

**Lake City Common Council
Regular Meeting
Monday, March 12, 2012 6:00 p.m.
City Hall Council Chambers**

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

Members Absent: None

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

Mayor Dunbar 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 Dunbar led the Pledge of Allegiance.

Introductions

Introductions were made.

Disclose Conflicts and Relationships

Gartner will recuse himself from any potential vote or discussion on 7b.Bremer Quarry.

Review and Adopt Agenda

Dunbar noted that item T will be added under consent to appoint Tom Heimer to the 2 mile zoning committee also known as the joint city/county planning board.

Waltman requested to pull item 8b. Under consent approve council minutes of 2.13.12.

Gartner requested to pull item 8e. Approve administrative increase in garbage contract fee for 1) dumping fee increase, and 2) CPI increase and item 8l. Adopt Resolution 12-018 delegating authority for paying certain claims.

Motion Waltman seconded Powers to approve agenda as amended. All ayes 7-0-0.

Public Forum

Jerrie Hayes, Attorney for Richard Bremer, noted that she would be available for any questions, comments or concerns related to the Bremer Quarry issue.

Michael Plante, assistant Wabasha County Attorney is also available to address any questions, comments or concerns related to the Bremer Quarry issue.

It is his opinion, that the joint planning board would address all planning and zoning uses.

Jim Bryant Goodhue County Commissioner Semi -annual report to council

Frac sand mining continues to be a discussion item for the county. The county currently has a moratorium which will expire in September. The county continues to watch what the current legislature is addressing. Hwy 52 continues to be an issue at the intersection of Hwy 9 & Hwy 52. The state and federal governments are working on a plan for a potential overpass in that area.

The public hearing on state aid streets within the city scheduled for tonight has been postponed as the city has not received information from the state necessary to conduct the public hearing. The public hearing will be moved to the April 9th, 2012 meeting.

Bremer Quarry Presentation

The Joint Planning Board was created in January of 2001 in order to facilitate cooperative planning in the two-mile jurisdiction that the City held at the time. It is comprised of two members of the County Board, the affected township board, and two members from the City (One councilmember and one planning commissioner). The City resolution approving its participation in the Board was adopted on December 12th, 2000.

The County is responsible for calling the meetings of the Board, and for providing staff support. The City is informed if the Board needs to meet, and is provided with the application information and other documentation by the County. When the County adopted its zoning ordinance in the early 2000's, the Board ceased reviewing and taking action on zoning decisions, and this was handled by the County alone. The Board continued, however, to review and take action on subdivisions. Although the Board no longer took any jurisdictional control over zoning as a practice, none of the resolutions authorizing the creation of the Board were amended to explicitly

exclude these duties. The assistant County attorney and the City attorney have both reviewed the resolutions, and both agree that they fail to explicitly exclude zoning controls from their land-use jurisdiction. The result is that while the practice has been to only call the Board to review subdivisions, it still retained full land-use jurisdiction, to include zoning. The relevance of this is that the Bremer application for a conditional use permit was improperly made to the Wabasha County planning commission, when it ought to have been made to the Joint Planning Board, based on the opinion of the City and County attorneys. At this point, since it is the County that calls the Joint Board meetings, City staff is taking no action, unless the Council provides direction to the contrary.

Beckman noted concern over the city reservoir which is very close to the quarry. Concerns over infrastructure, and possible contamination should be a concern.

Resolution 12-020 setting a public hearing on April 9, 2012 at 6:30 pm for the 2012 City of Wabasha, Elgin, and Lake City Small Cities Development Program application.

Joe Wheeler from SEMMCHRA outlined the program. The City of Lake City participated in a joint city Small Cities Development Program (SCDP) grant with the Cities of Elgin and Wabasha in 2007. All funds through that program have been exhausted. Therefore, SEMMCHRA is proposing to submit another application on April 12th to the Small Cities Development Program in an effort to make these housing rehabilitation funds available again. Currently, Wheeler reported that there are 10 families on a waiting list for use of this program.

Motion Beckman, second Gartner to adopt Resolution 12-020 setting a public hearing on April 9, 2012 at 6:30 pm for the 2012 City of Wabasha, Elgin, and Lake City Small Cities Development Program application. All ayes 7-0-0.

Approve Fire Department Relief Association request for increase in service benefit

David P. Mahn President L.C.F.D. Relief Association presented a request for an increase in our per year of service benefit from \$3,250 to \$3,900. The relief association has traditionally asked for raises when the schedules show that they can raise the benefit without increasing the city's contribution..

Motion Gartner, seconded Spence to approve the Fire Department Relief Association request for increase in service benefit from \$3,250 per year to \$3,900 per year. All ayes 7-0-0.

Conduct first reading of Ordinance 509 increasing garbage rates

The contract between the City and Lake City Disposal provides an increase in fees paid to Lake City Disposal 1) if there is an increase in dumping fees charged by the City of Red Wing Incinerator, and 2) to allow for an adjustment in the Consumer Price Index as prepared by the United States Department of Labor for the Minneapolis/St. Paul, MN area for the immediately preceding calendar year.. There was an increase of \$10.00 per ton in dumping fees on January 1, and an increase of 3.6% in the CPI from 2010 to 2011. On the consent agenda of this meeting is a request for approval of an administrative increase in fees paid to Lake City Disposal as a result of the increases mentioned above. In order not to dip into reserves, it is necessary to increase garbage rates to cover these additional costs.

Motion Waltman to conduct the first reading of Ordinance 509 increasing garbage rates. Ordinance 509 was read aloud by City Clerk Schreck.

Approve agreement with West Central Wisconsin Biosolids Commission

The current 10 year agreement with the West Central Wisconsin Biosolids Commission expired December 31, 2011. The proposed agreement has been reviewed by legal counsel for both the Commission and the City of Lake City.

Motion Beckman, seconded Peters to approve the agreement with West Central Wisconsin Biosolids Commission subject to the Lake City Utility Board approval at their March 2012 meeting. All ayes 7-0-0.

Approve 2012 Coalition of Greater MN Cities membership

This item was tabled at the February 13, 2012 meeting and is now considered for action.

This membership would be a supplement to our League of MN Cities membership and not a replacement. The 2012 budget includes \$3,870 for this membership as previously discussed.

Motion Beckman, seconded Peters to approve the 2012 membership in the Coalition of Greater MN Cities at a fee of \$3,867. Roll call vote: Beckman, Spence, Peters, Dunbar voting aye; Waltman, Powers, Gartner voting nay. Motion carried 4-3-0.

Update on Board and Commission duties- Library

City Attorney England conferred with Scott Kelly, Attorney for the League of Minnesota Cities on this matter. Both attorneys strongly feel that MN State Statute 134 would be the defining

statue in governance of the Library Board. City Attorney England outlined a process that would have to happen in order for the requested action to occur. First the Charter would need to be changed, then the Ordinance could be changed, then bylaws would be drafted.

The following points are forwarded to the City Attorney for review and consideration for possible Charter action:

Defined as advisory board.

90 days for City Attorney and Charter Commission to review and bring back recommendation.

Personnel issues should be handled by the personnel committee.

Hiring of Library Administrator should be done by a designated committee and full council.

Keep budgeting process the same as we have been doing for years- subject to Council approval.

Powers left at 7:45 p.m.

Powers returned at 7:51 p.m.

City Attorney will review the Administrative hiring policy adopted by council on November 11, 2004, making sure that the policy follows the Ordinance.

England reported that she forwarded some language from another city regarding the Planning Commission to Rob Keehn, Planning Director, for review. They will meet to discuss. If approved, it will be part of the April 9th, 2012 council meeting for action.

City Attorney England left at 7:55 p.m.

Approve cooperative agreement between City of Lake City, ISD #813 and Wabasha County for pedestrian crossing at Bluff View Elementary

It has been requested that the city, school district and county combine efforts and funding in order to complete this proposed project. An agreement was provided by Wabasha County.

The agreement has been reviewed by legal.

The Street/Parks Commission recommended approval at their 2.21.12 meeting with the exception that Wabasha County be fully responsible for all future maintenance.

Motion Waltman, seconded Spence to approve a cooperative agreement between City of Lake City, ISD #813 and Wabasha County for pedestrian crossing at Bluff View Elementary.

Council member Beckman and Gartner want to know why the school district has a cap on the amount they will contribute, but the city does not. Who pays for any overruns if caps are put in place? There is no firm estimate in place, but that is needed in order for actual costs to City/ County/ School. A formal proposal should be brought forward with hard costs.

Gartner requested a reconsideration of the motion on the floor and request that the county assume the cost of maintenance and the costs be split 1/3 to each party.

City Attorney England returned at approximately 8:15 p.m.

Gartner offered for council consideration a consensus to approve the basic understanding of the agreement subject to however, that the three parties agree to share equally the costs of construction, the county be responsible for future repair and maintenance, and the final cost come back to the city council for consideration for executing an agreement consistent with this consensus.

Waltman withdrew the previous motion.

Motion Peters, seconded by Powers to table the cooperative agreement between City of Lake City, ISD #813 and Wabasha County for the pedestrian crossing at Bluff View Elementary. All ayes 7-0-0.

Award 2012 mill and overlay project

Public Works Director Jensen, and Bill Anderson of Yaggy Colby reviewed the bid process to council. Council approved at the 2.13.12 council meeting to advertise for bids with funding of the project from general obligation bonds. This requires a 30 day waiting period from the public hearing date (2-13-12) to allow for receipt of a petition signed by at least 5% of registered voters that voted in the last general election, which would require a referendum vote on the bond issue. The 30 day deadline is 3-14-12. The budgetary impact to the city is the issuance of \$1.25 million in general obligation bonds. Legal and engineering costs are not included in the \$1.245 million. 13 bids were sent out. 1 was received back.

Motion Gartner, seconded Waltman to award 2012 mill and overlay project to Monarch Paving for \$ 1.245359.09, contingent upon bond procedure, a 30 day waiting period from the public hearing date (2-13-12) to allow for receipt of a petition signed by at least 5% of registered voters that voted in the last general election, subject to no petitions being filed with the city by March 15, 2012 All ayes 7-0-0.

Set public hearing for April 9, 2012 at 6:15 p.m. on MN State Aid System street improvements

This item was originally scheduled for the March 13, 2012 meeting, but MnDOT's review of the project is not yet complete. A public hearing must be held related to the assessed portion of the 2012 MSAS street improvement process.

Motion Beckman, seconded Gartner to set the public hearing for April 9, 2012 at 6:15 p.m. on the MN State Aid System street improvements. All Ayes 7-0-0.

Approve estimated assessment on 2012 MSAS street improvement project

Street reconstruction projects have historically included assessments to adjacent properties as part of the funding package. Similar to the 7th St. project in 2010, Monroe St. and Terrace Rd. are constructed to carry significantly heavier vehicle loads, making them more expensive to build. In order to balance that expense throughout the city, the Council looked at the construction cost of a standard residential street. For the 7th St. project, the estimate came out at \$13 per lineal front footage and \$4.33 per lineal side footage (1/3 of front). An estimate based on the same principle using bid amounts from the recently awarded 2012 Water Main Replacement project estimate shows this project at a per lineal front foot assessment of \$15.80.

Motion Beckman, seconded Powers to approve estimated assessment on 2012 MSAS street improvement project at \$15.80 per lineal front foot. All ayes 7-0-0.

Consider termination of probationary employee and Adopt Resolution 12-021

At the February 23, 2012 special Council meeting, the following action occurred:

Motion Beckman, seconded Powers to accept the recommendation of the city administrator and to proceed with termination of probationary employee Sherry Mooers. All ayes 6-0-0.

Subsequent to the February 23 Council meeting, the Personnel Committee, on March 6, 2012, provided Ms. Mooers an opportunity to be heard, after which the following action occurred:

Motion Powers, second Waltman to recommend to Council to proceed with termination of Library Administrator Sherry Mooers. All ayes 3-0-0.

Motion Powers seconded Waltman to adopt Resolution 12-021 terminating probationary employee Sherry Mooers effective March 12, 2012. Roll call vote: Beckman, Spence, Dunbar, Waltman, Powers, Gartner voting aye; Peters voting nay, Motion carried 6-1-0.

Communication Updates

City facilities project update

Bremer Quarry

Consent Agenda

a. Approve Expense Claims

b. ~~Approve Council Minutes - February 13, 2012~~ pulled for discussion

c. Approve Council Special Meeting Minutes - February 23, 2012

d. Approve Council Special Meeting Minutes - February 27 2012

e. ~~Approve administrative increase in garbage contract fee for 1) dumping fee increase, and 2) CPI increase~~ pulled for discussion

f. Approve purchase of Emergency Response Vehicle

g. Accept the donation from Michael and Charlotte Easton for the Ambulance Attendants

h. Approve replacement of an existing plaque in Patton Park

i. Adopt Resolution 12-014 amending policy for City Hall bulletin board posting

j. Adopt Resolution 12-015 reestablishing precincts and polling places for the 2012 primary and general elections

k. Adopt Resolution 12-016 amending city policy on Petitions

l. ~~Adopt Resolution 12-018 delegating authority for paying certain claims~~ pulled for discussion

m. Approve assessment of water service line repairs at 312 W. Lyon Ave. for \$4,800.00, PIN 22.00527.00

n. Approve Hok-Si-La Park firewood policy

o. Approve designation of Knobelsdorff Electric donation of \$1,000 toward replacement of Hok-Si-La Park entrance sign

p. Adopt Resolution 12-013 decertifying TIF #9 Hearth Technologies Inc.

q. Approve Lake City Fire Department Officers for 2012

r. Approve Council retreat minutes - January 23, 2012

s. Approve use of fire station by Fire Department Relief Association

t. Approve appointment of Tom Heimer to the 2 mile zoning committee also known as the joint city/county planning board.

Motion Gartner, seconded Spence to approve the consent agenda as amended. All ayes 7-0-0.

Approve Council Minutes - February 13, 2012

Waltman wanted the minutes to reflect more of the discussion related to EDA. Specifically the use of taxpayer dollars and the matching grant language, that the recipient would not have to pay anything back to the city.

Beckman corrected the motion to adjourn as he was not in attendance.

Motion Gartner, seconded Waltman, correct the minutes of the February 13, 2012 meeting as discussed. All ayes 7-0-0.

8e. Approve administrative increase in garbage contract fee for 1) dumping fee increase, and 2) CPI increase

II E1	\$10.00/ month	increased to \$10.76/ month
II E2	\$2.70/ month	increased to \$2.80/ month
II B	\$2.30 per sticker	increased to \$2.40 per sticker

Gartner would like clarification on the amounts noted in the RCA. The amounts are inconsistent. Staff will look into and bring back for the next meeting.

Motion Gartner, seconded Waltman to approve the fee increase based upon the terms provided in the contract. All ayes 7-0-0.

8l. Adopt Resolution 12-018 delegating authority for paying certain claims

Gartner requested language changes within the proposed resolution to be considered. He is requesting that usual and customary claims be defined as to not exceed an amount. Beckman stated that the budget process we have in place addresses this, and a dollar amount is not necessary. Anything that is not currently in the budget needs to come before council for approval. Staff was directed to meet with Finance Director Pratt to review this request.

Motion Peters, seconded Powers to table Resolution 12-018 delegating authority for paying certain claims. All ayes 7-0-0.

Miscellaneous Discussion

Peters is the designee for the High Speed Rail Commission for Lake City and is requesting the city's support of two resolutions. There is consensus from the council and he was directed to forward the two resolutions to the City Administrator for inclusion in the April agenda.

Waltman expressed concern with the EDA article in last week's Graphic. Waltman stated that EDA reserve policy is clear, and she still has concerns over the use of taxpayer dollars for this project to rehab downtown buildings.

Gartner raised concerns over homeschooling at the Library and who is in charge of the program. Peters noted that there are costs involved by having additional staff hours.

Spence wanted an update from the Planning Commission on the Frac-Sand mining issue.

Spence noted that the SIRE program which city staff have been using for video web streaming and packets of the city council are archived online.

Informational Reports:

Civil Service Commission - September 21, 2011
Library Minutes - January 17, 2012
Fire Department - January 26, 2012
Best Value Contract Meeting Minutes - February 1, 2012
Public Safety Board - February 1, 2012
Marina Board - February 7, 2012
Heritage Preservation Commission - February 8, 2012
Best Value Contract Meeting Minutes - February 10, 2012
Personnel Committee - February 9, 2012
Utility Board - February 15, 2012
Ambulance Commission - February 21, 2012
Library Minutes - February 21, 2012
Street & Parks Commission - February 21, 2012
Board of Adjustments - February 21, 2012
Charter Commission - February 21, 2012
Fire Department Annual Meeting - February 23, 2012
EDA - March 1, 2012
Special Personnel Committee - March 6, 2012

Future Meeting Dates:

As presented.

Dunbar called a mini - retreat workshop to review 2011 goals, and review 2012 goals for March 26th, 2012 at 5:00 p.m.

Adjourn

Motion Powers, seconded Waltman to adjourn at 9:35 p.m. All ayes 7-0-0.

Jerry M. Dunbar, Mayor

ATTEST:

Kari Schreck, City Clerk