

**Lake City Common Council
Regular Meeting
Monday, October 13, 2014 6:00 p.m.
City Hall Council Chambers**

Members Present: Mayor Joel Beckman, Andru Peters, Mary Lou Waltman, Gene Durand, Randy Klipfel, Phil Gartner, Mark Spence

Members Absent: None

Staff Present: City Administrator Alan Lanning, City Attorney Sarah Sonsalla, Planning and Community Development Director Rob Keehn, City Clerk Kari Schreck, Public Works Director Scott Jensen, Finance Director Barb Pratt

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/amend agenda

Gartner pulled item 6r Authorize expiration of City's criminal prosecution contract and proceed with a Legal Services Agreement with Wabasha County Attorney's office.

Motion Peters second Gartner to approve the agenda as amended. All ayes 7-0-0.

Proclamation: **Minnesota Manufacturers Week**

Public Forum

John Hutchinson spoke in support of developing a plan for the waterfront area and concerns with the downtown business district vacancies. He encouraged the city to develop a vision for the beachfront, and develop fund to implement a waterfront plan for the city as well as engage citizen input.

Deidre Flesche presented to council a document from a citizen's group called Beach Improvement group outlining concerns and ideas for consideration by the city in developing the beachfront area.

Discussion of the potential of issuing GO Crossover Refunding Bonds up to \$940,000 to redeem the higher interest rate 2008A G.O. bonds.

Periodically the outstanding bonds are reviewed to determine if refunding the bonds would be at a monetary advantage. Mr. Mike Bubany of David Drown Associates has conducted the review and presented information relating to the potential of refunding the 2008A bonds. Discussion was to determine if it is advisable to issue a GO Crossover Refunding Bond up to \$940,000 to be

used to reduce the overall interest paid on the 2008A General Obligations Bonds. This is an opportunity to refinance some existing debt for the purpose of interest rate savings. Council decided by consensus to take no action at this time.

Approve the Fire Department Relief Association request for increase in service benefit from \$3,900 per year to \$4,500 per year and amend bylaws

Lake City Fire Department Relief Association is seeking an increase in per year of service benefit from \$3900 to \$4500. The City's contribution for 2014 is currently set to be \$20,725. If the city grants a raise in per year of service benefit, the city's contribution for 2014 will be \$19,562, which is \$1,163 below the current budgeted amount. The city has budgeted \$20,725, a portion of this is also paid by the rural contracts. The last time that the fire department received an increase was 2012. The contribution that the city has to make is a formula determined by state statutes schedules.

The relief association has traditionally asked for increases when the schedules show that the benefit increase has a minimal impact on the city's contribution. This year it will actually decrease the required contribution to the city by \$1,163. Amount budgeted in 2014 will cover the current cost of the increase.

Motion Gartner, second Durand to approve the Fire Department Relief Association request for increase in service benefit from \$3,900 per year to \$4,500 per year. All ayes 7-0-0.

Motion Gartner second Waltman to approve updated Lake City Fire Department bylaws with increased pension benefit from \$3,900 per year to \$4,500 per year. All ayes 7-0-0.

Discussion as to the City's Chamber of Commerce membership and the number of memberships, if any, to be purchased

Staff requested Council discussion to determine whether or not the City should continue with its various Chamber of Commerce memberships. If the Council decides that the City should continue with the membership(s), it should direct City staff to draft a resolution for Council approval with specific written findings that the Chamber membership dues are being approved pursuant to the City Council's conclusion that the local Chamber of Commerce meets the statutory definition of an association under Minnesota Statutes Section 469.196. Currently the City of Lake City pays for Chamber of Commerce dues at the business level for Hok-Si-La Park and at the silver level for the Marina and Public Works Utilities. Recently the Lake City Library submitted an accounts payable form for Lake City Chamber dues. The Minnesota Attorney General has opined that a city does not have authority to expend public funds for chamber of commerce memberships. Neither State statute nor the City's charter address whether the City has the authority to become paying members of the chamber of commerce.

By consensus Council directs staff to bring this forward by findings of fact an action item for the November 2014 for 1 membership for the entire city meeting.

Approve the contract between Advantage Collection Professionals, LLC (ACP) and the City of Lake City

The Public Works Director and the Finance Director have been working on ways to improve collection efforts on past due utility bills. The Utility Board reached a consensus to move forward with using a collection agency. Two agencies were reviewed with one of the agencies not able to provide the service we requested. Advantage Collection Professionals LLC (ACP)

has clients in our area and submitted a contract for review. The City's legal counsel has reviewed the contract, requested modification and the attached contract language has been approved by both Kennedy & Graven and ACP. The budgetary/fiscal impact would be an increase in utility revenues by the collection of past due accounts.

Motion Gartner, second Spence to approve the attached contract between Advantage Collection Professionals LLC and the City of Lake City for the purpose of collecting past due utility accounts subject to no adverse data found with regard to the Attorney General's office and other cities with this provider. All ayes 7-0-0.

Adopt Resolution 14-078 a resolution for hearing on proposed assessment for costs associated with the abatement of a hazardous building located at 600 West Lyon Avenue, Lake City, Minnesota

State statute (Minnesota Statutes Chapter 463) requires the City to follow the process under Minnesota Statutes Chapter 429 for assessment of the costs for abatement. Council needs to adopt the resolution calling the hearing and then notices will be published and mailed (at least two weeks prior to the hearing). The Council will hold the hearing at the November 10th meeting to adopt the resolution adopting the assessment. If the costs incurred by the City are not assessed to the property's taxes, the City will not be able to recoup money spent on code enforcement. Court and attorney costs will be brought to council at a later date for consideration of assessment by the court through a similar process.

Motion Peters, second Spence to adopt Resolution 14-078 a resolution for hearing on proposed assessment for costs associated with the abatement of a hazardous building located at 600 West Lyon Avenue, Lake City, Minnesota. All ayes 7-0-0.

Authorize expiration of City's criminal prosecution contract and proceed with a Legal Services Agreement with Wabasha County Attorney's Office.

The City currently contracts with the England Law Office, Ltd. to provide criminal prosecution services for the City for misdemeanor and gross misdemeanors (the counties are responsible by law for prosecuting felonies). The agreement was effective on January 1, 2013 and is subject to "annual appointment by City." The current agreement expires on December 31, 2014. A 90 day notice period in the current contract, could extend the England contract through the month of January, depending upon the actual "notice" date.

The current agreement with England has a base compensation rate or retainer of \$3,500/month (\$42,000/year) and other costs and expenses which make the total contract cost \$47,368/year.

The proposed Legal Services Agreement with the Wabasha County Attorney's office provides for a contract cost of \$2,500/month (\$30,000/year) and is inclusive of all additional costs. The Legal Services Agreement would include misdemeanor and gross misdemeanor prosecution in both Wabasha and Goodhue counties. The Wabasha County Attorney's office is also on the local computer system allowing access to information that provides for efficient processing.

The draft has been reviewed by City staff and City legal. The Wabasha County Attorney's office is providing the same services for Wabasha County Sheriff's office and the Plainview Police Department, with positive reports. Estimated savings to the City are anticipated to be at minimum, \$15,000/year and could be as much as \$17,000/year.

A comprehensive report will be provided analyzing the Wabasha County service, with pros, cons and final costs for the service year. If approved, staff will provide a 90 day notice to England Law firm as the contract states.

Motion Klipfel, second Waltman to authorize expiration of the City's criminal prosecution contract effective December 31, 2014, and proceed with negotiating an agreement with Wabasha County Attorney's Office to provide prosecution services for the City.

Roll call vote: Beckman aye, Durand nay, Gartner nay, Peters nay, Spence aye, Waltman aye, Klipfel aye Motion carried 4-3-0.

Consent Agenda:

- a. Council meeting minutes September 8, 2014
- b. Budget retreat minutes September 8, 2014
- c. Approve expense claims 9.5.14-10.8.14
- d. Accept the bid of \$2,000 for the 1995 ambulance from 94 Services
- e. Approve 2014 Plumber & Drain layer license application subject to completed paperwork and payment of license fees
- f. Adopt Resolution 14-075 Accepting donation from Seneca Foods Foundation funds for the Southeast Minnesota Narcotics and Gang Task Force and amending the 2014 Police Department budget
- g. Adopt Resolution 14-076 amending 2014 Police line item budgets
- h. Adopt Resolution 14-077 amending EDA's 2014 Professional Services.
- i. Adopt Resolution 14-079 amending 2014 Fire department budget
- j. Adopt Resolution 14-080 accepting donation from Pass It On and amend lease between Burckhardt Properties
- k. Adopt Resolution 14-081 accepting donations totaling \$ 4,725.00 for the renovation/addition of the Lake City Public Library.
- l. Adopt Resolution 14-082 designating City Administrator Alan Lanning as alternate representative to SMMPA
- m. Adopt Resolution 14-083 amending 2014 Public Works budgets
- n. Resolution 14-084 accepting donations designated toward Patton Park trees and Hok Si La Park entrance sign
- o. Adopt Resolution 14-085 accepting donation to pay for transportation of St. John's kindergarten students to the library and amending the 2014 library budget.
- p. Adopt Resolution 14-086 amending the 2014 Ambulance Department Budget
- q. Close Unused and Outdated Funds
- r. ~~Authorize expiration of City's criminal prosecution contract and proceed with a Legal Services Agreement with Wabasha County Attorney's Office.~~

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

Communication Updates:

The Library monthly updates on fundraising efforts for September 2014 have pledges to date of \$198337.75 and receipts to date of \$11142.75

The temporary Library is up and running and the new location.

After council discussion on the Beach Improvement group summary report, it was decided that it should be forwarded to the Marina board for review.

Motion Spence, second Gartner to forward the Beach improvement group summary report to the Marina board with specific direction to review. Roll call vote: Beckman aye, Durand aye, Gartner aye, Peters nay, Spence aye, Waltman aye, Klipfel aye. Motion carried 6-1-0.

Miscellaneous Discussion

Staff prepared information regarding full time staffing of EMT's at the Ambulance but missed including it in the packet. Council members were provided the information. It has a potential budget impact. This will be a November action item.

Durand requested information on options for the volunteer Ambulance service members similar to the Lake City Fire department volunteer pensions.

Citywide clean up day was on October 11, 2014.

Informational reports:

As presented.

Future Meeting dates:

As presented.

Motion Waltman second Klipfel to adjourn at 8:00 p.m. 7-0-0.

Joel T. Beckman, Mayor

ATTEST:

Kari Schreck, City Clerk