

**Lake City Common Council
Regular Meeting
Monday, September 12, 2011
Council Chambers 6:30 p.m.
City Hall**

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

Members Absent: None

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

Mayor Dunbar called the meeting to order at approximately 6:32 p.m. in the Council chambers of city hall with a quorum present.

Pledge of Allegiance

Mayor Dunbar led the Pledge of Allegiance.

Council members had a moment of silence for Jon Bremer, long time planning commission member and who contributed much to the Lake City community.

Introductions

Introductions were made.

Disclose Conflicts and Relationships

None

Review and Adopt Agenda

Gartner requested the item 3d Approve emergency gated crossing procedural policy be pulled for separate action.

1 b. Engage the services of Flaherty & Hood be relocated on the agenda after the closed session and that a new business item be added to “reconsider the council action at the last meeting to rescind the approval of the IBEW agreement” and to place this item after the closed meeting session.

Administrator Johnson requested that the Ordinance number be added to item 2i. as #504.

Motion Powers, seconded Gartner amend the agenda as presented. All ayes 7-0-0.

Public Forum

Bryan Huffman, Fran Richardson, and Chris Lehman of Federal Mogul spoke on behalf of the employee union of Federal Mogul and the desire of the union for the Lake City Ambulance service to consider the union’s healthcare provider Blue Cross, to be a in-network provider. Currently, the ambulance service is an out of network provider. The group presented approximately 330 signatures from their membership in support of this. Mayor Dunbar suggested that the Ambulance Director review with the City Administrator, and bring forward to a future Ambulance Commission meeting, before returning to Council.

New Business

Approve the Lake Pepin Plaza 2012 budget

The Development Agreement between the City of Lake City and the SEMMCHRA dated November 1, 2004 Section 2.e. states: The Authority shall submit the annual budget for the Project to the City for the

City's approval by August 1 of each year commencing on August 1, 2005. The City received the 2012 budget July 25, 2011 from SEMMCHRA Fiscal Director as well as the 2012 Lake Pepin Plaza budget. Gartner requested a 5 year history of the financials in order to guide the council as to the past performance of the entity.

Motion Gartner seconded by Waltman to table the 2012 budget for Lake Pepin Plaza to the September 26, 2011 council meeting. All ayes 7-0-0.

Consider fire department request to relocate annual dance

The Lake City Fire Department is requesting that their annual summer dance be permitted to return to the fire hall in 2012. Mike Willers of the Fire Department noted that the vacant lot needs work before the dance could be held. The Public Works director will address any work that needs to be done on the vacant lot and if needed bring action item to council.

Motion Gartner, seconded Spence to approve the request from the lake City Fire Department to use the fire hall parking lot and the lot adjacent to the fire hall for the annual dance. All ayes 7-0-0.

Recommend changes for Charter Commission consideration

State law was recently modified to state "The terms of all city council members of charter cities expire on the first Monday in January of the year in which they expire." Section 3.01 Council Meetings of the City Charter states that "On the first meeting in January following a regular municipal election, the Council shall meet at the usual place and time for the holding of Council meetings. At this time the newly elected members of the Council shall assume their duties. This could leave a gap in which there are one or more vacancies on Council at least for a brief time at the beginning of the year. Also, the City Charter 1) requires two publications of ordinances- once between the introduction and passage of the proposed ordinance (Sect. 3.05) and once after passage (Sect. 3.08), and 2) (for the most part) the charter is silent on the ability to publish a summary publication. Reducing the need for two publications of ordinances and/or allowing a summary publication would reduce publication costs.

Motion Waltman seconded Powers to recommend that the Charter Commission consider changes to the city charter as follows: 1) Modify Section 3.01 changing time that newly elected Council members assume their duties, and 2) Modify Section 3.05 and 3.08 related to publication of ordinances. All ayes 7-0-0.

Unfinished Business:

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

The local DNR office has received the proposed ordinance from the main office in St. Paul, but has not completed their review.

Adopt citizen concern policy

Staff has drafted the proposed new policy based on input from staff and Council. For comparison purposes, staff presented the current citizen complaint policy, the red-line version and a clean version of the proposed policy. Additional input, from Council member Gartner since the 8/22 meeting, was provided for council consideration. Council requested that #4 on the form be re-written to state the following: Anonymous concerns will be addressed on a case by case basis.

Motion Waltman, seconded Powers to adopt the citizen concern policy as amended. Roll call vote: Beckman, Spence, Peters, Dunbar, Waltman, Powers voting Aye; Gartner voting Nay. Motion carried 6-1-0.

Approve Public Forum document

Staff has reviewed several cities' web sites regarding public forums during Council meetings. The wording in the proposed new draft is taken primarily from the cities of Brooklyn Park and Brooklyn Center, with some wording from the city of Rochester. For comparison purposes, staff reviewed the current Council meeting proceedings document, the red-line version and a clean version of the newly

proposed document. Additional input, provided from Council member Gartner since the 8/22 meeting, was also provided for consideration.

Motion Waltman, seconded Powers to approve the Public Forum document for inclusion into Council meeting packets as amended. All ayes 7-0-0.

Update on Board and Commission duties

Council would like to see a copy of all board and commission duties at the November 14th, 2011 meeting along with a red-lined copy, and the proposed new duties.

Cities Facilities project update

None at this time

Gilbert Creek Bridge and Hok-Si-La Trail update

Public Works Director Jensen suggested that conditions be written into the limited use permit application. Council requests detailed costs of plans and specifications from Yaggy Colby as well as permit fees. The timetable to complete this project is also requested from council.

This will be an agenda item for the September 26th, 2011 meeting.

Update on 2012-2013 mill & overlay projects

On the maps provided to Council members identifying past, present and future street maintenance and reconstruction projects, those areas shown in orange represented years 2012 and 2013 with large projects being proposed. Those streets south of Lyon Avenue would be scheduled for 2012. The Street/Parks Commission recommended that City Council consider the street improvements as outlined on the map. Council consensus was to move forward with the Street/ Parks Commission recommendation of the Capital Improvement Plan using the figure of \$1.25 million for 2012, and also \$1.25 million for 2013. This will be addressed at the October 10, 2011 Capital Finance Committee and financing.

Comprehensive Plan Update

After meeting to provide a final review of the draft plan, the Planning Commission has tentatively set a public hearing date for the Comprehensive Plan for their November meeting. Staff is finalizing edits, and will have the plan available for public review and comment within the next two weeks.

Conduct first reading of Ordinance #504, modifying assessment procedures

City Council, during discussion of the special assessments for the 7th Street Project, suggested modifying the existing assessment policy related to side yard assessments from one-third to one-half. (In addition, it was Council's intent at the time to assess \$13 per front foot)

City Attorney England has drafted the proposed ordinance that strikes Section 2 C. Residential and replaces it with "Residential: These assessments will be made on a front foot basis except corner lots which shall be assessed for front footage plus one-half of the side footage with the other one-half of the side footage being borne by all properties in the improvement" ,AND strikes Section 3, 3. and replaces it with: "Street improvements including grading, base, surfacing, curb and gutter and sometimes storm sewer laterals as part of a street project will be assessed on a front footage basis plus on-half the side footage for corner lots in accordance with the rules herein before and hereinafter set forth."

Motion Beckman to waive a first reading to adopt Ordinance # 504 modifying the assessment procedures to be used in the City of Lake City.

Motion Gartner, seconded Waltman to direct the city engineer to prepare the assessment role and to schedule the public hearing for October 24th, 2011 at 7:00 p.m. based on the current ordinance as it existed at the time the preliminary hearing was completed and that this be assessed at \$13.00 per front foot. All ayes 7-0-0.

3. Consent Agenda:

- a. Approve expense claims
- b. Approve August 22, 2011 Council regular meeting minutes- correction noted in minutes.
- c. Approve addition of W. Doughty, W. Jewell & N. 9th to the Share the Road bike network
- d. ~~Approve emergency gated crossing procedural policy—pulled~~
- e. Approve GIS Agreement with Goodhue County
- f. Approve hiring of casual paramedic Sally Houg-Massaro
- g. Approve hiring of volunteer EMT Jacob Kolander
- h. Adopt Resolution 11-046 accepting the donation from Friends of the Lake City Public Library in the amount of \$5,053.00 and amending the 2011 Library Budget
- i. Adopt Resolution 11-047 accepting the donation from Lake City Federal Bank in the amount of \$50.00 and amending the 2011 Library Budget
- j. Adopt Resolution 11-048 accepting the donation from Rotary Club of Lake City in the amount of \$100.00 and amending the 2011 Library Budget
- k. Adopt Resolution 11-049, approving Conditional Use Permit for 405 S. High St. to allow construction on site exceeding maximum 35% impervious surface requirement of Shoreland Ordinance
- l. Adopt Resolution 11-050 designating Public Works Director Jensen as Lake City's SMMPA representative and Line Supervisor Brunkow as alternate representative

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

3d. Approve emergency gated crossing procedural policy- This was pulled by Gartner who wants clarification on responsibility. The Mayor directed the Public Works Director to work with Council member Gartner on language for this policy. This will come back to council once the language has been worked out.

Miscellaneous Discussion

Council member Peters is requesting that Chapter 30 of the City Code be reviewed to reflect how the library is currently operating. Also changes to Chapter 5 with regard to recall. This will come before council for consideration at the September 26th 2011 council agenda.

Canadian Pacific Railroad is blocking crossings for significant amounts of time. This needs to be addressed by staff with the railroad and brought back to council.

Informational Reports:

As presented.

Future Meeting Dates:

As presented.

A recess was called at 9:04 p.m.

Close meeting to discuss union negotiations strategy

Motion Gartner, second Powers to close the meeting at 9:06 p.m. to discuss union negotiations strategy. Carried 7-0-0.

Motion Beckman, seconded by Gartner to open the meeting at 9:37 p.m. Carried 7-0-0.

Engage the services of Flaherty & Hood

Motion Gartner, seconded by Waltman to approve of action taken to engage the services of Flaherty & Hood, through the Coalition of Greater MN Cities (CGMC) Labor Committee program, to provide consultation regarding the grievance filed by International Brotherhood of Electric Workers, Local Union 949; said approval effective until September 12, 2011, and noting that Council approval must be received prior to any additional services being requested of Flaherty & Hood. Carried 5-2-0 (Beckman, Peters Nays).

Rescind the motion taken at the August 22 Council meeting

Motion Gartner, seconded by Powers to rescind the motion taken at the August 22 Council meeting that amended the motion to approve the IUOE, IBEW and LELS made at the May 23, 2011 regular Council meeting by stating approval of the IUOE and LELS agreements only; the action at this September 12 meeting hereby ratifies the 3-year contract with IBEW. Carried 5-2-0 (Beckman, Peters Nays).

Adjourn

Motion Powers, seconded by Gartner to adjourn the meeting at 9:42 p.m.

Jerry M. Dunbar, Mayor

ATTEST:

Kari Schreck, City Clerk