussion held on Municipal Liquor Store funds and comp-time report. Roll call taken with Gaines, Savick, Seedorf and Weber voting yea. Motion carried

Mayor Savick asked for a motion to pay a bill from Setter & Associates LLC for \$24,861.00 and The Data Recovery Guy, LLC for \$1,552.00 which was tabled during the April 12, 2010 regularly scheduled council meeting. Councilmember Weber made the motion with a second from Councilmember Gaines. Roll call taken with Gaines, Savick, Seedorf and Weber voting yea. Motion carried.

COMMITTEE ITEMS:

Mayor Savick asked for a motion to accept the minutes submitted by the Parks Board for a meeting held on April 15, 2010 as presented. Councilmember Gaines made the motion with a second from Councilmember Seedorf. Roll call taken with Gaines, Savick, Seedorf and Weber voting yea. Motion carried.

City council reviewed a draft of the minutes submitted by the Housing & Redevelopment Authority for a meeting held on April 15, 2010.

City council reviewed the minutes submitted by the Board of Adjustments & Appeals for a meeting held on April 19, 2010.

City council reviewed a draft of the minutes submitted by the Economic Development Authority for a meeting held on April 20, 2010.

Mayor Savick asked for a motion to accept the minutes submitted by the Infrastructure Committee for a meeting held on April 22, 2010 as presented. Councilmember Gaines made the motion with a second from Councilmember Seedorf. Roll call taken with Gaines, Savick, Seedorf and Weber voting yea. Motion carried.

Mayor Savick asked for a motion to accept the Police Department report for the month of March as presented. Councilmember Seedorf made the motion with a second from Councilmember Gaines. Roll call taken with Gaines, Savick, Seedorf and Weber voting yea. Motion carried.

Mayor Savick asked for a motion to approve expenditures associated with upgrades planned by Computer Information Systems INC which is used by the Police Department in its vehicle computer systems. Councilmember Gaines made the motion with a second from Councilmember Seedorf. Discussion held. Roll call taken with Gaines, Savick, Seedorf and Weber voting yea. **Motion carried.**

Mayor Savick asked for a motion to adopt the IN-CAR CAMERA POLICY as presented in the April 26, 2010 council packet for the Police Department. Councilmember Gaines made the motion with a second from Councilmember Seedorf. Discussion held. Roll call taken with Gaines, Savick, Seedorf and Weber voting yea. **Motion carried.**

GENERAL BUSINESS:

Mayor Savick asked for a motion to accept a notice of retirement submitted by Street Supervisor Rick LaVallie. Councilmember Gaines made the motion with a second from Councilmember Seedorf. Discussion held on legal issues. Roll call taken with Gaines, Savick and Seedorf voting yea. Weber voted nea. **Motion carried.**

Mayor Savick asked for a motion to approve a recommendation from the City Administrator to begin advertising to hire a Street Supervisor. Councilmember Gaines made the motion with a second from Councilmember Seedorf. Discussion held on union requirements. Roll call taken with Gaines, Savick, Seedorf and Weber voting yea. **Motion carried.**

Mayor Savick asked for a motion to adopt RESOLUTION 2010-13: LOCAL GOVERNMENT RESOLUTION BUSINESS DEVELOPMENT INFRASTRUCTURE APPLICATION. Councilmember Gaines made the motion with a second from Councilmember Seedorf. Roll call taken with Gaines, Savick, Seedorf and Weber voting yea. **Motion carried.**

Mayor Savick asked for a motion to adopt RESOLUTION 2010-14: LOCAL GOVERNMENT RESOLUTION BUSINESS DEVELOPMENT INFRASTRUCTURE APPLICATION. Councilmember Seedorf made the motion with a second from Councilmember Weber. Roll call taken with Gaines, Savick, Seedorf and Weber voting yea. **Motion carried.**

City council reviewed a letter from the Wells Public Utilities in response to questions raised during the April 12, 2010 council meeting, concerning a request from Bonnie Urban, of 400 Ninth Street, to reimburse her \$375.00 for the cost of thawing her waterline. No action was taken.

Mayor Savick asked for a motion to have the City Administrator solicit estimates to install a catch basin to collect storm water near 15 Fourth Street SE. Councilmember Weber made the motion with a second from Councilmember Seedorf. Discussion held. Roll call taken with Gaines, Savick, Seedorf and Weber voting yea. Motion carried.

Mayor Savick asked for a motion to accept the estimates from Gregor Tiling Company and I & S to inspect the field tiles on Duane Johnson's property which were crossed by the interceptor project. Councilmember Seedorf made the motion with a second from Councilmember Savick. Discussion held. Roll call taken with Savick and Seedorf voting yea. Weber voted nea. Gaines abstained. **Motion carried.**

Mayor Savick asked for a motion to remove the following deferred assessments from the city tax list of Faribault County: R30.369.0040, \$325.40, 1980 Storm Sewer; R30.369.0040, \$325.40, 1980 Storm Sewer; R30.369.0050, \$308.84, 1980 Storm Sewer; R30.369.0070, \$256.56, 1980 Storm Sewer; R30.369.0040, \$514.80, Sixth Street SE Grading; R30.369.0040, \$514.80, Sixth Street SE Grading; R30.369.0070, \$1,584.08, Sixth Street SE Grading; R30.369.0080, \$281.40, 1980 Storm Sewer; R30.369.0080, \$1,521.00, Sixth Street SE Grading; R30.369.0080, \$3,836.84, 1984 Concrete Street. Councilmember Gaines made the motion with a second from Councilmember Seedorf. Roll call taken with Gaines, Savick, Seedorf and Weber voting yea. Motion carried.

Mayor Savick asked for a motion to approve a request from the Wildcats Bar & Grill to sell alcohol, sandwiches and chips at Thompson Park during the Wildcats baseball home games. Councilmember Gaines made the motion with a second from Councilmember Seedorf. Discussion held on conflict with current ordinances. Roll call taken with Gaines, Savick and Seedorf voting yea. Weber voted nea. Motion carried.

Mayor Savick asked for a motion to approve a request from Tom Peterson, of Wells Concrete Products, to be granted permission to install a stop sign on Third Avenue SW on the company's property. Councilmember Weber made the motion with a second from Councilmember Seedorf. Roll call taken with Gaines, Savick, Seedorf and Weber voting yea. Motion carried.

Mayor Savick asked for a motion to approve a temporary Minnesota Lawful Gambling application from the Wells Area Chamber of Commerce for August 20-22, 2010. Councilmember Gaines made the motion with a second from Councilmember Seedorf. Roll call taken with Gaines, Savick, Seedorf and Weber voting yea. Motion carried.

Mayor Savick asked for a motion to approve a temporary Minnesota Lawful Gambling application from the Wells Area Jaycees for August 22, 2010. Councilmember Gaines made the motion with a second from Councilmember Seedorf. Roll call taken with Gaines, Savick, Seedorf and Weber voting yea. Motion carried.

Mayor Savick asked for a motion to approve a request from the United Methodist Church to block off part of Seventh Avenue SW, near Half-Moon Park, and Fourth Avenue SW, from 6:30 A.M. until 10:30 A.M. for the 5K Jammin' Jamaica Run on July 17, 2010. Councilmember Weber made the motion with a second from Councilmember Seedorf. Roll call taken with Gaines, Savick, Seedorf and Weber voting yea. Motion carried.

Mayor Savick asked for a motion to approve an estimate of \$16,456.00 from Kato Roofing, INC to repair the Municipal Liquor Store roof. Councilmember Seedorf made the motion with a second from Councilmember Gaines. Discussion held on requesting Kato Roofing, INC extend the warrant on the finished roof before beginning construction. Roll call taken with Gaines, Savick, Seedorf and Weber voting yea. Motion carried.

City council reviewed an estimate from Larson Contracting, INC for the repair of the city garage roof. Councilmember Weber made a motion to table the topic until a second estimate was received. The motion was seconded from Councilmember Seedorf. Roll call taken with Gaines, Savick, Seedorf and Weber voting yea. Motion carried.

City council reviewed a letter from Wells Public Utilities updating the city a project to install surge tanks and routing water filter plant backwash water to the sanitary sewer as required by the Minnesota Pollution Control Agency.

City council reviewed minutes from the Wells Community Ambulance Board of Directors from meetings on February 8, 2010 and March 8, 2010.

PUBLIC COMMENT:

Ben Musser, Jr. – Discussed his displeasure with the actions of a city council member during a recent expansion project at his establishment.

Cliff Blank – Requested something be done about weeds on his neighbor’s property. Stated the public should know more information concerning recent employee investigations.

Alan Olsen – Requested city council consider installing an audio system in council chambers using Municipal Liquor Store funds. He also asked if Wells Public Utilities charged the city for Christmas lights.

GUEST:

Brad Heggen. – Read a letter from the Economic Development Authority proposing a different approach if future complaints arise from comments made during EDA meetings.

EMPLOYEES:

City Attorney Frundt: Nothing
Administrator Germann: Informed city council he would no longer be having meetings with individual council members after being recorded without his knowledge or consent.

ANNOUNCEMENTS:

Mayor Savick: Nothing
Councilmember Gaines: Nothing
Councilmember Seedorf: Nothing
Councilmember Weber: Councilmember Weber made a motion for the investigation reports of two employees to be made available to city council in their entirety. Motion failed for lack of a second. Councilmember Weber discussed an advisory opinion dealing with the Minnesota Data Practices Act and how to handle closed sessions of city council.

NEW BUSINESS:

Mayor Savick asked for a motion to go into closed session for the purpose of preliminary consideration of allegations as deemed permissible by Minnesota Statute §13D.05 MEETINGS HAVING DATA CLASSIFIED AS NOT PUBLIC. Councilmember Seedorf made the motion with a second from Councilmember Gaines. Roll call taken with Gaines, Savick, Seedorf and Weber voting yea. Motion carried. City Attorney Frundt, Administrator German and Police Chief Ratelle were also present for the closed session.

Councilmember Steve Burns arrived.

(CLOSED SESSION)

Mayor Savick asked for a motion to reopen the council meeting. Councilmember Gaines made a motion to go into open session as required under Minnesota Statute §13D. Councilmember Seedorf seconded the motion. Roll call was taken with Burns, Gaines,

Savick, Seedorf and Weber voting yea. Motion carried. No action was taken in closed session.

Mayor Savick asked for a motion to set special council meetings at noon on May 4, 2010 and May 5, 2010 at the Wells Community Center. Councilmember Burns made the motion with a second from Councilmember Gaines. Roll call taken with Burns, Gaines, Savick, Seedorf and Weber voting yea. Motion carried.

The next regularly scheduled council meeting was set for May 10, 2010 at 5:00 p.m. in the Wells Community Center. Councilmember Weber made a motion to adjourn with a second from Councilmember Seedorf. Meeting adjourned.

Mayor Shannon Savick

Administrator Jeremy R. Germann