

6/21/05 Council Mtg

13:55

Castner asked if the questionnaire will include name and address information. Originally, Brian indicated it would be a confidential questionnaire, but following discussion it was decided that the name and address information would be included on the questionnaire.

Council and the audience applauded Brian Peterson for all of his hard work with the Riverfront Planning project. Key Kuhlmann thanked the public and asked them to continue to be involved by attending future meetings.

**Resolution No. 5399**  
**Declaring a Vacancy on the City Council**

Cook moved, seconded by Hove to adopt Resolution No. 5399 Declaring a Vacancy on the City Council. Upon call of the roll, Castner, Cook, Hove, Peterson, Key voted aye; no nays. Five ayes; no nays; motion carried.

Castner stated that due to the timeline of the riverfront and budget, etc., he favors appointment. Key indicated he favors the election process, because it gives the residents the right to choose. Gary Peterson supports an appointment process for an interim position with the following conditions:

- o Appointee would not seek election to city council in 2008;
- o Appointee would have experience in local government;
- o Appointee will not have been defeated by election by voters of Red Wing in the past five years;
- o Appointee will not have taken a position on riverfront development, but will be open to all proposals.

Hove indicated he supports appointment, to save the cost of an election. He also said he was okay with an election too.

City Attorney Squires stated there are problems with conditions relating to a commitment not to run for election and past election history of running and lack of success. He stated the condition to not run again is unenforceable and past history/lack of success presents a concern because of depriving someone of the opportunity to serve on council based on them having exercised the right to run for office, although unsuccessfully. He stated that the other conditions are questions that can be considered in the application/interview process.

Key moved, seconded by Peterson to hold a special election to fill the vacant Council Member-At-Large position on the Red Wing City Council. Upon call of the roll, Cook, Peterson, Key voted aye; Hove, Castner voted nay. Three ayes; two nays; motion fails. As indicated in the City Attorney's report, City Charter requires a two-thirds vote of the remaining council to call for a special election.

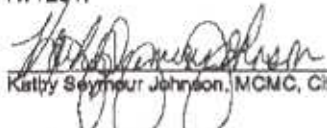
Hove moved, seconded by Cook to approve the appointment process to fill the vacant Council Member-At-Large position on Red Wing City Council. Upon call of the roll, Hove, Castner, Cook voted aye; Peterson, Key voted nay. Three ayes; two nays; motion carried.

**Adjournment**

There being no further business to conduct, Council President Castner adjourned the June 21, 2005, Red Wing City Council special meeting at 6:23 p.m.

  
Stephen Castner, President

ATTEST:

  
Kathy Seymour Johnson, MCMC, City Clerk

1362

6/27/05 City Council Mtg

more successful. Hill indicated he would like to see staff participation numbers—what the cleanup actually cost.

#### ***Council Approval of Application Questions***

Kuhlmann stated the handout memorandum from the attorney explained the procedure for council appointment to fill the vacancy. The Charter does not explain what procedure should be followed in conducting the vote. She stated the attorney has suggested council follow the same procedure used in electing council officers.

Council discussed at length the issues surrounding the appointment process. It was decided the attorney would do further research into what other charter cities may have done in similar circumstances, and that this matter would be put on the next meeting's agenda as a discussion item.

After this appointment process is complete, Key thought the Charter Commission should be asked to review the applicable section of the charter to see if changes should be made relative to council vacancies. Kuhlmann indicated she would be meeting in July with the Charter Commission chairperson to talk about the agenda and she will add this item to the list.

The timing of the oral presentations was then discussed. It was decided to wait until the next meeting when they would have a better idea of the number of applicants before making a decision.

Council approved of the application questions. Kuhlmann asked each council member to provide her with two questions which she will give to our attorney who will sort through come up with six questions, one from each council member.

#### ***Council Administrator's Status Report***

Kuhlmann handed out the agenda for Thursday's Coalition of Utility Cities annual meeting along with the proposed budget for next year and summary information. She stated if anybody is interested and available to attend, it would be great to have a council member there.

Kuhlmann mentioned an earlier handout of the special edition of the Current dealing with the riverfront, trying to get people more information on what we have been talking about.

Kuhlmann asked for feedback on the curfew ordinance. The enforcement issue was discussed. Council did not want to recraft the ordinance, but instead thought enforcement should be tightened.

Kuhlmann reminded council members of the council workshop Tuesday, June 28 on the commercial design standards at 7:00 in the council chambers.

Kuhlmann asked the council to keep in mind for 2006 that certain franchise agreements will expire and this is an opportunity that only comes along every 10 to 15 years. She would like to create a committee and asked for volunteers (one or two council members) to serve on that committee to work with staff on updating those.

A 60-second photo slide show of the Red Wing Shoe city boat was then shown.

#### ***Council Concerns***

Hove stated he had received a couple phone calls and commented on the inconvenience of the bike race street closings. Kuhlmann stated the city is working with the organizers and the same route will not be used again next year. Hove stated there is a citizen's group raising money for the 4<sup>th</sup> of July fireworks and those donations could be sent to Charlie Gardas. In addition, he stated there were some questions about whether they had a permit, and they do have a permit to shoot them off on the 4<sup>th</sup> of July.

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1366

Hall moved, seconded by Hove and unanimously carried, to close the public hearing at 7:24 p.m.

Hove moved, seconded by Cook, to approve Resolution No. 5415, supporting the Job Opportunity Building Zone, Business Subsidy Agreement between Stencil Cutting and Supply and the City of Red Wing. Upon call of the roll, Hove, Peterson, Hall, Castner, Cook voted aye. Five ayes; no nays; motion carried.

#### **Automated Collection Pilot Program**

Public Works Director Denny Tebbe referenced maps provided to council, spoke about the type of proposed equipment to be used, and mentioned approximately 450-500 customers would be a part of the program to start. He referenced the leased fee and mentioned it would be applied toward the purchase of the used piece of equipment. He also reported he has received calls from people interested in the city moving into this type of area. If approved, the program would start with Monday and Wednesday routes.

Tebbe mentioned some areas will need to be identified to service in an effective way. He mentioned council may want to consider limited valet service for seniors or people with restrictions/special needs. He stated other communities have eliminated valet completely but did hear feedback from some residents. Gary Peterson referenced the automated glossary handout and asked how the hauling garbage and the pay-as-you-throw program relates to garbage and recyclables. Tebbe stated, if large containers are put out and people are allowed the ease of getting rid of everything, there would probably be a decrease in recycling. The plan is to stay with one container not multiple(s). He mentioned, if the program is implemented, the city may want to look at some type of automated recycling pickup. Tebbe stated if the pilot program is approved the service will start around Labor Day - allowing six weeks to get information out to customers. He stated if the program is successful the city may want to implement it in 2006 and adjust the Capital Improvement Plan.

Hove moved, seconded by Peterson and unanimously carried, to approve the three-month automated collection pilot program; and further, to direct staff to provide a report on how the equipment is working mid-way through the program.

#### **Declare Property at 924 West Avenue a Public Nuisance for Violations of City Code 10.01/10.40**

Jay Owens referenced the agenda report and reviewed staff recommendation to get the property at 924 West Avenue cleaned up. Owens mentioned that, should Council declare the property a public nuisance, Public Works would handle the cleanup.

Charlie Scheitel, 924 West Avenue, came before council and mentioned he had things under control until his neighbor had a garage fire on June 2. He mentioned he has filled four 25-yard dumpsters and plans on filling another dumpster. Charlie Hauer, 1014 Putnam, came forward and clarified for council that all of the comments Scheitel made were in reference to his neighbor's property, not Scheitel's own property.

Hall moved, seconded by Cook and unanimously carried, to declare property at 924 West Avenue a public nuisance for violations of City Code 10.01/10.40 based on background and pictures provided; and further, to bill the owner for all costs associated with the cleanup.

#### **Discuss Council Election Process**

Kuhlmann reported Gary Nordmark, Paul Hassett, Pamela Horlitz, Rosanne Grosso, Nancy Harris and Carol Duff have applied for the Council Member-At-Large position. Timeframe for submitting an application closes Wednesday, July 13, at 4:30 p.m.

Kuhlmann asked for feedback on the council election process and asked council to set a date and time to hold the oral presentations and questions. Castner referenced the city attorney's letter and suggested utilizing the voting system by paper ballots/signed. Council agreed to the voting system and scheduled the presentations on Saturday, July 23 beginning at 9:00 a.m.

#### **Discuss Billboard Ordinance**

Kuhlmann read an E-mail from Council Member Key where he suggested the city no longer allow any additional billboards other than those already installed or currently permitted. Attorney Squires offered to provide legal guidelines in regard to this issue.