

**Lake City Common Council
Regular Meeting
Monday, October 24, 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, Public Works Director Scott Jensen, 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.

Councilmember Peters is attending a MnDOT Mississippi River trail meeting in Winona.

Disclose Conflicts and Relationships

None

Review and Adopt Agenda

Dunbar 1d. corrected action requested. The RCA states that it is a consent agenda item, it is not. It will require a motion.

Gartner requests that 3e be pulled for discussion.

Gartner requested 2 miscellaneous discussion items- status of Library Administrator's employment status and IBEW matter.

Motion Waltman, seconded Powers to adopt the agenda as amended. All ayes 6-0-0.

City Administrator Johnson stated that the closed meeting session will be addressing the IBEW matter.

Public Forum

Jim Schreck spoke on the community garden project for 2011. 51 plots were planted and harvested with 3 of those going to the Lake City Food Shelf. The gardeners wish to thank the council and city staff for the assistance with the garden this year.

New Business

2012 and 2013 mill & overlay projects and financing

Staff is recommending that financing for the 2012 and 2013 mill and overlay projects be completed by the issuance of a bond for each of the two projects, subject to Council consideration upon completion of financing options presented by Mike Bubany during the meeting. The Capital and Finance Committee at its 10-10-11 meeting directed staff to make a recommendation to the Council regarding the financing of the 2012 and 2013 street improvement projects. Council requested that

staff define needs of the project and a priority list. A timeline for the project detailing streets, and specific work to be done is requested by council from city staff. Council also stated concerns with using large amounts of the Marina fund reserve to assist with the project. Councilmember Peters arrived at 6:50 p.m.

Adopt Resolution 11-059 authorizing agreement with Wabasha County related to Wabasha County's radio system

Wabasha County has secured grants which they have used to enhance and purchase 800 Mhz materials and radios. The utilization of State contract pricing has stretched grant dollars to outfit law enforcement personnel with at least the minimum amount of equipment and coverage including mobile and portable radios, microphones, chargers, batteries and carriers. An additional grant expected in 2012 is expected to cover encryption costs and additional radios as needed. The proposed agreement defines the rights and obligations of Wabasha County and City of Lake City with respect to the cooperative and coordinated purchase, lease, maintenance, technical and administrative support and use of portable, mobile, desktop and other end user radios by the City of Lake City law enforcement on Wabasha County's Radio System. The radios are an improvement in transmission and reception in most areas in Wabasha County, and open access to a wider range of statewide public safety radio communication which offer many system redundancies with back-up power, ability to communicate to more approved talk groups, as well as encryption and security upgrades. The mandatory date for all Minnesota Counties to switch over to the ARMER Systems is January 1, 2013 per FCC requirements. Licensing/software costs will be @ \$16 per year per radio. Software Subscriber Agreement (SSA) @ \$9 for each radio for 2012 only.

Motion Spence, seconded Gartner to adopt Resolution 11-059 authorizing agreement with Wabasha County related to Wabasha County's radio system upon approval of the city attorney. All ayes 7-0-0.

Approve the change in the allocation of cost formula for the Lake City Ambulance township contracts

The City of Lake City Ambulance currently determines the amount of ambulance contract based on an arbitrary 30% percentage of net expenditures plus 40% of ambulance depreciation and a 10% contingency. The townships have the option of signing the contract. Townships that choose not to sign an ambulance contract with Lake City are billed a higher rate for ambulance calls. The suggested formula would take the net expenditures plus depreciation times the average of the township population and ambulance calls made to the township. At the March 14, 2011 meeting of the Capital and Finance Committee, the committee voted to establish a committee to review and make suggestions regarding the formulas for the allocation of fees charged area townships. The interested townships have met and discussed the formula used to compute the ambulance contract amount. A meeting was held October 17, 2011, with the townships. The consensus of the meeting attendees was to suggest to the Council a change in the formula used to calculate ambulance contract amounts to a weighted average of population and calls made to the township using net expenditures plus depreciation. Contract revenue will depend on the number of townships signing ambulance contracts.

Motion Gartner, seconded Powers to approve the change in the allocation of cost formula for the Lake City Ambulance township contracts. All ayes 7-0-0.

Approve increasing the margin between member and non- member fees charged for ambulance services by 50% pending approval by the Ambulance Commission

The City of Lake City provides the surrounding townships with ambulance service. The residents of the townships that elect to enter into a contract for service with the City of Lake City are billed a

member fees. The residents of townships that do not elect to enter into a contract with the City of Lake City are billed a non-member fees. The current difference in fees range from \$107.10 to \$481.95. The suggested increase in the non- member fees would be from \$53.55 to \$240.98. A meeting was held October 17, 2011, with the townships. The consensus of the meeting attendees was to suggest to the Council increasing the difference between member and non- member fees charged for ambulance services by 50% pending Ambulance Commission approval. Gartner requested that this be tabled until the Ambulance Commission has time to review at their November meeting. Staff reported that the townships are working on the 2013 budget cycle and have requested to have this in place, therefore staff is requesting action be taken on this matter now.

Motion Waltman, seconded Spence to approve increasing the margin between member and non- member fees charged for ambulance service by 50% pending approval by the Ambulance Commission. 6-1-0. Roll call Beckman, Spence, Peters, Dunbar, Waltman, and Powers, voting aye, Gartner voting nay- motion carried.

Approve the partial release of a temporary construction easement for Lot 1, Block 3 of the re-subdivision of Frojd's re-plat of Central Point.

On October 11, 2011, the City received a request to release a temporary construction easement for the property located at 1614 N Oak Street, Lake City, MN, legally described as Lot 1, Block 3 of the re-subdivision of Frojd's re-plat of Central Point. This 50 foot wide construction easement is dated March 24, 1981, and was for the installation of a storm sewer by the City. This temporary construction easement is 30 years old and is no longer needed by the City for construction purposes. The City will retain any permanent utility easement applicable to this property. Two easements were filed on this property during the spring of 1981 for public works projects; one was a permanent utility easement, the other, a temporary construction easement. The temporary easement did not contain an expiration date, nor did it get released after the construction of public works project was complete. Now, due to a title search on the property, the new owner is requesting the temporary easement be released as it is no longer relevant to the property. Although it is likely that the temporary construction easement applies to several properties within the re-subdivision of Frojd's re-plat of Central Point, staff is recommending Council take action on this specific property as a separate item.

Councilmember Gartner stated that the city should pay for the easement and not the applicant. Easement was requested by the city 20 years ago, and should be paid for by the city. Gartner stated that he drew the documents 20 years ago. Staff is requesting that the applicant pay the recording fees.

Motion , second to approve the partial release of a temporary construction easement for Lot 1, Block 3 of the re-subdivision of Frojd's re-plat of Central Point with recording fees to be paid for by applicant. Motion failed

Motion Beckman, second Powers to approve the partial release of a temporary construction easement for Lot 1, Block 3 of the re-subdivision of Frojd's re-plat of Central Point. Mayor called for vote, all in favor stated aye, Gartner interjected and stated that he would have to abstain from the vote.

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

Unfinished Business:

Waive second reading of Ordinance 505 granting a cable television franchise to Hiawatha Broadband Communications, Inc. (HBC) and adopt said ordinance

Earlier this year, Hiawatha Broadband Co., Inc. (HBC) submitted a request for a cable television franchise with intent to begin work in 2011. Council engaged the services of Moss & Barnett to facilitate the application review and approval process. On 7/11/11 Council conducted a public hearing and adopted Resolution 11-036 regarding findings of fact with respect to the proposal of Hiawatha Broadband Communications, Inc. for a Cable Communications franchise. On 10/10/11, Council conducted a first reading to adopt Ordinance 505.

Motion Spence, second Powers to waive the second reading of Ordinance 505 granting a franchise to Hiawatha Broadband Communications, Inc. to construct and maintain a cable television system in the city of Lake City; setting forth conditions accompanying the grant of the franchise; providing for regulation and use of the system; and prescribing penalties for the violation of its provisions. All ayes 7-0-0.

Motion Powers, second Spence to adopt Ordinance 505 granting a franchise to Hiawatha Broadband Communications, Inc. to construct and maintain a cable television system in the city of Lake City; setting forth conditions accompanying the grant of the franchise; providing for regulation and use of the system; and prescribing penalties for the violation of its provisions, and approve publication of a summary thereof. All ayes 7-0-0.

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

City Attorney England sent a letter to the DNR regarding the 60 day rule and how it applies to them. Discussion followed as to when the city can anticipate a response on the request made by the city.

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, if any. England stated that she will get something to council for review by the first part of November.

Gilbert Creek Bridge and Hok-Si-La Trail update

At the 10-10-11 Council meeting the City Council requested that staff meet with MnDOT staff once again to simplify leaving the bituminous bypass lane without committing to an estimated \$480,000 trail project in the future. Staff and City Engineer Bill Anderson are scheduled to meet with MnDOT on Monday, October 31, 2011.

2012 and 2013 mill & overlay projects and financing

Staff will work with Mike Bubany and Yaggy Colby to draw up plans and specifications.

Motion Waltman, second Gartner to authorize Yaggy Colby Associates to complete plans and specifications for an approximate \$1.25 million mill & overlay project in each of years 2012 and 2013. All ayes 7-0-0.

City facilities project update

Chris Peterson of TRImension Designs is currently working on cost estimates based on the drawings for the proposed layout. RA Morton has initiated work on establishing cost estimates for the public safety building. Work should be completed by the end of November.

Pirates Landing code enforcement update

Staff is working on a written report of what still needs to be done at the site to be in compliance with the city code to provide to the court.

Comprehensive Plan Update

The draft of the plan is available on the City's website for review, and the Planning Commission is set to hold the public hearing in December.

3. Consent Agenda:

- a. Approve expense claims
- b. Approve October 10, 2011 Council regular meeting minutes
- c. Adopt Resolution 11-056 accepting SHIP grant funding of \$19,994.66 and amending the 2011 Streets budget
- d. Approve Hok-Si-La manager 2012 contract
- ~~e. Approve board/commission application~~
- f. Approve purchase of John Deere 326D skid steer loader for \$28,321.88
- g. Adopt Resolution 11-060, authorizing submission of grant for the purchase of up to 4 four-station polling places

Motion Spence, seconded Waltman to approve the consent agenda as presented.

All ayes 7-0-0.

Approve board/commission application

City Attorney England wishes to review what other cities are using and will forward her recommendation for the November 14, 2011 council meeting.

Motion Gartner, seconded Spence to table the approval of the board/commission application until the November 14, 2011 meeting. All ayes 7-0-0.

Miscellaneous Discussion

Thank you to Council member Peters for attending the redistricting meeting.

Mayor Dunbar read a Proclamation declaring October 23-29 2011 Manufacturers Week.

Gartner requested discussion on the status of the Library Administrator's position with specific regard to the probationary period. City Administrator Johnson stated that the motion to hire her in August of 2010 stated that pending a satisfactory performance review in one year that she would be moved to the next step of the cities pay schedule. The review is set for November 1, 2011. The City Administrator will work with the City Attorney on a draft report to council.

Spence wants to know if the city has a policy on accepting donations. The City Administrator will look into and review with the City Attorney.

City Administrator Johnson and Public Works Director Jensen have a meeting with Wabasha County staff. This would be a brain storming session about a possible sharing of services and purchases, creating a list of things that could be considered in the coming years as possible cooperative efforts.

Informational Reports:

As presented.

Future Meeting Dates:

As presented.

Close meeting to discuss labor negotiations strategy

Motion Beckman, seconded Peters to close the meeting to discuss labor negotiations strategy at 8:08 p.m. All ayes 7-0-0.

Meeting re-opened at 8:35 p.m.

Motion Gartner, seconded Waltman that the city pay compensation in this particular IBEW grievance as requested and accompany the payment with a letter stating that this settles the

(5/2/11) grievance and that there is no agreement by the city that it has established a practice as claimed by IBEW but was made solely for purposes of economic issues that arose related to the grievance. All ayes 7-0-0.

Beckman stated that all council directives should be about how city councils can save the city money in the future. All areas should be reviewed, not exclusive to property taxes and city purchases. He suggested that council consider looking into the feasibility of having a nearby electrical cooperative provide electrical operations and maintenance for the city. A process like this takes time therefore it would be prudent to begin the exploration of the process to assess its feasibility. **Motion Beckman, seconded Waltman that the Public Works Director, City Attorney and City Administrator work towards investigating with nearby electrical cooperatives that may provide maintenance services to Lake City public utility electrical system. All ayes 7-0-0.**

Council requests quarterly updates if possible and if staff needs direction, to bring items forward for discussion.

Adjourn

Motion Beckman, seconded Waltman to adjourn at 8:42 p.m.

Jerry M. Dunbar, Mayor

ATTEST:

Kari Schreck, City Clerk