

**Lake City Common Council  
Regular Meeting  
Monday, October 14, 2013 6:00 p.m.  
City Hall Council Chambers**

Members Present: Mayor Joel Beckman, Andru Peters, Phil Gartner, Mark Spence, Matt Powers, Mary Lou Waltman, Gene Durand

Members Absent: None

Staff Present: City Administrator Ron Johnson, City Attorney Sarah Sonsalla, Planning and Community Development Director Rob Keehn, City Clerk Kari Schreck, Public Works Director Scott Jensen

Mayor Beckman called the meeting to order at approximately 6:00 p.m. in the Council chambers of city hall with a quorum present.

Pledge of Allegiance

Mayor Beckman led the Pledge of Allegiance.

Introductions

Introductions were made.

Review and adopt/amend agenda

**Motion by Gartner, second by Spence to approve the agenda as presented. All ayes 7-0-0**

Public Forum

Gary Yotter, Rev. Pete Palmen, Ron Hunt, Louy Stambaugh, Carole Helgerson, Constance Anderson, Jim McIlrath, Jer Hultstrand, Maren Holst, Rose Eichten seeking support of a resolution restricting Frac Sand mining and raising concerns on the impact of on tourism, groundwater contamination, fishing, erosion, pollution, transportation, health and safety of Lake City residents. It was suggested a 2 mile set back during the public forum rather than the proposed 1 mile set back.

Adopt Resolution 13-066 supporting an amendment to Goodhue County Zoning Regulations for frac-sand mining requiring a one mile setback from the Ordinary High Water line of the Mississippi River

The group Save the Bluffs presented the City Council with a proposed resolution in support of additional setback requirements for frac-sand mining. The additional setback would be one mile from the Ordinary High Water Line of the Mississippi River. The City of Red Wing passed a similar resolution at its September 23, 2013, City Council meeting. Council amended the resolution to include Wabasha County and set the required setback to 2 miles from the city limits  
**Motion Gartner, second Waltman to adopt Resolution 13-066 supporting an amendment to the Goodhue and Wabasha County Zoning Regulations for frac-sand mining requiring a two mile setback from the City of Lake City. All ayes 7-0-0.**

Adopt Resolution 13-063 in support of Wabasha County Safe Driving Diversion Program

On September 9, 2013, Wabasha County Sheriff Rodney Bartsh and County Attorney Jim Nordstrom appeared before Council and discussed the Wabasha County Safe Driving Diversion Program. It was the consensus of Council to fully endorse the program and call upon local legislators to assist in resolving any misunderstanding as to the validity of the program.

**Motion Gartner, second Spence to approve consent agenda item Adopt Resolution 13-063 in support of Wabasha County Safe Driving Diversion Program. All ayes 7-0-0.**

Gartner excused himself at approximately 6:40 p.m.

Approve the Lake City Tourism Bureau, Inc. 2014 budget

President Greg Schreck presented on overview of the 2013 achievements of the Tourism Bureau.

The requested budget amount has not increased from the 2013 budget. Individual line items have been reduced or increased based on what has actually been spent in those areas in 2013. At the June 22, 2009, Council Meeting, Lake City Tourism Bureau, Inc. was approved as a local convention and tourism bureau consistent with the requirements of City Ordinance #467. Lake City Tourism Bureau, Inc. is eligible to request funding from the collection of Lake City Lodging Tax. The City retains 5% of the lodging tax collected. The amount used to fund the Lake City Tourism Bureau, Inc. is limited to the amount collected from the Lake City lodging tax.

**Motion Spence, second Durand to approve the Lake City Tourism Bureau, Inc. 2014 budget with a total of \$60,000 to the extent covered by lodging tax collected. All ayes 6-0-0.**

Adopt Resolution 13-057 amending the 2013 Economic Development Authority budget

The 2013 Economic Development Authority budget line (Professional Services) has been exceeded, and the 2013 Economic Development Authority budget line item (Project Contractual) has a balance. The proposed resolution would increase the EDA Professional Services budget by \$500, and decrease the Project Contractual budget by \$500. All amendments are being made within the current year's budget and will have no net effect to the funds.

**Motion Powers, seconded Waltman to adopt Resolution 13-057 amending the 2013 Economic Development Authority budget. All ayes 6-0-0.**

Adopt Resolution 13-060 amending 2013 Police Budget and approving reallocation of capital outlay dollars for mobile data terminals

The TZD (Toward Zero Deaths) Grant has already been accepted by the Council. The TZD Grant is to be used for extra patrols which results in overtime. In order to pay overtime expense for the TZD shifts, it is necessary to increase the Police Overtime budget 101-44110-110 in the amount of \$5,896.45 to utilize the grant monies. The 2013 Police budget included capital outlay expenditures for a police vehicle and mobile RADAR units. The police vehicle came in under budget by \$67.16 and the \$3,500 for the RADAR units was not spent as it was purchased utilizing other funds. The 2014 Police budget includes \$17,500 for mobile data units to be purchased. It is anticipated that the mobile data units will exceed the \$17,500 budgeted.

Therefore the Police Department is requesting the \$3,567.16 in unspent capital outlay monies be used for the down payment on the 2014 purchase of the mobile data units.

**Motion Spence, second Waltman to adopt Resolution 13-060 amending 2013 Police Budget and approving the reallocation of capital outlay dollars for mobile data terminals. All ayes 6-0-0.**

Adopt Resolution 13-061 amending 2013 Building Maintenance line item budget

Building Maintenance line item Supplies exceeded budget and must be amended by resolution. Building Maintenance Communication has sufficient funds to transfer \$2,000 to the supplies line to cover the remainder of the year expenses. All amendments are being made within the current year's budget and will have no net effect to the funds.

**Motion Powers, second Spence to adopt Resolution 13-061 amending 2013 Building Maintenance line item budgets. All ayes 6-0-0.**

Adopt Resolution 13-062 amending 2013 Public Works line item budgets

The water fund in 2013 has had unforeseen expenses with two water main breaks (Lyon Avenue at the RR tracks and Hillwood Drive - \$8,000) and replacement of several extra water main valves in conjunction with the 2013 mill and overlay project - \$10,000.

The sewer fund in 2013 also saw significant expenses in major lift station upgrades and pump replacements - \$15,000, and the need to remove and replace a complete manhole - \$7,900.

**Motion Spence, second Waltman to adopt Resolution 13-062 amending 2013 Public Works line item budgets. All ayes 6-0-0.**

Approve hiring Bill Weist as Sergeant at Pay Grade 13 Step G effective January 1, 2014

On July 9, 2013, it was the consensus of the Civil Service Commission to support separating the current Sergeant/Investigator position into two positions, Sergeant and Investigator. The Commission recommended hiring Bill Weist as Sergeant with a one-year probationary period. The City Council, at their regular meeting of September 9, 2013, approved elimination of the Sergeant/Investigator position and approved separate position descriptions for Sergeant and Investigator. The position will fit into the 2014 budget Trusight, Inc, Human Resources submitted a suggested pay grade for the Sergeant at Grade 13 step G. The effective date of the position is January 1, 2014.

**Motion Waltman, second Powers to approve hiring Officer Bill Weist as Sergeant at Pay Grade 13 Step G effective January 1, 2014. All ayes 6-0-0.**

Approve hiring Kevin Dather as Investigator at Pay Grade 12 Step G effective January 1, 2014

On July 9, 2013, it was the consensus of the Civil Service Commission to support separating the current Sergeant/Investigator position into two positions, Sergeant and Investigator. The Commission recommended hiring Kevin Dather as Investigator with a one-year probationary period. The City Council, at their regular meeting of September 9, 2013, approved elimination of the Sergeant/Investigator position and approved separate position descriptions for Sergeant and Investigator. The position will fit into the 2014 budget. Trusight, Inc, Human Resources submitted a suggested pay grade for the Investigator at Grade 12 step G. The effective date of the position is January 1, 2014.

**Motion Spence, second Powers to approve hiring Officer Kevin Dather as Investigator at Pay Grade 12 Step G effective January 1, 2014. All ayes 6-0-0.**

Approve hiring Officer Aaron Foss as School Resource Officer

On July 5, 2011, the Civil Service Commission established an eligibility list for the School Resource Officer position. Officer Foss is the highest-ranked candidate on that list. This position will become available upon the hiring of current SRO Kevin Dather as the full-time Investigator. This position is already budgeted for in the 2014 budget.

**Motion Powers, second Spence to approve hiring Officer Aaron Foss as School Resource Officer, effective January 1, 2014. All ayes 6-0-0.**

Approve assignment of Investigator to Southeastern MN Task Force

The Southeastern MN Task Force was established over 25 years ago for the purpose of disrupting and destroying illegal narcotic operations in Southeastern Minnesota. The Task Force would also be available to assist with not only local drug enforcement but investigation of other major local crimes that would require extra time and manpower. Participation in the Task Force has been endorsed by the Wabasha County Sheriff. The Investigator is provided with a leased vehicle and expenses, including but not limited to, gasoline, surveillance equipment, and monies for purchase of illegal narcotics. Any overtime incurred is recouped through the Task Force. The annual membership fee of \$6,000 would be made in 2014 and the existing proposed 2014 budget would need to be adjusted prior to final adoption or a budget amendment would need to be done prior to the expenditure in 2014.

**Motion Powers, second Waltman to approve assignment of Investigator to Southeastern MN Task Force effective January 1, 2014. All ayes 6-0-0.**

Approve out of state travel for Bill Weist to attend Medical Examiner training in New York, NY

Officer Weist is one of 40 people nation-wide selected to attend this training program. This is a 5-day, 40-hour course focused on fundamentals of medico legal death investigation, with an emphasis on scene investigation. Introductory-level sessions in each of the forensic specialties will equip the participant with the essential theories and techniques required for practice. All travel, lodging and meal expenses are covered by the Forensic Sciences Training Program.

**Motion Spence, second Waltman to approve out of state travel for Officer Bill Weist to attend Medico legal Investigation of Death training January 19-24, in New York, New York. All ayes 6-0-0.**

Conduct first reading of Ordinance No. 527 amending Lake City Municipal Code

Title V: Public Works, Chapter 52: Water Service, Section 52.07 Rates

The Utility Board reviewed the Water fund and related rates with Mike Bubany, David Drown Associates, at their July regular meeting. Utility Board recommended approval at its August 28, 2013 meeting. Currently fund reserves are decreasing as operating and maintenance costs increase. This is estimated to increase revenues approximately \$20,000. New rates are based on a 3% increase in base and usage charges. An average residential unit using 5,000 gallons per month would see an increase from \$12.75 to \$13.11, or a \$0.36 per month increase.

**Motion Spence to introduce and conduct first reading of Ordinance No. 527 amending Lake City Municipal Code, Title V: Public Works, Chapter 52: Water Service, Section 52.07 Rates.**

Ordinance 527 was then read aloud.

Approve Wabasha County fire departments mutual aid agreement

The intent of this agreement is to make equipment, personnel, and other resources available to each party who has signed this agreement, and spells out such things as procedures and charges and clarifies other issues such as workers compensation and liability.

**Motion Spence, second Durand to approve the Wabasha County fire departments mutual aid agreement. All ayes 6-0-0.**

Approve second amendment to agreement for civil legal services

City Attorney Sonsalla and City Administrator Johnson discussed a potential equitable solution to the agreement and it was suggested removing items related to employee disciplinary issues as a non-retainer item. The legal services task force (Beckman/Waltman) met on October 3 to discuss and is recommending Council approval of the second amendment to the agreement. The first amendment earlier modified the monthly retainer amount (as noted in Section 2.04(a) from \$3500 to \$5000 upon review of number of hours provided. The monthly average amount for services in April-August was \$6636, although the retainer is at \$5,000. The types of services that took up large amounts of time were related to employee disciplinary issues, Civil Service Commission and Charter Commission issues.

**Motion Powers second Durand to approve the second amendment to agreement for legal services with Kennedy & Graven. All ayes 6-0-0.**

Waive second reading and adopt Ordinance 525 amending Lake City Zoning Ordinance prohibiting outdoor wood furnaces in residential and commercial zoning districts

Planning Commission on May 7, 2013, meeting recommended an ordinance that will prohibit outdoor wood burning furnaces in residential districts. The ordinance has also been drafted to prohibit them from being located in the City's commercial districts as well. The proposed draft will continue to allow the furnaces in the industrial districts, but with certain requirements related to efficiency, chimney height, and location. These furnaces would also require a building permit prior to installation. Existing furnaces that do not comply with this ordinance would become legally non-conforming.

**Motion Spence, second Waltman to waive the second reading of Ordinance 525. All ayes 6-0-0.**

**Second by Waltman to an earlier motion by Powers to adopt Ordinance 525 amending the Lake City Zoning Ordinance prohibiting outdoor wood furnaces in residential and commercial zoning districts. All ayes 6-0-0.**

Waive second reading of, and adopt Ordinance 526 repealing Chapter 74 of the City Code and Adopting a New Chapter 74 Relating to the Regulation of Recreational Vehicles

Ordinance No. 526 includes new definitions for all-terrain vehicles that are in line with the statutes. It also includes a definition of "recreational vehicle" which includes not only all-terrain vehicles but also snowmobiles and off-road motorcycles. The Ordinance outlines where recreational vehicles may be operated in the City and when they may cross streets and highways. It also requires recreational vehicles to have certain equipment such as mufflers, brakes, lights, and a safety throttle. There are also certain operation requirements with respect to minors. Since there were going to be numerous changes, it was decided that it would be simpler to repeal Chapter 74 in its entirety and replace it with a new Chapter 74.

**Motion Waltman, second Powers to waive the second reading of Ordinance 526.**

**All ayes 6-0-0.**

**Second Powers, to a previous motion by Waltman to adopt Ordinance No. 526 repealing Chapter 74 of the City Code and Adopting a New Chapter 74 Relating to the Regulation of Recreational Vehicles. All ayes 6-0-0.**

Consent Agenda

- a. Approve expense claims 9.5.13-10.9.13
- b. Approve September 9, 2013 City Council regular meeting minutes
- c. Approve Peddlers/Solicitors license for Steven Lang
- d. Adopt Resolutions 13-058 and 13-059 certifying special assessments to County Auditors of Wabasha and Goodhue County for nuisance abatement
- e. ~~Adopt Resolution 13-063 in support of Wabasha County Safe Driving Diversion Program~~ moved to new business
- f. Adopt Resolution 13-064 accepting donation of \$250 from Federal Mogul TP Liners Inc. to purchase fire prevention supplies
- g. Adopt Resolution 13-065 accepting donation of \$100 from Acrotech to be used for fire prevention supplies
- h. Accept donation of \$1,000.00 from Dr. and Mrs. E. Rolland Dickson to be used for children's programming
- i. Approve hiring Cole Kriett, Margaret Balow, Heidi Burgeson, Thomas Gerhart and Zach Swanson as Volunteer EMT's
- j. Approve hiring Tom Brown as seasonal lift crew employee
- k. Approve hiring Jacob Kolander as EMT Administrative Assistant
- l. Recommend Raymond J. St. Martin and Dawn Heitman to Chief Judge of District Court for appointment to the Lake City Charter Commission
- m. Approve closure of library on November 5, 2013 to conduct physical inventory
- n. Approve purchase of Water/Wastewater service truck for \$34,000
- o. Approve pay certificate #4 to Monarch Paving, Inc. for 2013 street reconstruction for \$259,609.45

**Motion Waltman, second Powers to approve the consent agenda as presented. All ayes 6-0-0.**

Communication Updates:

Lake City Common Board

A letter of request from Wabasha County to participate in a common board was received by the city. The "primary mission" of the board is to open up the lines of communication between the County and the City. Council stated that they feel that Commissioner Harms should recuse himself due to pending litigation with the city. Council supports staffs attendance.

Lake City Food Shelf

Since June of 2003, the city has provided a rent-free location and paid the utility costs. A request is being made by the food shelf to find another location by the director Carole Helgerson. The current location is in need of repair and a list has been provided to council. A

building all on one level is preferred for handicap accessibility and ease of deliveries. Council directed City Administrator Johnson, and Planning Director Keehn to begin a review of available properties and short term leasing options.

Miscellaneous Discussion

None

Informational Reports- as presented

Future Meeting Dates- as presented

Close meeting to discuss labor negotiation strategies

Pursuant to MN Statute 13d. 03 the City Council is requesting to close the meeting to discuss labor negotiation strategies.

**Motion Powers, second Waltman to close the meeting pursuant to MN Statute 13d. 03 at 7:50 p.m. 6-0-0.**

The meeting was reopened at 8:15 p.m.

**Motion Waltman, second Powers to adjourn at 8:17 p.m. All Ayes 6-0-0.**

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Joel T. Beckman, Mayor

ATTEST:

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Kari Schreck, City Clerk