

**Lake City Common Council
Regular Meeting
Monday February 18, 2014 6:00 p.m.
City Hall Council Chambers**

Members Present: Mayor Joel Beckman, Andru Peters, Phil Gartner, Mark Spence, 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, Police Chief Cory Kubista, 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 agenda

Peters requested that item 7j be pulled for discussion: Approve hiring Robert Benson as Full Time Paramedic, Amanda Odegaard and Chelsey Blevins as Casual Paramedics and John Yeakel as volunteer EMT.

Gartner stated that he will recuse himself from item 5m. Introduce and conduct first reading of Ordinance 532, an ordinance authorizing disposal by sale of real property owned by City.

Motion Waltman, second Spence to adopt the agenda as presented. All ayes 6-0-0.

Barbara Ducharme, American Heart Association, presented the Heart Safe Community designation to the Lake City Ambulance service. Lake City is the 29th community in Minnesota to receive this. Lake City paramedic Sarah Rybarczyk spoke on behalf of the Ambulance service stating that without citizen involvement this would not be possible. It is a great community achievement.

Public Forum

Rylee Main of the Lake Pepin Legacy Alliance, a citizen based non-profit group, spoke on the status of Lake Pepin as an impaired waterway due to increased sediment, and excess nutrients. The Alliance is seeking community support for its initiatives. The Minnesota River has been identified as the primary source and the Alliance is working with 37 counties on increasing awareness of the problem and working toward reducing the maximum load that comes into Lake Pepin.

Public safety facility plans with fire station – Jon Neubauer, TSP

Updated drawings were presented to the council adding the fire station to the plan. The Mayor set March 3, 2014 for a special meeting to discuss this further. Mike Bubany of David Drown & Associates will present possible funding alternatives to the council. Staff should begin to put together a timeline for the project if council decides to move forward.

Adopt Resolution 14-008 amending 2014 Ambulance Department budget

The Ambulance department uses 215 West Center St as housing for on-call ambulance crew members. There is no net impact to the 2014 budget but it would increase the Ambulance Department Staff Quarters 101-44140-501 by \$3,000, decrease the Books/periodicals 101-44140-240 by \$3,000. An additional budget adjustment may be needed later in the year dependent upon actual expenses incurred.

Motion Gartner seconded Spence to adopt Resolution 14-008 amending the 2014 Ambulance Department budget. All ayes 6-0-0.

Adopt Resolution 14-011 amending 2013 budget

Review of the December year to date financial information indicated that some line item budgets had exceeded the budgeted amount. Resolution 14-011 amends the 2013 budget to bring line items within budget limits. The 2013 budgets were accepted by resolution. Any changes to the budgets must also be done by resolution. There is no net change to the total budget.

Motion Gartner, second Waltman to adopt Resolution 14-011 amending the 2013 budget. All ayes 6-0-0.

Adopt the 2015 budget calendar

A budget calendar will be established by the City Council annually in accordance with the City Charter Section 7.04. The budget calendar provides guidance during the budget process to help keep the preparation of the budget on track and help avoid last minute surprises. Staff provides information to the Council as support for budget decisions.

Motion Gartner, second Waltman to adopt the 2015 budget calendar. All ayes 6-0-0.

Adopt proposed changes to City of Lake City Code of Conduct

Staff requested that the City Attorney review the current board and commission application packet that all new appointees receive. One of the documents that is included in the packet is the City's Code of Conduct. All new and re-appointed board and commission members, as well as members of the Council are requested to sign an acknowledgement of the Code of Conduct at the beginning of a new term. The City Attorney is requesting minor changes to the City's Code of Conduct so that it reflects what is contained in the League of Minnesota Cities' model Code of Conduct. The City's Conflict of Interest policy is still under review. All of the other documents in the board and commission packet will remain unchanged.

Durand requested that council clarify subd 1 and also under complaint-hearing the term may/shall are both included. Council suggested that subd 1 be shall and under complaint hearing section the working be changed to may. Staff will make the changes to the document.

Motion Spence, second Waltman to adopt proposed changes to the City of Lake City Code of Conduct per suggestions from the City Attorney. All ayes 6-0-0.

Adopt Resolution 14-012 amending 2013 Economic Development Authority budget

Review of the December year to date financial information indicated that some line item budgets had exceeded the budgeted amount. Resolution 14-012 amends the 2013 Economic Development Authority budget to bring line items within budget limits. 575-45575-320(Travel/Meetings /Conferences) - exceeded due to additional meetings attended as a result of the Executive Director's appointment to the Growth Partnership Steering Committee overseeing the development of a 5-year Rochester Area Economic Growth Plan.

575-45575-400 (Miscellaneous) - In 2012 the Council approved the use of EDA reserves to pay for the Gilbert Creek Bridge guardrail end treatment. This was purchased in 2013 and applied to the miscellaneous budget line.

575-45575-430 (EDA General Liability Insurance) - This is the EDA's portion of the City's E&O insurance policy. The EDA has not been charged in the past, so it was not budgeted for in 2013. There is no net change to the total budget.

Motion Gartner, second Peters to adopt Resolution 14-012 amending the 2013 Economic Development Authority budget. All ayes 6-0-0.

Adopt Resolution 14-013 amending 2013 and 2014 Election and Council budgets allowing carryover of unspent amounts from 2013 budget to 2014 budget not to exceed \$14,700 to cover cost of pay study

The pay study was approved to be performed by Springsted Inc. at the December 9, 2013 Council meeting. Funding for the pay study was to come from Council Professional Services 101-44011-300 in the amount of \$2,200. The balance was to come from the 2014 budget. During the budget process the balance amount was inadvertently not included in the 2014 budget.

Elections Temporary Salary – 101-44040-120	\$5,000
Elections Printing and Publish 101-44040-340	1,500
Elections Contractual 101-44040-390	1,000
Council Professional 101-44011-300	2,200
Council Printing and Publish 101-44011-340	2,800
Council Travel School & Conf101-44011-320	<u>2,200</u>

The net impact is zero with the 2013 budget decreasing by \$14,700 and the 2014 budget increasing by \$14,700.

Motion Gartner, second Waltman to adopt Resolution 14-013 allowing carryover of unspent amounts from the 2013 budget to the 2014 budget at an amount not to exceed \$14,700. All ayes 6-0-0.

Adopt Resolution 14-016 acknowledging receipt of resignation of Matt Powers and declaring vacancy in office of City Council

Matt Powers tendered his resignation in writing to Mayor Beckman on January 28, 2014. Since he has resigned, there is a vacant council seat that needs to be filled. The Council should adopt the resolution 14-016 acknowledging receipt of Matt Powers' resignation and declaring the vacancy. Because less than two years remained in Matt Powers' term, a special election will not be needed per the Charter (his term would have been up in January of 2015) and the Council may appoint someone to fill his seat. The council may simply appoint someone or it may invoke a more extensive process and seek applications. The person that is appointed will serve until the newly elected person takes the oath of office in January of 2015.

Motion Peters, second Gartner to adopt Resolution 14-016 acknowledging the receipt of the resignation of Matt Powers and declaring a vacancy in the office of City Council and thanks for the many years of service to the Lake City community. All ayes 6-0-0.

Staff will place an ad for the vacancy in the newspaper and city website. The Charter states that the council shall “forthwith” fill the vacancy. Applications will be reviewed by council. A special meeting will be called in March to review the applications. The appointment is to fill the unexpired term of Mr. Powers.

Motion Peters, second Spence to advertise for the open council position using the standard board and commission application for a period of 2 weeks. All ayes 6-0-0.

Conduct first reading of Ordinance 529 designating Patton Park as Local Heritage Preservation Site

The City has the authority to designate historic sites, by ordinance, in accordance with Chapter 153 of the City Code. The City’s has previously approved the designation of five (5) historic sites; Patton Park will be its sixth historic site designation. The HPC held a public hearing on January 12, 2014, to consider the site designation, and is forwarding its recommendation of approval to the City Council.

The Planning Commission has also reviewed the historic designation at their December meeting, and specifically considered how the preservation of the park relates to the City’s Comprehensive Plan. The Commission found the designation compliant with the Comprehensive Plan, and is forwarding a recommendation of approval to the City Council.

Patton Park is being recommended for local historic site designation based on several findings of fact, which are detailed in the ordinance. Notable features of the park have remained mostly unchanged, which contribute to the Park’s historical significance. Additional contributing factors in the history of the Park are the historically significant persons who helped establish and maintain the park, notably Anna Underwood and George Patton.

Motion Peters to introduce, and conduct the first reading of Ordinance 529, an ordinance designating Patton Park as a Local Heritage Preservation Site, and to set a public hearing and second reading for the regular March, 2014, City Council meeting.

Ordinance 529 was read aloud by Planning & Community Director Keehn.

Approve purchase of Streets dump/plow truck for \$180,000.00

This purchase will replace a 1991 dump/plow truck and includes trade allowance of \$6,000 for the older truck. Information including miles, hours, and utilization rate and repair costs were provided during the budget process. Prices have been obtained through the state contract for the truck chassis from Nuss Truck & Equipment and all other equipment from Universal Truck. Other necessary miscellaneous equipment will be added such as two-way radio, exterior lights, etc. Equipment is approved for \$38,000 per year for 5 years in 2014 budget (\$190,000 total). A loan from the Electric fund to the Street fund is scheduled to make the purchase. Final cost should come in at \$10,000 or more under budget.

Motion Waltman, second Gartner to approve purchase of Streets dump/plow truck for \$180,000.00 Roll call vote: Beckman Y, Durand Y, Gartner Y, Peters N, Spence Y, Waltman Y Motion carried 5-1-0.

Authorize Kennedy & Graven to undertake recodification of City Code

The City Code was last recodified in 2004. At that time, it was not put in an electronic format so amendments to the Code that occurred after that date were not incorporated into the Code. Therefore, the Code books and the Code that is on the City's website are not up-to-date. City staff requested that Kennedy & Graven provide the City with a proposal for recodification of the City Code. Kennedy & Graven estimates that the entire project would take potentially 300 to 400 hours of time and would be expected to be complete in one year. This means that the cost, depending on the number of revisions and meetings regarding the project with City staff and the City Council would be within the range of \$42,000 - \$56,000 plus costs and disbursements. This estimate assumes that there will be very few substantive changes or improvements to the Code and that the City does not desire to have an index. Kennedy & Graven would charge the City for the actual amount of work performed. Kennedy & Graven is also willing to assist the City with putting in place a system for keeping the Code up-to-date after the recodification is complete and also with updating the Code as new ordinances are adopted.

Motion Waltman, second Spence to authorize Kennedy & Graven to undertake recodification of the City Code with funding for project to come from all funds: Roll call vote: Durand Y, Spence Y, Peters Y, Beckman Y, Waltman Y, Gartner N. Motion carried 5-1-0.

Introduce and conduct first reading in summary form of Ordinance 530 amending Chapter 116 of Lake City Municipal Code relating to Peddlers, Solicitors, and Transient Merchants, and adopt Resolution 14-014 authorizing publication of Ordinance 530 by title and summary

The City Clerk requested that the City Attorney review the City's current Peddler/Solicitor/Transient Merchant Ordinance in light of training she recently attended where this was discussed. The Ordinance was reviewed and updates were made in order to reflect current state and federal law regarding regulation of peddlers, solicitors, and transient merchants. For clarification, the Ordinance removes the definitions of "canvasser" and "professional fund raiser." The Ordinance also adds a statement that a county license is required for transient merchants, to put transient merchants on notice of county licensing requirements prior to application for City license. The badge requirement has been changed to a certificate of proof of permit/registration for administrative ease, and to more easily provide proof of permit/registration to the public. The Ordinance removes regulations relating to professional fund raisers, and also removes the permit exemption for "known non-profit organizations or groups" to conform to constitutional requirements. The Ordinance also adds the statement that solicitors will not be required to pay a registration fee, for the same reason and for better legal defensibility.

The application was also reviewed and revised as part of this process to ensure that the application was legally sound and conformed to the Ordinance. Peddlers and transient merchants will apply for a permit on a form separate from commercial solicitors. Commercial solicitors must register on a form provided by the City. Peddlers and transient merchants (if approved), and solicitors (upon registration) receive a certificate of proof of permit/registration which they must carry on their person while conducting commercial activities in the City. As before, non-commercial door-to-door advocates are not required to register or obtain a certificate, which is in accordance with constitutional requirements.

Motion Waltman, second Spence to introduce Ordinance 530 Amending Chapter 116 of the Lake City Municipal Code relating to Peddlers, Solicitors, and Transient Merchants and to conduct the first reading in summary form and to approve Resolution No. 14-014 authorizing publication of Ordinance 530 by title and summary. All ayes 6-0-0.

The summary publication was read aloud by Clerk Schreck.

Introduce and conduct first reading in summary form of Ordinance 531 amending Chapter 114 of the Municipal Code relating to Parades; Adopt Resolution 14-017 authorizing publication of Ordinance 531 by title and summary

The City currently requires persons organizing a parade to obtain a permit from the City. The City Clerk requested that the City Attorney review the City's current regulations relating to parades. The City Attorney has recommended that the City adopt an ordinance that regulates parades.

The new parade ordinance regulates the time, place and manner in which a parade is to be conducted. It defines a parade; requires a parade permit in the City; states parade application requirements and deadlines; states objective standards for parade permit issuance; sets forth notice of rejection, revocation, and appeal of rejection or revocation of a parade permit; and states parade equipment, conduct and safety requirements that must be followed by all parade participants, as well as parade cleanup. The new ordinance also allows for proof of insurance and indemnity requirements at the discretion of the City.

The City's parade permit application was also reviewed by the City Attorney in order to ensure that it conformed to the requirements set forth in the new ordinance. The revised application requires that certain information be provided by the applicant, including but not limited to: the name of applicant/organization conducting the parade; the dates and time of the parade and parade assembly; the location of parade route and assembly place; and the approximate number of participants, vehicles, animals, and description of vehicles and animals. The parade application also requests information regarding relevant insurance, and informs applicants that the City may require additional insurance at the City's discretion.

Motion Waltman, second Durand to introduce Ordinance 531 Amending Chapter 114 of the Lake City Municipal Code relating to Parades and conduct the first reading in summary form and to adopt Resolution 14-017 authorizing publication of Ordinance 531 by title and summary. Roll call vote: Beckman Y, Durand Y, Gartner N, Peters Y, Spence Y, Waltman Y. Motion carried 5-1-0.

The summary publication was read aloud by Mayor Beckman.

Introduce and conduct first reading of Ordinance 532, an ordinance authorizing disposal by sale of real property owned by City

The City has been part to a lease agreement with Mayo Clinic Health Systems – Lake City Since August 1, 1998. The Lease grants Mayo the option to purchase the property described in the attached ordinance, and Mayo has notified the City that it wishes to exercise this option. The purchase price was agreed to earlier. The sale price of the property is \$25,155.00.

Motion Spence to introduce, and conduct the first reading of Ordinance 532, an ordinance authorizing disposal by sale of real property owned by the City.

It is the cities intent to release the easement on this property.

Ordinance 532 was read aloud by Planning & Community Director Keehn.

Discuss city administrator search process and interim city administrator

City Administrator Ron Johnson has been appointed as the city administrator for the city of Cannon Falls effective March 10 and submitted his resignation effective at the end of the day on March 9.

Mayor Beckman requested placement of this item on the agenda to discuss, and potentially take action upon, the replacement process for a new city administrator. Appointment of an interim administrator at this meeting would allow the appointed individual to plan for the vacancy which will occur on March 10.

Mayor Beckman suggests appointing Mr. Jensen as the interim and Mr. Keehn as responsible for capital projects and Clerk Schreck as city meeting agenda prep. The Personnel Committee will need to review compensation.

Motion Spence, second Waltman to approve the appointment of Mr. Jensen -acting City Administrator, Mr. Keehn -capital project and Ms. Schreck- agenda preparation to the designated roles as defined by the Personnel Committee. All ayes 6-0-0.

Outgoing City Administrator Johnson agreed that a search firm be used for the process of a new hire for the position. The Mayor suggested that the personnel committee be involved in expediting the process.

Motion Gartner, second Waltman to request a proposal for services from Brimeyer - Fursman for the position of City Administrator. All ayes 6-0-0.

Approve the purchase of 2013 Side-by-side ATV

The 2013 EZ-Go Ambush Buggy Bad Boy ATV will be used throughout the entire year by the department. Its main purpose will be for the Community Service Officer to patrol the downtown area for parking violations, posting of signage and miscellaneous use, including transportation of dogs. This vehicle will also be used by patrol officers in the summer for special activities and forthcoming new programs. To offset the cost of the ATV, the 2005 Chevy Malibu that is now used as the Administrative vehicle will be traded in for a value of \$3600.00.

Motion Gartner, second Spence to approve the purchase of a 2013 Side-by-side ATV from 61 Marine for a total of \$9500. All ayes 6-0-0.

Direct staff to spec out building for Food Shelf and solicit quotes

The City Council has directed staff to explore the possibility of building a new building for the Food Shelf in its current location. Preliminary estimates based on discussion with members of the Food Shelf board allowed for a preliminary estimate in the area of \$50,000 for the demolition, basic building, and concrete work. In order to get a more accurate cost, which would include additional work (heating and A/C, electrical, plumbing, etc.) staff must spec the building out and get quotes. The final cost to be determined.

Motion Gartner, second Spence to direct staff to spec out a building for the Food Shelf and solicit quotes additional costs associated with the project as requested by staff. All ayes 6-0-0.

7. Consent Agenda
 - a. Approve the January 13th 2014 council meeting minutes

- b. Approve expense claims 1.9.14-2.12.14
- c. Approve permit for St Patrick's Day Parade
- d. Approve 2014 billboard permit application for Jim Whiting Nursery & Garden Center, Inc.
- e. Approve purchase of two Lucas 2 CPR Devices for \$22,351
- f. Confirm appointments of 2014 committee members and liaisons to boards and commissions
- g. Approve agreement for lease of Mitel phone system for Public Safety Building
- h. Adopt Resolution 14-009 confirming board and commission appointments
- i. Adopt Resolution 14-010 confirming board and commission re-appointments
- j. ~~Approve hiring Robert Benson as Full Time Paramedic, Amanda Odegaard and Chelsey Blevins as Casual Paramedics and John Yeakel as volunteer EMT~~
- k. Clarify Grade and Step for Library Aides Hannah Kennedy and Donna Ohl
- l. Adopt Resolution 14-015 approving 2014 seasonal hires for Public Works and Marina
- m. Approve Southeastern MN League of Municipalities (SEMLM) legislative policies for submittal

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

7j. Approve hiring Robert Benson as Full Time Paramedic, Amanda Odegaard and Chelsey Blevins as Casual Paramedics and John Yeakel as volunteer EMT

This item was pulled by councilmember Peters for discussion. His concern is housing for the new candidates as they live outside of city limits.

Motion Spence, second Gartner to approve hiring Robert Benson as Full Time Paramedic, Amanda Odegaard and Chelsey Blevins as Casual Paramedics and John Yeakel as volunteer EMT. All ayes 6-0-0.

Communication Updates:

City Attorney provided a memo to council with regulation of taxis as requested from the January meeting.

Miscellaneous Discussion

Durand has taken citizen concerns regarding train speed as well as those carrying hazardous materials.

Gartner stated that he has concerns regarding Ambulance transports and the staffing turnover. The Mayor will be setting a meeting with the Ambulance Director to review these concerns.

Informational Reports- as presented

Councilmember Waltman requested information from the City Administrator regarding staffing issues with the Ambulance.

Future Meeting Dates- as presented

Close the meeting pursuant to MN Statute 13d.03 (Subd 1b) to discuss labor negotiation strategies

Motion Peters, second Waltman to close the meeting pursuant to MN Statute 13d.03 (Subd 1b) to discuss labor negotiation strategies at 8:32 p.m. All ayes 6-0-0.

The meeting was reopened at 8:43

Motion Gartner second Waltman to adjourn at 8:45 pm. 6-0-0.

Joel T. Beckman, Mayor

ATTEST:

Kari Schreck, City Clerk