

**Lake City Common Council  
Regular Meeting  
Monday, May 23, 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, Planning & Community Director Rob Keehn,  
City Attorney Karen England

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 works regularly with MnDot but has no conflicts.

Gartner will recuse himself from consent agenda item vote due to a relationship with item 3i Approving US Gas tobacco license application.

Review and Adopt Agenda

Dunbar requests to add certificate of commendation to waste water treatment facility staff.

Powers pulled from consent 3e -approve the purchase of a 2011 Ford Fusion for the public works electric division from for discussion.

**Motion Waltman seconded Powers to adopt the agenda as amended. All ayes 7-0-0.**

HPC Certificates of Merit Presentation

Don Schwartz from the Heritage Preservation Commission presented a certificate of merit to Lake Pepin Pearl Button Company owners Dave and Juleen Close, and Rene Lawson and Lora Schwartz for their renovation on the building built in 1866, built by James Stout located at 221 S, Washington St.

Thanks to MnDOT for securing federal funding and overseeing the restoration of the brick structure on the Lake City Concourse located South Highway 61 known as the turnaround overlooking Lake Pepin.

Dunbar presented to Public Works director Scott Jensen a certificate of commendation to the City of Lake City water /waste water department for 2010 compliance from the Minnesota Department of Pollution Control.

#### Public Forum

Bryan Huffman discussed the fees charged for the use of McCahill fields and council consideration of reducing fees charged in 2011. Mayor Dunbar stated that he or members of the softball teams should attend the June 20<sup>th</sup> Street/Parks Commission meeting.

Katie Himanga addressed the de-vegetation of the shoreland area.

#### New Business

Adopt Resolution 11-026 approving of bonds to be issued by the Southeastern Minnesota Multi-County Housing and Redevelopment Authority to finance the acquisition and construction of Bella Vista Senior Apartments Project

SEMMCHRA represented by executive director Joe Wheeler is requesting adoption of resolution 11-026. SEMMCHRA was approached by Alliance bank to work on this project.

There are 22 units available for this project. This is not a subsidized housing project. Rental rates will be around \$1200.00-\$1600.00 per month, for persons 55 years of age or older. Four units will be sold, the rest will be rented.

**Motion Gartner seconded Waltman to table Resolution 11-026 approving of bonds to be issued by the Southeastern Minnesota Multi-County Housing and Redevelopment Authority to finance the acquisition and construction of Bella Vista Senior Apartments Project. All ayes 7-0-0.**

**Motion Gartner, second Powers to establish a committee of Gartner, Beckman, Waltman, City Administrator and the City Finance director to review the proposed acquisition of the Bella Vista with the HRA. All ayes 7-0-0.**

**Motion Gartner, seconded Powers to table the authority of SEMMCHRA as the Lake City's HRA until this matter is resolved. All ayes 7-0-0.**

Approve pay grade 13, step G effective June 1, 2011 for Police Sergeant Cory Kubista

The Civil Service Commission appointed Mr. Kubista as Sergeant effective June 1, 2011 to replace Sergeant Gary Majchrzak, who was appointed Police Chief. The Commission requests that Council set the salary.

**Motion Gartner, seconded Spence to approve pay grade 13, step G (\$31.31 ) effective June 1, 2011 for Police Sergeant Cory Kubista. All ayes 7-0-0.**

Approve pay grade 17, step C effective June 1, 2011 for Police Chief Gary Majchrzak

The Civil Service Commission appointed Mr. Majchrzak as Police Chief effective June 1, 2011 to replace retiring Police Chief Lyle Schumann. The Commission requests that Council set the salary.

**Motion Gartner, seconded by Spence to approve pay grade 17, step C ( \$35.44) effective June 1, 2011 for Police Chief Gary Majchrzak. All ayes 7-0-0.**

Approve settlement agreement and release

The City was served with a Summons and Petition by Collins, Buckley, Sauntry & Haugh, P.L.L.P. on behalf of Ms. Peters. The Complaint alleges that monies are due and owed to Ms. Peters for unpaid PTO/Comp Time, punitive damages and attorney's fees.

The impact will be the settlement sum, plus legal fees for non-retainer work. At the direction of City Council, the City Attorney entered into negotiations with Ms. Peters' attorneys to create a Settlement Agreement and Release. Documents and terms have been agreed to by former employee, Denise Peters, and are before the Council for consideration.

**Motion Beckman, seconded by Gartner to approve the Settlement Agreement and Release with former employee, Denise Peters in the amount of \$6613.95. All ayes 7-0-0.**

**Motion Gartner, seconded Waltman, to direct City Attorney England in cooperation with the city finance department to submit a bill to the League of Minnesota cities for reimbursement of all attorney fees and costs incurred by the city in this matter since they are contractually obligated to provide a defense to at least some of the issues provided in the complaint. All ayes 7-0-0.**

Unfinished Business:

Share the Road project update and request for additional routes

Deidre Flesche and Laurie Hodgeson of Share the Road Committee is requesting the City Council approve additional bike routes in Lake City using existing rights of way, primarily due to the discovery that the initial project was under budget and additional routes could be marked to best utilize funding. Due to the quotes coming in under budget, more routes can be marked.

The additional routes are as follows:

South Lakeshore Drive to South 7<sup>th</sup> Street via Marion Street

Wabasha County Road #5 to North 10<sup>th</sup> Street via Hidden Meadow Lane

These additional routes have been reviewed by the Planning Commission, the Streets and Parks Commission, and the Public Safety Board. There will be no action taken on 9<sup>th</sup> street or Doughty at this time. Public Works will look into the costs of blacktop for the portion of 9<sup>th</sup> proposed.

**Motion Gartner, seconded Peters to approve Resolution No. 11-027 authorizing additional City streets, in addition to those previously approved by the City Council on April 11, 2011, as part of Resolution No. 11-019 to be marked as bike routes though funding made available through the MN Statewide Health Improvement Program per map provided at this meeting called attachment A. All ayes 7-0-0.**

Update on Ordinance No. 500, an Ordinance amending the City's shoreland regulations

The Planning Commission reviewed the amended shoreland ordinance at their May 3, 2011, meeting, and has requested several additional changes. Staff has made the changes and the public hearing is set for June 7, 2011 at the regularly scheduled Planning Commission meeting.

Lake Pepin Neighborhood Access Points

A conference call was held between MnDOT staff members Heather Lukes and Kristi Billiar and Public Works Director Scott Jensen. Gartner, and Powers stated that they have concerns with regard to the city's liability.

**Motion Gartner, seconded Powers for the City of Lake City to withdraw from further communication or involvement with this project due to liability issues. All ayes. 7-0-0.**

Facilities presentation

Rob Keehn, Director of Planning & Community Development, gave a presentation about the facility needs of the Library, Police, Ambulance, and Fire Departments.

At the Council meeting on May 9, 2011, the Council directed staff to bring back an update as to how the facilities planning project is progressing.

An architectural services proposal from TRImension Design for expanding the four corners of the Library on its existing site was discussed. Library board must review before council consideration. Community support is vital to the project moving forward.

An excerpt from the 2004 Public Safety Facility Feasibility Study showing how the Police and Ambulance services might be combined on property that the City already owns was also reviewed. The library information could possibly lead to action being taken to determine hard construction cost estimates, while the Public Safety study except provides a snapshot of how the police/ambulance services could move forward if certain alterations are made to the plan. At this time staff is not pursuing any additional planning for the Fire Department based on their assessment of needs. All boards and commissions involved should review the plans to gauge public support. Staff is requesting direction on how to proceed with the Library as a separate project from the Public Safety building, and whether the Council is comfortable moving forward. There would be a cost to getting the architectural services/construction estimate, which has not been budgeted for FY 2011.

**Motion Gartner, seconded Powers to recommend that the respective boards and commissions review the facilities need documents for their advice and recommendations to council. All ayes 7-0-0.**

Update on Board and Commission and liaison duties

Staff is working on at this time.

Update on Revolving Loan Fund

City Attorney England will work with EDA Director Sparks to provide a Revolving Loan Fund status report for the 6/13/11 regular Council meeting. City Administrator will speak with Erin Sparks of the EDA as to the need for a meeting of the RLF committee to review. Staff will provide to council a copy of the RLF policy.

**Motion Gartner, seconded Waltman to the RLF committee to consider the proposed report of done by EDA director and City Attorney, and staff for consideration and recommendation to the full council. All ayes 7-0-0.**

Council has requested a quarterly review of this fund for future meetings.

Update on outstanding Request for Legal Activity requests

City Attorney England will provide an updated list of outstanding Request for Legal Activity requests at the June 13, 2011 regular Council meeting.

Spence noted that this needs to be done quarterly and presented to council.

**Motion Gartner, seconded Powers that the personnel committee reviews the update on outstanding request for legal activity requests for consideration and recommendation to the council.**

**Roll call vote:**

**Beckman, Spence, Peters, Dunbar, Powers, Gartner voting aye,  
Waltman voting nay Motion carried 6-1-0.**

Discuss code of conduct

City Administrator Johnson presented the code of conduct template from the League of MN Cities as a template. Gartner suggested that 02.i be deleted from the document. Staff will work on the document and bring back with suggested changes. This would become a city policy.

Consent Agenda:

- a. Approve expense claims
- b. Approve May 9, 2011 Council meeting minutes
- c. Approve the hiring of pool and recreation staff for the 2011 season pending background checks
- d. Award sale of 1997 Ford F150 to Eugene Marking for \$3,801.00
- e. ~~Approve the purchase of a 2011 Ford Fusion for the public works electric division~~
- f. Approve a minor subdivision request from Lake City Auto Sales
- g. Approve hiring Dan Patterson as firefighter
- h. Adopt Resolution 11-28 certifying special assessments for snow removal during the 2010-2011 Winter Season to the County Auditor of Wabasha County
- i. Approve US Gas tobacco license application

**Motion Waltman, seconded Powers to approve the consent agenda as presented.  
All ayes 6-0-1 Gartner abstained from vote.**

Approve the purchase of a 2011 Ford Fusion for the public works electric division

This item was pulled for discussion by Powers. Powers stated that a pickup should be replaced rather than a car. A 2002 Ford F150 was involved in an accident in April 2011 and was totaled. This vehicle was primarily used by the Electric Supervisor. Replacement of the vehicle is recommended. There is an estimated 8 week period from the time a vehicle is ordered to its delivery. \$10,127 was received for the totaled 2002 Ford F150. The balance due would be \$5,873 for the standard model and would be funded from Electric capital. The car would get better gas mileage than the pickup and was a factor in consideration.

**Motion Beckman, seconded Peters to approve the purchase of a standard 2011 Ford Fusion for Public Works electric division for an estimated \$16000.00 plus taxes and registration.**

**Roll call vote: Beckman, Spence, Peters, Dunbar, voting aye, Waltman, Powers, Gartner, voting nay, Motion carried 4-3-0.**

Miscellaneous Discussion

Dunbar states that the City Attorney's written opinion on whether the city can have members both on the Library Board and Friends of the Library has caused some concern and requests Councils input. England states that she can find nothing in state statute that prohibits it, but she does not recommend it. The city's charter is silent with regard to this.

Mayor Dunbar proclaimed Arbor Day as May 21<sup>st</sup> 2011.

The Chart the Course group organized a beach cleanup on May 21, 2011. Thank you to Gina Lynch for organizing the event.

Mayo Clinic Health Systems on May 23, 2011 had the wall breaking ceremony at the Care Center at Mayo Clinic Health System- Lake City as the kickoff for the renovations to the former nursing home.

Walking Lake Pepin begins June 5 and runs through August 13<sup>th</sup>. Public is encouraged to participate.

**Motion Gartner, seconded Spence to direct the City staff to contact the Goodhue and Wabasha County Assessor's office expressing interest in open book meetings as an alternative to the City Council serving as the local Board of Appeals and Equalization and set up a meeting. All ayes 7-0-0.**

Gartner expressed concern over spraying in the right of way by MnDOT and that staff needs to be vigilant when the spraying is done. Staff will forward the policy adopted by council last year for council members' review.

Spence noted that the library will be closed for a couple of days for computer upgrades.

Informational Reports:

As presented

Future Meeting Dates:

As presented

Meeting recessed at 9:05 p.m.

Close meeting to discuss strategy for labor negotiations

**Motion Beckman, second Waltman to close the meeting at 9:10 p.m. to discuss strategy for labor negotiations. All ayes 7-0-0.**

**Motion Beckman, second Waltman to open the meeting at 9:40 p.m. All ayes 7-0-0.**

**Motion Beckman, second Powers to approve the IUOE, IBEW and LELS labor agreements, as amended, for contract years 2011-2013. All ayes 7-0-0.**

**Motion Powers, second Beckman to adjourn at 9:42 p.m. All ayes 7-0-0.**

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Jerry M. Dunbar, Mayor

ATTEST:

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Kari Schreck, City Clerk