

**Lake City Common Council
Regular Meeting
Monday, March 28, 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, Public Works Director Scott Jensen,
City Clerk Kari Schreck,

Mayor Dunbar called the meeting to order at approximately 6:30 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

Peters noted that he had involvement with items 2e and 3d on the agenda, but no conflicts.

Review and Adopt Agenda

Motion Gartner, seconded Waltman to adopt the agenda as presented. All ayes 7-0-0.

Gartner stated that he needed to leave the meeting at 6:45 p.m. and requested to address council members on a couple of items. He stated that he made the motion at the March 14th meeting to table the quit claim deed for Kwik Trip for further clarification and review. He has reviewed the agenda item for this meeting, and was satisfied with the supporting documents. He also stated that he had concerns over agenda item 1b, approving a hire in the water/wastewater department. He suggested that the City Attorney review the point system used in the process to hire. Gartner left the meeting at 6:47 p.m.

Public Forum

Deirdre Flesche spoke on the importance of the Lake City Medical Center affiliation agreement. She suggested that all council members familiarize themselves with the document.

Greg Schreck spoke on the Yacht Club shower remodel project. He suggested that the project was an unnecessary expense at a time when budgets are tight.

Katie Himanga spoke on the procedure for closed meetings. Making sure that proper notice is given is crucial.

Flood plan update

Currently the city appears to be out of the threat of massive flooding. City staff monitors daily the river levels and has a plan in place in the event of rising waters.

Jim Bryant, Goodhue County Commissioner- Semi- annual report to council

Commissioner Bryant reported that the county continues to monitor the threat of flooding and the potential impact on Goodhue County cities.

The Goodhue County Cities/County/ Tribe meeting is scheduled for March 29 in Goodhue.

Census Update

2010 Census

| | |
|------------------------|-------------|
| Goodhue County portion | 747 |
| Wabasha County portion | <u>4316</u> |
| Total | 5063 |

2000 Census

| | |
|------------------------|-------------|
| Goodhue County portion | 620 |
| Wabasha County portion | <u>4330</u> |
| Total | 4950 |

New Business:

Engage the services of Moss & Barnett to facilitate competitive cable television franchising process

Hiawatha Broadband Co. (HBC) submitted a request for a cable television franchise with intent to begin work this spring. The City of Red Wing is going through the same process and is working with Moss and Barnett on their franchise application process (and also working with them on their Charter Communications renewal of existing franchise agreement which is expiring). This is legal work that falls outside of the City of Lake City retainer, and City Attorney England is confident that Mr. Grogan of Moss and Barnett will be able to meet the Lake City’s needs as he is further in the process for the City of Red Wing. State law allows for the City to be reimbursed for any costs or expenses associated with a new cable franchising process. MN Statute Section 238.081 provides that “nothing in this section prohibits a franchising authority from recovering from an applicant the entire reasonable and necessary costs of processing a cable communications franchise”.

Motion Waltman, seconded Spence to engage the services of Moss & Barnett for non-retainer work to facilitate a competitive cable television franchising process. All Ayes 6-0-0.

Approve the hiring of Ryan Winter as a full-time Water/Wastewater Class D Operator at \$17.24 per hour

The position was advertised in the Lake City Graphic/Shopper and on websites for the League of Minnesota Cities and Minnesota Rural Water Association. 25 applications were received with 6 individuals being interviewed. Mr. Winter has an associate’s degree in Water Environmental Technologies from St. Cloud Technical College and is certified in water and wastewater operations. He has 4.5 years’ experience with PeopleService, Inc. operating and maintaining the water and wastewater facilities in Otsego, MN and holds a class A commercial driver’s license.

The position is planned in the 2011 budget. Council member Powers stated concern over the point system used. Council member Beckman stated that point systems are a common practice in governmental agencies.

Motion Powers, seconded Waltman to table the hiring of Ryan Winter as a full-time Water/Wastewater Class D Operator at \$17.24 per hour. Waltman, Powers, Dunbar voting aye; Beckman, Spence, Peters voting nay. Motion 3-3-0 tied, Motion fails.

Motion Beckman, seconded Peters to approve the hiring of Ryan Winter as a full-time Water/Wastewater Class D Operator at \$17.24 per hour pending a successful background check and review and approval of point system by the City Attorney. Roll call vote Beckman, Peters, Spence, Dunbar, Powers, and Waltman voting aye. Motion carried 6-0-0.

Mayor Dunbar suggested that the Personnel Committee review the points system used in the hiring of city personnel.

Waive second reading of and adopt Ordinance 502 amending Ordinance 273 Gas Franchise with Northern States Power (Xcel Energy)

The fee amount is listed in the franchise ordinance itself (ordinance no. 273), under Section 8 (lines 3-5) as follows: “...*the franchise fee shall be two percent of Company’s gross revenues, as hereinafter defined; provided, however, notwithstanding the foregoing, with respect to customers of the commercial demand billed, interruptible and transportation customer classes (“competitive classes”), the franchise fee shall be \$0.005 per therm of gas sold or transported by Company*”. In order to allow Northern States Power (Xcel Energy) to continue to collect franchise fees on behalf of the City, the City needs to amend Section 8 of Special Ordinance 273. This was done in 2009 for a two year period. Another two year agreement is suggested.

Motion Spence, seconded Powers to waive the second reading of Ordinance 502 amending Special Ordinance #273 Gas Franchise to Northern States Power Company (Xcel Energy). All ayes 6-0-0.

Motion Powers, seconded Spence to adopt Ordinance 502 amending Special Ordinance #273 Gas Franchise to Northern States Power Company (Xcel Energy). All ayes 6-0-0.

Update on Ordinance No. 500, an Ordinance amending the City’s shore land regulations

Staff is currently in the process of redrafting the ordinance to incorporate some of the feedback received from the Council workshop, as well as from meetings with property owners. An update will be given to council at the April 11, 2011 meeting.

Lake Pepin neighborhood access points update

City staff still is working on a meeting date with MNDOT. No action taken at this time.

Approve a Quit Claim Deed between the City of Lake City and Kwik Trip, Inc.

This item was tabled at the March 14, 2011 meeting to gain clarification. Kwik Trip, Inc. is seeking to clarify the status of Short Street in order to move forward with their redevelopment project. The revised Quit Claim deed will narrow the scope to specifically the area that has historically been defined as Short Street, rather than the entire property.

Motion Beckman seconded Spence, to approve the Quit Claim deed between the City of Lake City and Kwik Trip, Inc. All ayes 6-0-0.

Consent Agenda

- a. Approve expense claims
- b. Approve March 10, 2011 Council special meeting minutes
- c. Approve March 14, 2011 Council regular meeting minutes
- d. Confirm re-appointment of Robert Wenger to Board of Appeals and Adjustments
- e. Approve Department of Army right of entry for inspection
- f. Approve certificate of payment #3 to MP Systems, Inc. for Underwood Substation construction for \$209,479.05
- g. Adopt Resolution 11-014 a resolution participating in ARMER 800 MHz radio system

Motion Waltman, seconded Peters to approve the consent agenda as presented. All ayes 6-0-0.

Miscellaneous Discussion

Waltman requested an update on the substation project. Costs, timeline, budget and approximate Xcel energy hook up to be brought to a future meeting.

Dunbar extended a public apology to the Children's Librarian and thanked her for her years of service.

Dunbar extended a public apology to the Library Administrator for unfounded allegations that were brought forward.

Dunbar extended a public apology to the City Administrator for unfounded allegations that were brought forward.

Mayor Dunbar thanked councilmember Peters for the many meetings and boards he has been appointed to and asked for a summary report to be provided monthly.

Informational

As presented

Future Meeting Dates

As presented

Mayor Dunbar discussed the Administrative Procedure Committee and requested that the City Administrator assist the Committee consisting of City Attorney England, Council member Gartner, and the City Clerk, if his schedule allowed. Council concurred.

Unfinished Business (Continued)

Close meeting to discuss strategy for labor negotiations

City Administrator Johnson stated there is no reason to close the meeting. Johnson stated that he will be bringing forward the 3 union agreements for action at the April 11th 2011 meeting.

Motion Peters, second Waltman to adjourn the meeting at 7:50 p.m. All ayes 6-0-0.

Jerry M. Dunbar, Mayor

ATTEST:

Kari Schreck, City Clerk