

On Tuesday, December 9, 2008, at the Stockton City Hall, Mayor Jack Roberts called to order the Stockton City Council meeting at 7:04 P.M. Council members in attendance were Lisa Gibbs, Mark Potter, and Rick Przytarski. Cheryl Beeman was not in attendance.

The Pledge of Allegiance was said.

The Clerk added under old business Website and Bill Trygstad added under old business Garvin Brook Drive Water/Sewer project. Mark Potter made a motion to accept the agenda with additions, seconded by Lisa Gibbs. Motion passed.

Clarification on Page 2, Paragraph 2 that since the Benke's garage sat on Gibbon's property and the Benke's had an easement that is why the City is finding the property pins. Chris Parker requested to add on page 3, paragraph 1, to check on the fee schedule to find penalty for violators and special meetings. Rick Przytarski made a motion to accept the November 2008 minutes, with the change. Second from Mark Potter. Motion passed.

Discussion on the Waste Management bill for the 30 yard roll offs from April & May of this year. Winona County Environmental does not have any more money for trash removal so the City is getting billed for this. The Clerk will be charging Winona County Environmental for creek clean up of Chad's wages and tractor use to re-coup this cost. Mark Potter made a motion to accept the financial report & flood financial and to pay all bills, with a second by Rick Przytarski. Motion passed.

Jaye Fritz discussed Garvin Brook Disaster Relief group and that most agencies will be out of the area by next week. GBDR is willing to be around since there are families that still need help, in total the group has brought in \$44,000 and spent \$21,212 in Stockton. GBDR is willing to donate \$1,000 to the City of Stockton to begin a website that would benefit the community as a whole. After the flood communications were poor and this would be a way to help communications for the whole town. Chris Parker would like to pursue as part of his term as he has contacts at WSU, but people must be explicit on what to put on the website.

Bill Trygstad brought the final pay estimate for Garvin Brook Drive water/sewer project. Total amount with changes was \$28,663.36 – City has currently paid \$26,610.64 and has the 5% retainage left to pay in the amount of \$2,052.72. Winona Mechanical is finished with the project and will wait until spring to see if anything needs to be done. Rick Przytarski made a motion to pay the final pay estimate, with a second from Mark Potter. Motion passed.

Bill Trygstad discussed the water project. The surveying is being done and have a couple of weeks to go yet. Mr. Trygstad has met with the Wadewitz's to discuss the placement of the reservoir on their property. Trygstad has plotted out the area, but would like a rough drawing of the new stage of the subdivision in order to find the best area to place the reservoir. Once the topography has been finished, the the drawings can be done. He is hoping the January Council meeting to have preliminary drawings done. There are lathe out on the side of some roads for flag control points.

Katherine from MPCA called and discussed the Lee Henry site. She stated that MPCA still has to go through the data Baywest compiled and once it is analyzed they will make a decision to close the site down or not. The tanks are gone, and the person who owned the property when they were installed is liable for clean up. The buying or selling of the property can continue, and if the new owners decide on

changing the footings Mr. Henry will be responsible for removal of contaminated dirt. The Clerk has information in her office of the Petroleum Brown fields program by the MPCA about the clean up of contaminated properties.

Amanda Vail was not in attendance for switching insurance companies, this will be taken off the agenda.

Karl Sonneman has not responded to the Red Flag Rule, Mark Potter made a motion to table until the January 2009 council meeting, with a second from Lisa Gibbs. Motion passed.

Bill Trygstad has pay estimates for the Flood projects – there is a one year warranty on all projects if there is something wrong. These are all final pay estimates:

1. E Street & Culvert: 5% retention of \$1596.10 – discussion on the big rocks in the culvert – it would cost the city another \$15,000 for top soil and seed or sod – however this has been submitted to FEMA and Winona County Hwy. Dept. but have not heard back. Rick Przytarski made a motion to pay the final pay estimate with a second from Mark Potter. Motion passed.
2. East 9<sup>th</sup> Street slope, East of Wacholz: 5% retention of \$611.50 – Rick Przytarski made a motion to pay this final pay estimate, with a second by Mark Potter. Motion passed.
3. East 9<sup>th</sup> Street slope, West of Wacholz: 5% retention of \$2795.00 – Mark Potter made a motion to pay this final pay estimate, with a second by Lisa Gibbs. Motion passed.
4. Retention ponds: Change order in the amount of \$2649.00 to change the outlet pipe bringing the 5% retainage and final payment to \$10,602.39. Rick Przytarski asked Mike Wadewitz if the large retainage pond is up to their specifications. Mr. Wadewitz stated any problems were previously discussed with Bill Trygstad and only the seeding was a problem. Mark Potter made a motion to pay the final pay estimate, with a second from Rick Przytarski. Motion passed.

Stockton Area Promotional Group has donated \$17,000 to the City of Stockton. The City will have to donate \$1,700, and the Promotional Group would like to recommend donating \$1,000 to the Stockton School reunion group for their reunion this next spring and \$3,000 to the Stockton First Responders to buy a new radio and pager. Mark Potter made a motion to donate \$3,000 to the Stockton First Responders, with a second from Lisa Gibbs. Motion passed. Rick Przytarski made a motion to table the Stockton School reunion group until the January 2009 council meeting, with a second from Mark Potter. Rick Przytarski made a motion to withdraw the tabled motion, with a second from Mark Potter. Motion passed. Lisa Gibbs made a motion to donate \$1,000 to the Stockton School reunion with a second from Rick Przytarski. Motion passed unanimously.

Mayor Jack Roberts would like to get bids to have stone on the lower half of the community center as the paint job is peeling. Lisa Gibbs stated the Council has already voted on sandblasting and staining the painted areas. Clerk is to look into the sandblasting and staining of the cement block areas.

Jason Huber at 81030 Hillside Lane is requesting an 8-foot variance since his home is 17' from the front lot line and not the required 25'. Mike Wadewitz requested the next lot owner get a 4-foot variance to have the front of the homes in conformity. Lisa Gibbs stated the Zoning Ordinance procedure for a variance lists this request to be accompanied by a fee, though a fee has not been set at this time. Chris Parker stated the council should wait on the public hearings until they can come up with an application fee. Robin Thelen is requesting a four-foot variance since her side lots are 11' instead of the required 15' for filling. Pete & Colleen Bambenek are requesting a Conditional Use

Permit (CUP) for a pavilion they would like to build next to their home. The CUP would be for a 768 square foot accessory building instead of the maximum of 500 square feet. Mayor Roberts requested the Public Hearings be in February as the January meetings will have yearly appointments listed. Rick Przytarski made a motion to hold all three public hearings on February 10, 2009 beginning at 6:30 P.M. with the council meeting to follow. This motion was seconded by Lisa Gibbs. Motion passed.

Colleen Bambenek is willing to make a DVD of the Flood of 2007 and is willing to do up to 200 Cd's. A non-profit organization could sell the DVD's to gain money for our flood victims. Cost would be about \$2,309, but she would need a group of people to build a story and have video to collaborate the stories. Council requested the Promotional group and Garvin Brook Disaster Relief work together.

Complaint from 8660 Rollin' Sunset Drive about Chad pushing the snow up onto his property. He wrote a complaint a few months back which the Clerk gave a copy to Chad and wrote a reply to the homeowner. The resident wrote another complaint that Chad was still scrapping up his lawn when Chad plows the snow up onto his lawn and was requesting Chad not to plow on his lawn any more. The Clerk will write a letter stating it is not our intent to damage his property, but the City does have a right-of-way and will repair his damage.

Mark Potter asked how Lee Henry can have a separate apartment in his garage, if it's zoned agricultural then it should follow those zoning ordinances. Council would like Karl Sonneman to understand it is their intent to punish Lee Henry as in a misdemeanor fine of our Zoning Ordinance.

No Sewer & Water Committee meeting.

Discussion was held on why the Watershed meeting has been moved to Minnesota City.

Green Space Committee did not meet – next meeting will be Monday, January 5<sup>th</sup> at 6:00 pm.

Rick Przytarski made a motion to close the Stockton Council meeting, with a second by Mark Potter. Motion passed, meeting adjourned at 9:08 P.M.