

**Lake City Common Council  
Regular Meeting  
Monday, February 14, 2011  
Council Chambers 6:30 p.m.  
City Hall**

Members Present: Mayor Jerry M. Dunbar, Andru Peters, Mary Lou Waltman  
Joel Beckman, Matt Powers, Phil Gartner, Mark Spence

Members Absent: None

Staff Present: City Administrator Ron Johnson, Finance Director Barb Pratt, Public  
Works Director Scott Jensen, Planning and Community Development  
Director Rob Keehn, City Clerk Kari Schreck, City Attorney Karen  
England

Mayor Dunbar called the meeting to order at approximately 6:32 p.m. in the Council chambers  
of city hall with a quorum present.

Pledge of Allegiance

Mayor Dunbar led the Pledge of Allegiance.

Introductions

Introductions were made.

Disclose Conflicts and Relationships

None

Employee Recognitions: Officer Jeff Daggett 10 years of service  
Lake City Police department  
Officer Kevin Dather 5 years of service  
Lake City Police department

Recognition: Donation by Steve Rettler of Sea Wing portrait in memory of Helen and Donnie  
Rettler and Bill Anderson.

Review and Adopt Agenda

Gartner added Street & Parks Commission authority, request Council to consider asking staff to  
prepare a policy regarding the procedure for council agenda items. These will be added as items  
4 and 5. Gartner requested that items 3f Adopt Resolution 11-006 approving a cooperative  
construction agreement with MnDOT for the Lyon Avenue mill & overlay project, 3j. Approve  
police officer attendance at training summit in Louisville, KY and 3r Adopt Resolution 11-009  
amending the 2011 Street Department general fund budget be pulled from the consent agenda.

City Attorney England requested that under unfinished business an item be added:  
Approve settlement agreement with former employee Dennis Pederson.

England requested New Business item Close meeting for attorney-client privilege be pulled.  
Johnson requested item Close meeting to discuss strategy for labor negotiations and for attorney-client privilege be pulled

**Motion Waltman, seconded Powers to adopt the agenda as amended. All ayes 7-0-0.**

#### Public Forum

Nicole Duchelle addressed the council with concerns regarding the Library, i.e. staffing, inventory, summer reading program. Ms. Duchelle was encouraged to fill out a citizen complaint form.

#### New Business

Conduct 1<sup>st</sup> reading of Ordinance 501, rezoning 906 W. Marion St. from Medium Density Residential to Light Industrial

Director Keehn read Ordinance 501 for the record.

**Motion Beckman, seconded Peters to conduct the 1<sup>st</sup> reading of Ordinance 501 rezoning 906 W. Marion St. from Medium Density Residential to Light Industrial**

#### Unfinished Business:

Accept Willers Construction proposal to complete Yacht Club shower remodeling project

Marina administrator Mark Lutjen stated that the local contractor came in with the low bid.

**Motion Beckman, seconded by Spence to accept the Willers Construction proposal for \$44,258 to complete the Yacht Club shower remodeling project and to enter into the related contract. All ayes 7-0-0.**

Continue to have the entire Council be considered the Capital and Finance Committee and set the regular Committee meetings the second Monday of the month at 5:00 p.m.

The City Administrator and Finance Director met with the Mayor and discussed the benefits and drawbacks relating to the make- up of a Capital and/or Finance Committee, meeting time, dissolving the Capital and Finance Committee and including agenda items on the Council agenda, changing meeting date and time of the Committee, and length of the meetings.

The conclusion of the meeting was to:

\*keep the Capital and Finance Committee as all Council Members and the Mayor to maintain the consistent dissemination of information;

\*keep the Capital and Finance Committee meeting separate from the Council meeting to ensure time is allotted to agenda items particularly with capital expenditures and budget items and to aid in meeting preparation and minute taking;

\*keep the Capital and Finance Committee on the second Monday of the month prior to the regular Council meeting and to start the meeting at 5:00 pm to allow enough time to cover agenda items and to post a later start if there is a short agenda; and

\*allow the Capital and Finance Committee to take action on agenda items during the meeting avoiding the redundancy of putting the item on subsequent regular Council meeting agendas.

**Motion Waltman, second Powers, to continue to have the entire Council be considered the Capital and Finance Committees and set the regular meetings the second Monday of the month at 5:00 -6:30 p.m. All ayes 7-0-0.**

City Attorney England will review the following section “allow the Capital and Finance Committee to take action on agenda items during the meeting thereby avoiding the redundancy

of putting the item on subsequent regular Council meeting agendas” and report back to council at the February 28<sup>th</sup> meeting as to whether or not the committee has the authority to do this, or if items need to go to the City Council meetings which follow the Capital Finance Committee meetings.

Negotiated settlement and release agreement Dennis Pederson

City Attorney England reported that an agreement has been reached with terminated employee Dennis Pederson related to a workers compensation action.

**Motion Beckman, seconded Peters to approve the negotiated settlement and release agreement with former employee Dennis Pederson and allow the Mayor and City Clerk to execute the documents. All ayes 6-0-0.**

Gartner recused himself the vote.

Consent Agenda

- a. Approve expense claims
- b. Approve January 24, 2011 Council meeting minutes
- c. Approve January 24, 2011 Council retreat meeting minutes
- d. Approve January 29, 2011 Council retreat meeting minutes
- e. Approve February 7, 2011 Council special meeting minutes
- f. ~~Adopt Resolution 11-006 approving a cooperative construction agreement with MnDOT for the Lyon Avenue mill & overlay project~~
- g. Adopt Resolution 11-007 accepting \$2,700.00 donation from Tony Hebert Memorial Fund
- h. Approve designation of a handicap parking space at 200 S. Washington Street.
- i. Approve placement of information/directional signage in residential areas
- j. ~~Approve police officer attendance at training summit in Louisville, KY~~
- k. Approve plumbers license for Certified Mechanical Inc, dba Ed’s Plumbing & Heating
- l. Confirm the appointment of Bonnie Dwelle and Adam Schimbeno to the Marina Board
- m. Approve hiring of Shalene Eastling, Dan Ober and John Fessler as volunteer paramedics
- n. Approve the hiring of Anita Matson as full time paramedic
- o. Approve temporary liquor license for St. Mary of the Lake Church for March, 17, 2011
- p. Approve St. Patrick’s Day parade permit for March 17, 2011 at 6:00 p.m.
- q. Adopt Resolution 11-008 amending the 2010 Planning and Community development general fund budget.
- r. ~~Adopt Resolution 11-009 amending the 2011 Street Department general fund budget.~~

**Motion Peters, second Powers to approve the consent agenda as amended (removing items 3f, 3j, 3r). All ayes 7-0-0.**

Approve police officer attendance at training summit in Louisville, KY

Gartner pulled item as he does not see the necessity of staff to go out of state for training. There are grant funds that cover the travel, meals, conference costs and hotel. The city will need to cover the wages for the employee. Waltman stated that she has the same concerns.

Mayor Dunbar noted that the time for the concerns to be addressed regarding out of state travel would be at budget time for the 2012.

Peters noted that this officer was one of 5 being selected from the state to go to this training, paid for with grant funds.

Administrator Johnson noted that the travel schools and conference line on budgets do contain items that are not travel, such as dues and MMUA safety program expenses.

**Motion Spence, second Beckman to approve sending police officer to training summit in Louisville, KY with pay to be no more than 8 hours per day for 3 days of the conference. Roll call vote Beckman, Spence, Peters, Dunbar, Powers, voting aye; Waltman, Gartner voting nay. 5-2-0. Motion carried.**

Adopt Resolution 11-009 amending the 2011 Street Department general fund budget for the completion of the South Oak Street Crossing.

Approval of the consent agenda adopts Resolution 11-009 amending the 2011 Street Department budget by increasing line item 101-44212-500 Capital Outlay Land by \$175,000 and line item 101-34212-33524 Street Revenue Miscellaneous to cover the cost of completing the South Oak Street Crossing. The South Oak Street crossing was to be completed in 2010 but was not. The balance will be completed in 2011. The amount of revenue and expenditure to be carried over to 2011 is estimated to be \$175,000 which is the unspent amount in the 2010 budget.

30.031 of the City Code

Gartner contends that the Street/Parks Commission is required by the Charter to review and make recommendation on items such as these.

Mayor Dunbar asked City Attorney England if the Council would be in violation if action was taken tonight. She stated that she was not able to answer at this time. An opinion was asked to be brought to the February 28<sup>th</sup> meeting. No action was taken at this time.

#### Miscellaneous Discussion

Gartner discussed City Attorney conference over the weekend on rule changes for councils and ex parte communication, and the open meeting law. Dunbar requests that the attorney conduct a workshop at the April 25<sup>th</sup> workshop meeting from 5-6:30 p.m.

England reported that she was in contact with an attorney from MNDOT land management office regarding the request from the January 24<sup>th</sup> meeting and contract language for the volunteer group looking to do work on the staircases leading to the Mississippi River., According to Public Works Director Jensen, MNDOT District 6 office has a differing opinion on the type of document to be used. The issue of liability will also need to be addressed. This will move to unfinished business and Jensen and England will continue to work on this, to bring back an update, or possible contract language to move this forward.

Beckman requests clarification from the City Attorney regarding Board and Commissions – Library board, when they approved the change in library personnel 30.050- under operations of, 30.053 appoint a suitable librarian and compensation, when did council approve this.

#### Informational

As presented

#### Future Meeting Dates

As presented

Dunbar noted the 2010 Lake City Medical Center report to the community on February 17, 2011. Public is invited to attend.

City Administrator Johnson noted that the City was notified by Homeland Security that the grant the city participated in with Wabasha County for mutual aid dollars for 800 Mhz radio upgrades for fire and EMS was approved. Gartner discussed Roberts Rules of order for the process for the establishment of agenda as to how things get on agendas. Beckman noted that there are other rules for conducting meetings, such as Masons.

Adopt Resolution 11-006 approving cooperative construction agreement with MnDOT for Lyon Avenue mill & overlay project

The project requires cost participation on the part of the City of Lake City related to parking lane construction and resurfacing. The project includes repair of storm water catch basins within MnDOT ROW and updating of pedestrian ramps to current standards at no further cost to the city. Cost participation by the city would not be necessary if the city did not wish to continue to utilize parking in MnDOT ROW on either side of Lyon Avenue.

**Motion Beckman, seconded Gartner to refer Resolution 11-006 approving a cooperative construction agreement with MnDOT for the Lyon Avenue mill & overlay project to the Street/Parks Commission for review. Beckman, Spence, Peters, Dunbar, Powers voting nay, Waltman, Gartner voting aye. 5-2-0. Motion defeated.**

**Motion Powers, seconded Gartner to adopt Resolution 11-006 approving a cooperative construction agreement with MnDOT for the Lyon Avenue mill & overlay project contingent upon the approval of the Street/Parks Commission. All ayes 7-0-0.**

Gartner requests that the Capital Finance Committee action from the January 10<sup>th</sup> meeting regarding Patton Park electrical work be rescinded and that the item be brought to the Street/Parks Commission meeting for consideration.

This item is from the Capital Finance Committee meeting of January 10<sup>th</sup> 2011. The excerpt from those minutes follows:

**IMPROVE PATTON PARK ELECTRICAL CONNECTIONS**

*Pratt informed the committee of the receipt of \$24,000 from the Mary B. Patton trust to be used for improvements in Patton Park. Public Works Director Jensen presented information on the need to improve the electrical connections for events held in Patton Park.*

**MOTION PETERS TO APPROVE \$10,000 OF THE PATTON PARK TRUST MONIES BE USED TO IMPROVE ELECTRICAL DISTRIBUTION IN PATTON PARK, SECOND WALTMAN, CARRIED 6-1-0 WITH GARTNER VOTING NAY STATING THE REQUEST SHOULD GO TO STREETS AND PARKS.**

This item was not a City Council agenda item of the January 10th 2011 meeting.

**Motion Gartner, seconded Beckman to rescind the approval of \$10,000.00 of the Patton Trust monies be used to improve electrical distribution in Patton Park from the January 10<sup>th</sup>, 2011 Capital Finance Committee and forward back to Street and Parks Commission recommend to the for planning and recommendation to Council.**

**Roll call vote: Beckman, Spence, Peters, Gartner voting aye, Dunbar, Waltman, Powers, voting nay. 4-3-0. Motion carried.**

Adjourn

**Motion Beckman, second Powers to adjourn the meeting at 8:32 p.m. All ayes 7-0-0.**

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Jerry M. Dunbar, Mayor

ATTEST:

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Kari Schreck, City Clerk