

## Council Minutes

Owatonna City Administration Building      Tuesday, July 5, 2011      6:00 o'clock p.m.

The Owatonna City Council met in special session on Tuesday, July 5, 2011 at 6:40 p.m. in the Council Chambers of the City Administration Building with Council President Abraham presiding. Present were Council Members Truelson, Burbank, Wittrock, and Dotson; Mayor Kuntz, City Administrator Busse, City Attorney Walbran and Jana Sullivan, Attorney from the League of MN Cities. Council Members Moen and Svenby were gone, the meeting started later than scheduled, Attorney Sullivan was delayed in traffic.

Council Member Dotson made a motion to close the session to discuss pending litigation for a complaint filed with an administrative agency by an employee, Council Member Truelson seconded the motion; all members present voted aye for approval.

At 7:00 p.m. the special meeting was reconvened. Council Member Dotson made a motion to approve the Settlement Agreement with employee Gary Yoder, Council Member Burbank seconded the motion; all members present voted aye for approval.

At 7:01 p.m., Council Member Wittrock made a motion to take a brief recess, Council Member Truelson seconded the motion; all members present voted aye for approval.

At 7:10 the regular session was called to order by Council President Abraham. Present were Council Members Moen, Burbank, Wittrock, Truelson, Svenby and Dotson; Mayor Kuntz; City Administrator Busse; City Attorney Walbran; City Engineer Johnson; and Assistant City Clerk Clawson. Council Members Moen and Svenby were not in attendance.

Following the Pledge of Allegiance, Abraham welcomed everyone in attendance. Council Member Truelson made a motion to approve the agenda with the addition of Item 3.2.2, Authorization to partner with Steele County for a Flood Mitigation Study of the Maple Creek Watershed. Council Member Dotson seconded the motion; all members present voted aye for approval.

Council President Abraham recapped the expenses for the period. Motion was made by Council Member Wittrock, seconded by Council Member Burbank to approve payment of the bills presented totaling \$485,409.56. All members present voted aye for approval.

Council President Abraham explained council members review the Consent Agenda Items prior to the meeting for approval in one motion during the meeting. Current Consent Agenda Items include:

- Minutes - City Council meeting held June 21, 2011.

- Exempt Permit – Minnesota Pheasants, Inc. - Raffle at the Steele County Fair – August 21, 2011.

- Exempt Permit – Steele County Agricultural Society – Raffle at the Steele County Fair – August 19, 2011.

- Street Closure – Owatonna Elks Lodge #1395 – Car Show – August 6, 2011.

- Engagement Letter with Kennedy & Graven - Initial Franchise for Jaguar Communications.

- New T-Hangar Lease – Steve Prough, Owatonna, Hangar #1, Unit E.

- New T-Hangar Lease – Scott Girtler, Waseca, Hangar #1, Unit F.

Council Member Dotson made a motion to approve the Consent Agenda Items, Council Member Truelson seconded this motion; all members present voted aye for approval.

City Administrator Busse advised a correction is needed for Resolution 25-11 approved at the June 7, 2011 Council Meeting. The resolution accepted the bid from Ulland Brothers, Inc. of Albert Lea, MN for \$479,175.49; however, an error occurred during the bid tabulation, the bid submitted was for \$479,225.47, \$49.98 more. The contracts received for signature do reflect the correct amount of the bid, \$479,175.49. Council Member Truelson made a motion to correct Resolution 25-11 to show the correct bid amount, Council Member Dotson seconded the motion; all members present voted aye for approval, the motion carried.

City Administrator Busse requested authorization to partner with Steele County to request a Flood Mitigation Study of the Maple Creek Watershed. A study needs to be completed to determine viable mitigation projects that would eliminate flood damage in this area. It is important the entire watershed is evaluated to find opportunities for flood improvements throughout the watershed. The goals of the study are: 1) Identify mitigation projects to control flooding. 2) Prioritize the projects to be completed. 3) Determine a cost vs. benefit of the identified projects. 4) Provide information so community leaders can implement a mitigation plan for this area. Busse advised the preliminary costs estimate for an engineering study is approximately \$90,000; however, staff is working on grant funding to offset this expense, the grants have not been awarded to date. Council Member Wittrock made a motion to approve this authorization, Council Member Truelson seconded the motion; all members present voted aye for approval.

City Engineer Johnson presented Resolution 33-11 to order the repair of sidewalks, curb and gutter and driveways. Johnson explained per our city ordinances, public sidewalks, curb & gutter and driveway approaches are inspected annually to determine if any are unsafe and need repair. A list of properties has been prepared with an estimated cost of repairs needed on the following streets: Lamada Place NE, Fremont Street, Pearl Street, Vine Street, Broadway Street, Bridge Street, N. Cedar Avenue, N. Oak Avenue, W McKinley Street and Grandview Avenue SW. City policy is to share in the expense of making the sidewalk repairs; however, driveway approach repairs are assessed 100% to the property owner. The total estimated cost of the project is \$20,000 and \$21,000 in assessments. The affected property owners will be notified of the pending repairs and a preliminary assessment hearing will be held at 7:00 p.m. during the City Council Meeting scheduled for Monday, August 1, 2011. This resolution is to order the repair and set the date of the public hearing. Council Member Wittrock made a motion to approve Resolution 33-11, Council Member Dotson seconded the motion; all members present voted aye for approval.

City Engineer Johnson presented Resolution 29-11, the resolution tabled from the previous meeting for the bids received for the street project on 30th Street NW. The project includes grade, gravel, sanitary and storm sewers, water main, curb and gutter, bituminous pavement and appurtenances. Bids were received on June 8, 2011 with the lowest bid from Heselton Construction of Faribault MN for \$947,786.11 which was 3.2% more than planned. City Administrator Busse explained there is a revised development agreement being signed; the city's costs defined in the agreement for this project remains at \$120,000 with the balance being paid by assessments and other parties to the agreement. Johnson advised action must be taken within 30 days of opening the bids. Council Member Burbank made a motion to approve Resolution 29-11, Council Member Dotson seconded the motion; four members present voted aye for approval, Council Member Truelson voted nay.

During Public Comment, Marlene Nelson, 1726 Mosher Ave said she has been pleased it appears the city has restrained from large expenses noting the disbursement approved tonight was less than \$500,000; she questioned the anticipated county \$10 million expense to improve the fairground barns and the need for the school to hold a special election this fall at the taxpayer's expense. Marlene has also contacted Laura Ihrke,

County Auditor to confirm the formal process to remove a council member. Roger Waseck, 646 E Vine, advised his wife is organizing a neighborhood hazardous material collection for proper disposal at the Steele County Landfill and encouraged other neighborhoods to consider this as a way to become better acquainted with your neighbors.

During Council Comment, Council Member Truelson asked City Attorney Walbran to send a letter to Lakeside Foods regarding the repairs needed to the railroad crossings near the canning plant. Council Member Wittrock thanked everyone involved with the 4<sup>th</sup> of July fireworks display. Mayor Kuntz thanked the Early Morning Rotary Club for organization of the fireworks display and also thanked Council Member Truelson for his \$25,000 donation towards the lighting at the Jaycee's ball park. City Administrator reminded everyone of Owatonna's Weekend Out on Saturday, July 16 and the next "Coffee with the Council" planned for this Saturday, July 9<sup>th</sup> in Central Park at 9:00 a.m.. Council Member Abraham confirmed the first August meeting was rescheduled to Monday, August 1<sup>st</sup> to allow opportunity to participate in the Nite-to-Unite activities.

At 7:32, Council Member Wittrock made a motion to adjourn the meeting, Council Member Truelson seconded the motion; all members present voted aye for approval.

Dated: July 7, 2011

Respectfully submitted,  
Jeanette Clawson, Assistant City Clerk