



**City Council Meeting Minutes  
Monday, February 9, 2015, 5:00 pm  
Wells Community Center**

The Wells City Council convened on Monday, February 9, 2015 at 5:00 pm in the Council Chamber.

Mayor Gaines called the meeting to order with the following councilmembers present: David Braun, John Herman, and Whitney Warmka. Absent: Ashley Seedorf. Also present: City Administrator Robin Leslie, City Engineer Travis Winter and City Attorney David Frundt.

**AGENDA**

The agenda for the February 9, 2015 meeting was reviewed. Motion by Braun and second by Warmka to approve with the addition of Snow Removal Complaint for 135 South Broadway. Motion carried.

**PUBLIC COMMENT**

None.

**CONSENT ITEMS**

**Minutes**

Motion by Herman and second by Warmka to approve January 26, 2015 minutes. Motion carried.

**Payments**

Motion by Warmka and second by Herman to approve payments in the amount of \$158,627.61 as listed on pages 4-6 of the council packet. Motion carried.

**All Pets Impound Record**

Ms. Leslie informed the Council that she received an updated record from All Pets indicating the dangerous dog impound. The owner has paid the impound fees as well as rabies vaccinations and sterilization fees.

**Board Reports/Minutes**

Motion by Braun and second by Warmka to accept January 2015 Flame Theatre minutes. Motion carried.

**Staff Reports**

Street Foreman Mike Pyzick informed the Council on the following:

- 1) MVAC and STS groups are working on cleaning the Liquor Store basement and upstairs.
- 2) Salt use has increased some but more than enough is available for the remainder of winter.
- 3) Reflective signage is still needed on street signs but most should be changed over this spring.
- 4) MMUA will be doing a walkthrough of every City building and noting things needing updating.
- 5) Recycling drop site bins will be changed out in the coming week.

Chief of Police Jim Ratelle informed the Council on the following:

- 1) Owners of the dangerous dog have provided proof of appropriate insurance, sterilization and rabies. The dangerous dog will be released on Friday and will be registered as a dangerous dog on Tuesday. Owners will address fence in spring.
- 2) Snowmobiles continue to be an issue in the city parks as well as the alleys.

3) The department staff was updated on domestic violence protocols and emergency procedures for the school and banks.

### **NEW BUSINESS**

**Resolution 2015-03 MN Lawful Gambling Premises Permit (Pulltabs), Wildcats 1, 37 South Broadway-** Motion by Herman and second by Braun to approve Resolution 2015-03 MN Lawful Gambling Premises Permit. Motion carried.

**Resolution 2015-04 MN Lawful Gambling Premises Permit (Pulltabs), Wildcats 2, 34 1<sup>st</sup> Street SE-** Motion by Herman and second by Warmka to approve Resolution 2015-04 MN Lawful Gambling Premises Permit. Motion carried.

**Resolution 2015-05 MN Lawful Gambling Exempt Permit (Raffle), Wells Fire Department-** Motion by Warmka and second by Braun to approve Resolution 2015-05 MN Lawful Gambling Exempt Permit. Motion carried.

**Resolution 2015-06 Delegating Administration of the Minnesota Wetland Conservation Act-** Motion by Braun and second by Herman to approve Resolution 2015-06 Delegating Administration of the Minnesota Wetland Conservation Act to Faribault County SWCD. Motion carried.

**Liquor License- Off Sale 3.2 Liquor License- Casey's General Store-** Motion by Warmka and second by Braun to approve Off Sale 3.2 Liquor License for Casey's General Store. Motion carried.

### **Public Hearing- Ordinance 2015-01 (269) - Fences & Landscaping**

Ms. Leslie stated this ordinance repeals Ordinance 2014-01 (268), which amended Sections 151.003 and 152.038 that addresses fencing and landscaping. The previous ordinance was approved in September after being reviewed and recommended by the Planning & Zoning Commission. She stated the only change from the previous ordinance was the alley setback for fences, hedges, trees and shrubs was changed back to 8 feet from 10 feet, based on the Planning & Zoning Commission recommendation at their January meeting.

Mayor Gaines opened the meeting to the public.

Brenda Weber stated she started looking into setbacks after this ordinance was passed originally and she still believes that an 8 foot alley set back is excessive. Mrs. Weber stated she doesn't understand what problems are caused by a tree or hedge within 4 feet of an alley setback. Mrs. Weber also stated she wants to know where the notices for Planning and Zoning meetings are posted.

Ms. Leslie stated the City is accountable for visibility issues and also has to allow for snow storage in the alleys. Leslie also stated all meeting notices and cancellations are posted in the City Hall Lobby as well as the City's Facebook page.

Anthony "Tinker" Mosser stated no one likes the taking of one's land and asked if there was a requirement about the good side versus the bad side of fences.

Leslie stated there is not an ordinance requirement for placement of the good side of a fence.

Larry Majeski stated he has served on the Planning and Zoning Commission for over 18 years and in that time, a goal of the Planning and Zoning Commission has been to update ordinances so that anyone could understand them. Many times before an ordinance was reviewed the wording was sent to the League of Minnesota Cities to make sure that people would be able to understand and implement. The

next step was always to research what other towns in the area used as setbacks to come up with numbers that could be easily followed. Mr. Majeski also stated that the Planning and Zoning Commission has worked very hard over the last several years updating the zoning code. The zoning code is reviewed in January of each year and updates are made if possible.

Mayor Gaines closed the meeting to the public at 6:10 pm.

Ms. Leslie requested that the Council vote on this ordinance because it has been reviewed at six public meetings.

Motion by Braun and second by Herman to approve Ordinance 2015-01 (269) - Fences & Landscaping. Motion carried.

### **Public Hearing- Ordinance 2015-02 (270) - Accessory Building & Structures**

Ms. Leslie stated the Planning & Zoning Commission has been working on this ordinance for some time and has recommended the language presented. She stated this new ordinance was a result of requests from residents to revisit the limitations of the existing ordinance and based on problems the City has had with residential accessory structures. She also stated the new ordinance clarifies existing language, adds definitions, allows for larger structures on larger lots and places limitations on smaller lots to protect the residential character of the neighborhood. In addition, she recommended the Council take some time to review and to discuss at future meetings.

Mayor Gaines opened the meeting to the public.

Brenda Weber stated she was removing a house next door and plans to build a three-car garage connected by a breezeway to her existing home. She stated the current plans have a problem with steps because of grade changes and would slightly exceed the 1,000 square foot limit. She asked about variances to the new ordinance.

Ms. Leslie stated that it depends upon if the variance request would meet the practical difficulties tests.

City Attorney Frundt stated the topography issue may help with a variance request.

Dave Roberts asked about the new impervious surface definition/limitation and how that would apply to a deck.

Ms. Leslie stated that lots could not be covered by more than 35 percent impervious surfaces, which would include buildings and pavement. She stated this was added into the ordinance to encourage more grassy areas to catch runoff, which would help with Wells' storm water issues and that decks are not considered impervious unless they are covered and/or enclosed.

Dean Redig asked if this new ordinance would address the issues he has been experiencing in trying to build a garage. Ms. Leslie stated that it would now that he can combine his lots for the 35 percent rule.

Mayor Gaines closed the meeting to the public.

This item was tabled for further review.

### **2014 Vacation Carryover**

Motion by Herman and second by Braun to allow vacation carryovers in the amount of 64.75 for

Jennifer Lindholm and 80 for hours Scott Berg and the conversion of 27.25 vacation hours to sick time for Scott Berg. Motion carried.

**Snow Removal Complaint, 135 South Broadway**

Ms. Leslie stated the city ordinance states snow must be removed from city sidewalks within 24 hours of the start of the snowfall in the downtown and 24 hours from snow stoppage in residential areas. She indicated there were two snow events during this week. Because this property owner didn't understand the ordinance she is recommending waiving part of the violation fee but the property owner needs to be responsible for the portion charged by the contractor to remove the snow. Motion by Herman and second by Warmka to reduce ordinance violation fee for property at 135 South Broadway to \$30. Motion carried.

**OLD BUSINESS**

None.

**COUNCIL REPORTS**

Warmka- none.

Braun- Braun asked what the plan is for snowmobiles in the parks and around town.

Ms. Leslie stated there will be a public works/public safety committee meeting as soon as Ashely returns from vacation.

Braun also stated he would like someone to look into the parking on 1<sup>st</sup> Street SW as visibility as has been an issue there. Ms. Leslie this can be discussed at their committee meeting.

Herman- none.

Gaines- none.

**ADJOURNMENT**

Motion by Braun and second by Warmka to adjourn the meeting at 7:05 pm.

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Mayor Ronald Gaines

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Deputy City Clerk Megan Boeck