

**Lake City Common Council
Regular Meeting
Monday, February 11, 2013 6:00 p.m.
City Hall Council Chambers**

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

Members Absent: None

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

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.

Public Forum

Larry Foster thanked the council for the support the city gives to the community garden.

Review and Adopt Agenda

Gartner requested that consent agenda items 6j, Approve Ambulance and Fire contract language 6k Approve Policy for Use & Rental of City Hall Meeting Rooms be pulled for discussion.

Motion Gartner, second Peters to adopt the agenda as amended. All ayes 6-0-0.

Confirm appointment of 2013 Council liaisons to boards and commissions

Mayor Beckman is requesting confirmation of the above-mentioned 2013 Council liaison appointments. Council liaisons are intended to be a communication link between the various boards/commissions and the City Council. They are not members of the respective boards or commissions.

Planning Commission- Mary Lou Waltman

Marina Board- Mary Lou Waltman

Heritage Preservation Commission- TBD

Library Board- Mary Lou Waltman

Public Safety Board- Mark Spence

Fire Department- Mark Spence

Ambulance Commission- Matt Powers

Utility Board- Joel Beckman

Street & Parks Commission- Phil Gartner

Board of Adjustments- Andru Peters

Motion Gartner, second Powers to approve the appointment of the 2013 Council liaisons to boards and commissions. All ayes 6-0-0.

Adopt Resolution 13-012 amending the 2012 budget

Review of the December year to date financial information indicated that some line item budgets had exceeded the budgeted amount. Resolution 13-012 amends the 2012 budget to bring line items within budget limits. The 2012 budgets were accepted by resolution. Any changes to the budgets must also be done by resolution.

Motion Gartner, second Powers to adopt Resolution 13-012 amending the 2012 budget.

All ayes 6-0-0.

Adopt Resolution 13-013 amending 2012 Ambulance Department budget

Ambulance call volume was higher than anticipated in the 2012 budget. The proposed resolution would increase the Ambulance Communication 101-44140-310 by \$424.42, Contractual by \$1,446.57, and decrease Overtime by \$1,870.99

Motion Gartner, second Powers to adopt Resolution 13-013 amending the 2012 Ambulance Department budget. All ayes 6-0-0.

Introduce and conduct first reading of Ordinance No. 518 vacating portion of former Chestnut Street right of way and portion of alley in Block 18 and 19 of Central Point Map of 1855 and set public hearing

Motion Peters second Waltman, to introduce and conduct the first reading of Ordinance No 518, an ordinance vacating a portion of the former Chestnut Street right of way and a portion of the alley in Block 18 and 19, all of the Central Point Map of 1855. All ayes 6-0-0.

A request to vacate a portion of an alley and segment of a street has been submitted by Mr. Dan Trost, attorney representing the two property owners affected by the request: Joan Dubbels at 1220 N Oak Street (Parcel 1), and Jay and Allyson Nibbe, the owners of the vacant lot at 1222 N Oak Street (Parcel 2). This request originates from certain streets and alleys that were platted in the Central Point Map of 1855. Much of the land platted in the Central Point Map was later re-platted as part of the Auditor's subdivision of Central Point in 1894. The issue, however, is that although the property was re-platted without the alleys and streets in this area, no formal record of the street and alley vacations have been found. This has caused issue with the property titles for the petitioning property owners. In order for the former rights of way to be officially cleared from the title, the City is being asked to take action on an ordinance formally vacating each right of way. Note that the Chestnut Street as part of this request is not the same Chestnut Street that is currently located adjacent to the downtown Kwik Trip and the former Big Bear property.

Motion Gartner, seconded Spence to set a public hearing for the petition to vacate at the regular City Council Meeting of March 11, 2013, at 6:00 pm in the Council Chambers at City Hall.

All ayes 6-0-0.

Introduce and conduct first reading of Ordinance 519, an ordinance amending Ordinance 498 relating to the sale and consumption of alcohol, and repealing Chapter 117 and adopt Resolution 13-018 authorizing summary publication

The Council directed staff to amend the City's current Alcohol Ordinance No. 498 to allow for 2:00 a.m. closings. This Ordinance makes the change to Ordinance No. 498 (which are the City's current liquor regulations) to allow for 2:00 a.m. closings (see Section 117.021). Upon review of Ordinance No. 498, several other issues became apparent that also needed to be addressed. A summary of the other issues that were addressed in this Ordinance are as follows:

- The previous liquor regulations contained in Chapter 117 of the City Code were never repealed when Ordinance No. 498 was adopted. These regulations are now being officially repealed by Ordinance 519.
- Ordinance No. 498 was not numbered so that it could be placed into Chapter 117 of the City Code, which is the location of the City's liquor regulations. This Ordinance changes the numbering of Ordinance No. 498 so that it may be placed into Chapter 117.
- Ordinance No. 498 prohibited "nudity" in licensed establishments, but only vaguely defined the term. A new specific definition of nudity has been added which is necessary due to recent court decisions involving the First Amendment. (See Section 117.004)
- Prohibiting consumption of liquor in a public park or place (see Section 117.006).
- Removing classes of licenses that the City does not issue (see Section 117.010).
- Clarifying that license fees to be charged by the City will not exceed the limits under state statute and that license fees will be prorated on a quarterly basis (see Section 117.011)
- Adding additional language with respect to what constitutes a "transfer" of a liquor license (see Section 117.016)

- Providing the Police Department with the authority to select individuals to participate in compliance checks of licensees (see Section 117.020)
- Setting forth the hours and days of sale in a more “user-friendly” format instead of merely referring to state statute (see Section 117.021). This section also makes it clear that 2:00 a.m. closings are permitted for certain establishments provided that they obtain a permit from the Commissioner of Public Safety and paid any applicable state or city fees (see Section 117.021 (B)).
- Changing the limit from 30 minutes to 15 minutes after closing during which consumption and possession of liquor may occur in a licensed establishment (see Section 117.021 (C), (D), and (E)).

Allowing 2 a.m. closing for on-sale licensed businesses may result in some overtime issues for police officers dealing with alcohol-related issues at a later hour. This will be monitored for the first year to see if it becomes a large issue. Current rescheduling is expected to cover this possibility. Removing the “effective date” and “summary approved” sections. These sections are not necessary because the effective date of the ordinance is set forth in the City Charter and the Council authorizes summary publication of the ordinance separately by resolution.

Motion Gartner, second Waltman to introduce and conduct first reading of Ordinance 519, an ordinance amending Ordinance No. 498 and repealing Chapter 117 All ayes 6-0-0.

Motion Waltman, second Peters to approve Resolution 13-018 authorizing publication of Ordinance 519 by title and summary but deleting all language referencing section 117.006 consumption in public places from the Resolution. All ayes 6-0-0.

117.006 will be reviewed by staff and legal.

Approve hiring Brandon Herzig as full-time Streets/Parks Maintenance II at \$18.21/hour, Grade 7, Step C

Motion Spence, second Gartner, to hire Brandon Herzig as full-time Streets/Parks Maintenance II at \$18.21/hour, Grade 7, Step C. Effective 02/12/13. All ayes 6-0-0.

Approve plans and specifications and authorize advertising for bids for 2013 mill & overlay project

Plans and specifications for the 2013 mill & overlay project are complete. Bids are due and will be opened on Thursday, March 7, 2013 at 10:00 a.m. in the 2nd floor conference room at City Hall, with bid award at the regular Council meeting on March 11, 2013.

Gartner requested that property owners, as well as adjacent property owners be notified by the city when signs are placed by the city or MnDOT, which have permanent parking restrictions. This was an issue last year when some of the state aid streets which were re-done. Bill Anderson of Yaggy Colby, stated that state aid streets must comply with the state regulations when the mill and overlay project was completed in 2012 and that is why the signs were placed. Public Works was asked to amend their internal policy regarding sites affected by permanent parking restrictions to notify the affected residents or businesses. 2013 is year 2 of 5 year the mill and overlay plan.

Motion Gartner, second Waltman to approve plans and specifications and authorize advertising for bids for 2013 mill & overlay project. All ayes 6-0-0.

Adopt Resolution 13-019 declaring a Council vacancy

Lake City Charter Section 2.05 states that if a vacancy occurs on or after the first day to file affidavits of candidacy for the regular City election or when less than two years remain in the unexpired term, there need not be a special election to fill the vacancy and the appointed person shall serve until the qualification of a successor. Council has expressed a desire to fill the vacated office by Council appointment rather than have taxpayers incur the expense of a special election. Adoption of Resolution 13-019 declares that a vacancy exists in the office of the City Council by virtue of Joel Beckman’s taking the oath of office for the position of Mayor, and confirms that Council prefers to fill the position by appointment rather than special election. Subsequent action will be needed to determine what process to use to fill said vacancy.

Motion Gartner, second Powers to adopt Resolution 13-019 declaring a Council vacancy to fill the unexpired term of Council person Joel Beckman. All ayes 6-0-0.

After discussion, it was determined that each council member would receive all the applications, and email the Mayor, City Attorney, and City Administrator their top 1 choice. It will then be determined whether or not a special meeting will be called.

Waive second reading of, and adopt, Ordinance 516 amending Ordinance 273 Gas Franchise with Northern States Power (Xcel Energy)

Motion Spence, second Powers to waive the second reading of Ordinance 516 amending Special Ordinance #273 Gas Franchise to Northern States Power Company (Xcel Energy). All ayes 6-0-0.

Motion Spence, second Powers to adopt Ordinance 516 amending Special Ordinance #273 Gas Franchise to Northern States Power Company (Xcel Energy). All ayes 6-0-0.

It was requested by council to review the first and second reading process for future RCA's.

Waive second reading of and adopt Ordinance 517 amending motor freight and warehousing uses

Motion Gartner, seconded Spence to waive the second the reading of Ordinance No 517 amending motor freight and warehousing uses. All ayes 6-0-0.

Motion Gartner, seconded Powers to adopt Ordinance No 517 amending motor freight and warehousing uses. Roll call vote Spence, Beckman, Waltman, Powers, Gartner voting aye, Peters voting nay 5-1-0 Motion carried.

Motion Powers seconded Spence to adopt Resolution 13-014 a summary of Ordinance 517 for publication. Roll call vote Spence, Beckman, Waltman, Powers, Gartner voting aye, Peters voting nay 5-1-0 Motion carried.

6. Consent Agenda

- a. Approve December 20, 2012 City Council special meeting minutes
- b. Approve January 14, 2013 City Council special meeting minutes
- c. Approve January 14, 2013 City Council regular meeting minutes
- d. Approve January 28, 2013 City Council special meeting minutes
- e. Approve expense claims 1.10.13-2.5.13
- f. Adopt Resolution 13-016 confirming board and commission reappointments
- g. Adopt Resolution 13-017 confirming new board and commission appointments.
- h. Confirm 2013 Council board/committee appointments
- i. Adopt the 2014 Budget Calendar
- j. ~~Approve Ambulance and Fire contract language~~
- k. ~~Approve Policy for Use & Rental of City Hall Meeting Rooms~~
- l. Approve pay certificate #4F to Monarch Paving, Inc. for 2012 street reconstruction for \$177,725.72
- m. Approve pay request #4F to Pember Companies, Inc. for 2012 state aid reconstruction for \$49,604.18
- n. Approve St. Patrick's Day parade permit application submitted by Jil Garry

Motion Waltman, second Gartner to approve the consent agenda as presented.

All ayes 6-0-0.

Gartner pulled 6 j. Approve Ambulance and Fire contract language

Gartner is concerned that the relevant boards and department heads were consulted on the contracts. Gartner stated that this should be done for future contracts. City Attorney Sonsolla used the model

language from the League of Minnesota cities and incorporated the City of Lake City language into the presented contract document.

Motion Gartner, second Powers approving consent agenda item Approve Ambulance and Fire contract language and forward copies to the Fire Chief and Ambulance Director & the relevant boards. All ayes 6-0-0.

Gartner pulled 6 k. Approve Policy for Use & Rental of City Hall Meeting Rooms for clarification.

Motion Waltman second Powers to approving the proposed Policy for Use and Rental of City Hall Meeting Rooms as amended. All ayes 6-0-0.

7. Communication Updates

Library Administrator Bross reported that the Library needs assessment committee is continuing to meet, and will have a report for the April council meeting.

City Attorney Sonsolla presented to the council her report on performance reviews of City department heads as directed to do at the January 14th, 2013 council meeting. The report finds that the City Administrator has been “fulfilling his responsibilities with respect to conducting performance review consistent with applicable City policies.”

8. Miscellaneous Discussion

None

9. Informational Reports- as presented

10. Future Meeting Dates- as presented

11. Unfinished Business

Motion Gartner second Waltman to close the meeting to discuss attorney client privilege. All ayes 6-0-0.

Meeting called back to order at 8:32 p.m.

Motion Spence, second Gartner to adjourn at 7:30 p.m. All ayes 6-0-0.

Joel T. Beckman, Mayor

ATTEST:

Kari Schreck, City Clerk