

**Lake City Common Council  
Regular Meeting  
Monday, May 14, 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, 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

None

Review and Adopt Agenda

Gartner requested to pull item 9p Approve Power Sales Contract Schedule A amendment with Southern Minnesota Municipal Power Agency; 9q Adopt Resolution 12-036 setting parking restrictions on 2012 Minnesota State Aid System project; 9r Adopt Resolution 12-037 setting parking restrictions on 2012 Minnesota State Aid System project

**Motion Gartner, seconded Waltman to adopt agenda as amended. All ayes 7-0-0.**

EMS Proclamations

EMS for Children Day 2012 Proclamation

EMS Week 2012 Proclamation

Public Forum

Cheryl Key expressed her thanks to the council in the hiring interim Library director Patti Bross.

Hiawatha Broadband Communications, Inc. (HBC) fiber to home project update

Jerry Olsen and Tom Dwelle from HBC outlined the roll out this project for Lake City. The project should be completed by fall of this year.

Department manager 2011 presentations: Ambulance, Planning & Community Development, Police and EDA

Open comment period for the South Metro Mississippi Total Maximum Daily Load (TMDL) study

The MPCA is working to reduce sedimentation in the portion of the Mississippi River from Ft. Snelling to the upper part of Lake Pepin in Red Wing. The time period for comments on the program closes on May 29, 2012. The Planning Commission was presented information about the MPCA study and is interested in the City supporting it at their last meeting.. While the area falls outside the City's jurisdiction, the sedimentation from the upper Mississippi does impact the water quality of Lake Pepin, which is an important part of the City's character and tourism. Waltman requested a copy of staff's written comments in support be forwarded to council.

**Motion Gartner second Peters to direct staff to submit written comments in support of the South Metro Mississippi Total Maximum Daily Load (TMDL) study. All ayes 7-0-0.**

Adopt Resolution 12-042 deeming the development agreement for Lake Pepin Plaza as terminated

SEMMCHRA will be refinancing using HUD FHA Insured Mortgage. This refinance will fully pay off existing GO backed bonds by the City and also pay off the existing loan from City of approximately \$181,000.00. This refinance will also allow up to 1 million dollars for capital improvements for Lake Pepin Plaza.

**Motion Beckman, second Powers to adopt Resolution 12-042 deeming the development agreement for Lake Pepin Plaza as terminated upon a refinancing thereof by the Southeastern MN Multi-County Housing and Redevelopment Authority (SEMMCHRA), and satisfaction of mortgage delivered, contingent upon approval of City Attorney. All ayes 7-0-0.**

Waive the second reading and adopt Ordinance No. 510 amending Section 155.39 Variances

The City Council introduced, and conducted the first reading of the attached ordinance amending the City's variance requirements at the April 9, 2012, City Council meeting. After the introduction, the notice was published in the local newspaper. Once adopted, the ordinance will amend the City Code, Chapter 155, Article 3, pertaining to variances. The new language will remove the term "undue hardship" and replace it with "practical difficulty".

**Motion Gartner second Beckman to waive the second reading of Ordinance No. 510 amending the City's Variance Requirements, as regulated in the Land Use Title of the City Code, Chapter 155, Section 155.39. All ayes 7-0-0.**

**Motion Powers, second Waltman to adopt Ordinance No. 510 amending the City's Variance Requirements, as regulated in the Land Use Title of the City Code, Chapter 155, Section 155.39. All ayes 7-0-0.**

Library Administrator vacancy- direct Personnel Committee to review Library Administrator position description

The Library Administrator position became vacant on March 12, 2012. Council has directed the city administrator to suggest a process for filling this vacancy. In reviewing the administrative hiring policy, it states that "*The City Council or its designated committee shall review the job description, exit interviews and other documents as necessary to determine what changes, if any, should be made to the position responsibilities or the job description. The City Council or its designated committee shall identify the desired characteristics and qualifications sought of candidates for the position, and the City Council shall approve the job description and the*

*desired candidate characteristics and qualifications for the position.*” It is important that Council agrees with and approves the existing position description for this department manager position, and City Administrator Johnson is requesting that Council assign the initial position review to the Personnel Committee.

There was discussion about the administrative hiring policy and its role in the process.

**Motion Powers, second Beckman to direct the Personnel Committee to review the Library Administrator position description and forward said review to Council for consideration. Roll call vote: Beckman, Spence, Peters, Dunbar, Waltman, Powers voting aye, Gartner voting nay, Motion carried 6-1-0.**

#### Approve 90 day extension to Contract for Residential Refuse Service and Recyclable Materials Services

The existing residential refuse and recyclable services contract expires June 3, 2012. At the April 9, 2012 meeting, staff was authorized to negotiate terms of a new contract for residential refuse service and recyclable materials services with Lake City Disposal (with Council having final approval). Staff has been in discussion with the City of Red Wing incinerator representative to discuss the upcoming renewal of the garbage contract, as the City of Red Wing incinerator is the designated waste disposal site for the city’s residential refuse. A 90 day extension of the contract, with no change in terms, is being requested in order to handle a renewal appropriately. Lake City Disposal is acceptable to this extension.

**Motion Powers, second Spence to approve a 90 day extension to the Contract for Residential Refuse Service and Recyclable Materials Services with Lake City Disposal, with the sole change in contract terms being the termination date. All ayes 7-0-0.**

#### Update on Board and Commission duties

The Council has had continuing discussions regarding the duties and powers of City Boards and Commissions since May 2011. City Attorney England submitted a memo for discussion.

**Motion Beckman, seconded Peters to recommend that the Charter Commission insert language in the Charter to reference the Library Board as subject to the City Charter. All ayes 7-0-0.**

#### Consent Agenda

- a. Approve Expense Claims
- b. Approve Council Minutes - April 9, 2012
- c. Approve Council Special Meeting Minutes - April 19, 2012
- d. Approve hiring of Adam Rumphol as Volunteer Casual Paramedic
- e. Approve hiring of Kassie Dittfach as volunteer EMT
- f. Approve hiring of John Brown and Al Henderson as Marina 2012 seasonal employees
- g. Approve Pool and Recreation staff for 2012 season
- h. Approve renewals of 2012 liquor licenses for the term of July 1, 2012- June 30, 2013
- i. Approve a 1-4 day temporary intoxicating on sale liquor license for Lake City VFW for bean bag tournament June 16, 2012
- j. Approve a 1-4 day temporary 3.2 on sale liquor license for Lake City Fire Department event 7.21.2012-07.22.2012
- k. Adopt Resolution 12-032 approving a Conditional Use Permit for 600 Central

- Point Road
- l. Adopt Resolution 12-033 approving a Conditional Use Permit for 312 W. Lyon Avenue
  - m. Adopt Resolution 12-034 approving a Conditional Use Permit for 1400 Central Point Road
  - n. Adopt Resolution 12-035 approving a Minor Subdivision for Lot 10, Block 4 Willers First Addition
  - o. Approve tobacco license application for Family Dollar Inc.
  - p. ~~Approve Power Sales Contract Schedule A amendment with Southern Minnesota Municipal Power Agency—pulled~~
  - q. ~~Adopt Resolution 12-036 setting parking restrictions on 2012 Minnesota State Aid System project—pulled~~
  - r. ~~Adopt Resolution 12-037 setting parking restrictions on 2012 Minnesota State Aid System project~~
  - s. Approve hiring of Michael Bucholz as full-time Water/Wastewater Class D Operator at \$16.64 per hour pending background check
  - t. Adopt Resolution 12-039 accepting donations of \$425.00 for summer reading program and amending 2012 library budget
  - u. Adopt Resolution 12-040 accepting donation of \$120.00 from the American Legion Auxiliary
  - v. Adopt Resolution 12-041 accepting donation of new microfilm machine from Friends of Library
  - w. Approve purchase of a Gravely mower from Smitty's Marine, Inc. for \$5,477.34
  - x. Approve purchase of John Deere mower from SEMA Equipment, Inc. for \$427.48 after trade-in
  - y. Approve purchase of 3 replacement laptop computers
  - z. Adopt Resolution 12-043 appointing members to the Goodhue County Absentee Ballot Board
  - aa. Approve the Bookkeeper position description, grade and advertising for position
  - ab. Approve hiring Chris Tourney and Dave Mellgran as volunteer fire fighters
  - ac. Approve the establishment of a Lake City Police Department Safe Driving Class.

**Motion Gartner, seconded Powers to accept the consent agenda as presented.**

**All ayes 7-0-0.**

9p Approve Power Sales Contract Schedule A amendment with Southern Minnesota Municipal Power Agency

This was pulled for discussion by Gartner. He is requesting a marked up copy of the contract to review what has been changed. The Utility Board recommended approval at its 4/18/12. With the construction of Underwood Substation a new power delivery point from SMMPA to Lake City was created. Schedule A of the Power Sales Contract with SMMPA describes and identifies this as delivery points, voltages delivered, metering points, etc. There is no financial impact with the amendment. The amendment has been reviewed by legal.

**Motion Beckman, seconded Powers to approve the Power Sales Contract Schedule A amendment with SMPPA. Roll call vote: Beckman, Spence, Peters, Dunbar, Waltman, Powers voting aye, Gartner voting nay 6-1-0. Motion carried.**

9q Adopt Resolution 12-036 setting parking restrictions on 2012 Minnesota State Aid System project

This was pulled for discussion by Gartner. He inquired as to why this did not go to Street/Parks Commission for review. Why is this being changed? Bill Anderson of Yaggy Colby explained that in order to use state aid dollars, the city needed to adopt this resolution. State aid streets must be a minimum width of 32' to allow parking on one side. This segment of Park St. does not meet that minimum and currently restricts parking on one side only. To qualify for state aid funding, restrictions on both sides must be formally adopted by Council.

**Motion Gartner, seconded Peters to adopt resolution 12-036 setting parking restrictions on both sides of the following street segment: SAP 234-113-001 PARK STREET FROM DOUGHTY STREET TO CHESTNUT STREET pending approval from the Street/Parks Commission. All ayes 7-0-0.**

9r Adopt Resolution 12-037 setting parking restrictions on 2012 Minnesota State Aid System project

This was pulled for discussion by Gartner. He inquired as to why this did not go to Street/Parks Commission for review. Why is this being changed? Bill Anderson of Yaggy Colby explained that in order to use state aid dollars, the city needed to adopt this resolution

The proposed improvements included in the 2012 Minnesota State Aid System project require certain parking restrictions relative to state aid standards. State aid streets must be a minimum width of 38' to allow parking on both sides. These segments do not meet that minimum. To qualify for state aid funding, restrictions on one side must be formally adopted by Council. No "No Parking" signs will have to be installed as part of the project.

**Motion Beckman, second Peters to adopt Resolution 12-037 setting parking restrictions on the following street segments: SAP 234-104-001 DWELLE STREET FROM HIGH STREET TO LAKESHORE DRIVE SAP 234-112-001 CHESTNUT STREET FROM FRANKLIN STREET TO PARK STREET SAP 234-113-001 PARK STREET FROM LAKESHORE DRIVE TO DOUGHTY STREET SAP 234-121-001 IOWA STREET FROM 6<sup>TH</sup> STREET TO LAKESHORE DRIVE**

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

**Motion Beckman, seconded Spence to request that the Street/Park Commission request a variance to reinstate the parking as they deem necessary. All ayes 7-0-0.**

Communication Updates

- a. TH 61 guard rail
- b. Public facilities fundraising
- c. Notice of Candidate Filing period

Miscellaneous Discussion

Thank you to all who participated in clean-up day.

Thank you to the selection committee involved in the Wells Scholarship. The award went to Chelsie Wolhers.

Informational Reports:

- a. Fire Department - March 29, 2012
- b. Marina Board - April 3, 2012

- c. Planning Commission - April 3, 2012
- d. Public Safety Board - April 4, 2012
- e. EDA - April 5, 2012
- f. Ambulance Commission - April 6, 2012
- g. Budget Retreat - April 9, 2012
- h. Heritage Preservation Commission - April 11, 2012
- i. Street & Parks Commission - April 17, 2012
- j. Charter Commission - April 17, 2012
- k. Utility Board - April 18, 2012
- l. Personnel Committee - April 19, 2012
- m. Fire Department - April 27, 2012
- n. EDA - May 3, 2012
- o. 1st quarter concern update

Future Meeting Dates:

As presented.

Adjourn

**Motion Waltman, seconded Peters to adjourn at 9:10 p.m. All ayes 7-0-0.**

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Jerry M. Dunbar, Mayor

ATTEST:

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Kari Schreck, City Clerk